

The Senate should do its job and carry out its mission to fill vacancies of the Supreme Court, so that Americans will have confidence that the Supreme Court decides cases based on the law, Constitution, and facts of the case and so that politics does not play a role. The American public supports Congress doing its job and giving Judge Garland the hearing he deserves.

The stakes at the Supreme Court can involve matters of life and death. In death penalty cases, if the Court splits 4 to 4, a defendant would be put to death even though the Court decision did not definitively resolve the legal issue in the case.

Chief Judge Garland is a nominee for the Supreme Court and should be dealt with in this term of Congress. It is not a matter for the next President or the next Congress. There are 9 months left in this year, and to suggest that we don't have the time and the President doesn't have the authority to appoint a nominee is absolutely outrageous. It is an affront to the Constitution.

We need to go through the process and give Chief Judge Garland a chance. I have met with Chief Judge Garland and believe he is eminently qualified to be a Supreme Court Justice. But before the Senate makes a final decision, we need to do our job and vet the nominee, hold a hearing, and hold a vote that puts all Senators on the record. How can Senators in good conscience reject this Supreme Court nominee without a fair vetting and hearing or process? I think it is hard to understand how you can be excused from doing your job for 9 months by not having a confirmation hearing and vote. The President did his job, and it is now time for the Senate to do its job.

The American people want to see nine justices on the Supreme Court when it convenes its new term in October. The Senate now has the responsibility and duty to respect the independence of the Federal judiciary, the authority of the President to nominate Justices, and the powers of the Senate to advise and consent on nominations.

Let's remember our oaths to support the Constitution. Let's do our job. Let's take up the Garland nomination. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2028, which the clerk will report.

The senior assistant legislative 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.

Pending:

Alexander/Feinstein amendment No. 3801, in the nature of a substitute.

Alexander amendment No. 3804 (to amendment No. 3801), to modify provisions relating to Nuclear Regulatory Commission fees.

Alexander (for Hoenen) amendment No. 3811 (to amendment No. 3801), to prohibit the use of funds relating to a certain definition.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3811

Mr. CARDIN. Mr. President, I understand that shortly we are going to be voting on the Hoenen amendment. The Hoenen amendment would prevent the clean water rule from going into effect.

In 1972, Congress passed the Clean Water Act in response to what was happening around this country. We saw rivers literally catch on fire as a result of polluted waterways. We had Lake Erie, which was considered dead. The Chesapeake Bay was one of the world's first marine dead zones. That is nothing to be proud of. The environment and status of our water was a national disgrace, and through congressional leadership, we passed the Clean Water Act. We did that because we understood that the status of upstream water affects the status of downstream water—that we are all in this together. We understood that having clean water was a public health issue, from swimming in the water to the source of our drinking water supplies. One third of our drinking water supplies come from regulated waters.

We also understood it was important for our economy. The status of tourism very much depended upon the quality of our water. Literally, people were concerned about going close to some of our inner harbor water areas. The Baltimore Inner Harbor is a tourist attraction, as are the inner harbors of many of our cities. It is important for our economy for agriculture. Agriculture depends upon clean water. We understood that when we passed the Clean Water Act in 1972. And we also understood it was a matter of quality of life for the people in our country. From those who hike and do bird watching to those who enjoy fishing and hunting, the status of clean water very much affects the way we enjoy life.

As Senators from Maryland, Senator MIKULSKI and I both understand the importance of clean water for the Chesapeake Bay. The Chesapeake Bay is a national treasure and the largest estuary in our hemisphere. It was at great risk because of waters coming in

from other States into the Chesapeake Bay watershed, affecting the quality of water of the Chesapeake Bay.

It was for all those reasons that we passed the 1972 Clean Water Act. We understood the enforcement of the waters that were regulated under the 1972 Clean Water Act. It was based upon best science.

Science told us what we needed to do in order to have clean water—clean water for our environment, clean water for safe drinking water—and it was well understood until a Supreme Court decision. That decision in 2006, known as the Rapanos decision, was a 5-to-4 decision of the Supreme Court, which remanded the case, but it was a 4-to-4 decision on the merits of the case. Since that time, there has been uncertainty as to what bodies of water can be regulated under the Clean Water Act. So this was a situation caused by the ambiguity of the Supreme Court case. It is interesting that the decision on the merits was 4-to-4, as we are now debating whether we are going to have a full Supreme Court in order to make decisions that affect the clarity of law in this country.

The Rapanos decision sent back to the lower courts a decision on how to decide this. Since that time, there has been uncertainty as to what bodies are legally regulated under the 1972 Clean Water Act. Remember, this was 2006. The easiest way to resolve this was for Congress to pass a law clarifying the Clean Water Act, but Congress has chosen not to do that. So the Obama administration has done what it should do, using its power to promulgate a regulation that would provide clarity as to which bodies of water are regulated. Guess what. They have done that in a way that is consistent with how the law was enforced prior to the Rapanos decision—without much complaint before the Rapanos decision. It basically goes back to best science and tells us logically what needs to be regulated. That is what this rule would do: Protect our clean water.

There is a lot of misinformation that has been given about the clean water rule. Quite frankly, normal farming activities don't require any permits under the Clean Water Act. If we listen to some of the arguments against the Clean Water Act, we would have a hard time comparing that to what, in fact, is in the bill.

The Clean Water Act would reestablish the well-thought regulatory framework for protecting our clean water so that we don't return to the days of jeopardizing the Chesapeake Bay or jeopardizing our rivers or jeopardizing our clean water supplies or our environment.

Tomorrow is Earth Day. Forty-six years ago, our colleague Senator Gaylord Nelson established Earth Day. What will this Congress's legacy be? What will we be remembered for in regards to protecting this planet, protecting our country, and protecting our environment for future generations? I

hope we will work together to build on the proud accomplishments of our predecessors for clean air and clean water. The first thing we can do is to make sure we reject the Hoeven amendment.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I come to the floor today in support of the Energy and Water Appropriations bill. I am pleased to see Senators ALEXANDER and FEINSTEIN working to put together a good, bipartisan bill with no ideological or partisan policy riders.

They remind us of the way that we should be doing business here in the Senate. This legislation provides increased funding for infrastructure across the Nation and in my home State of Illinois, and I was proud to support it in the Appropriations Committee.

The bill provides strong funding for the National Labs through the Department of Energy, including critical research programs at Fermi National Accelerator Laboratory and Argonne National Laboratory in Illinois. These labs are supporting thousands of scientists from across the country and around the world as they perform pioneering research and transform technologies for science and industry. Lab facilities in Illinois perform cutting-edge research and are a bright example of American innovation.

The Energy and Water Appropriations bill would invest \$6 billion in the Army Corps of Engineers, which will help support important investments in Illinois infrastructure. Waterways in Illinois, including the Mississippi River, are critical to commerce around the country. They provide access for shipped goods, connecting the Great Lakes with the Gulf of Mexico. The Army Corps also plays an important role in flood control projects, something we saw firsthand in Illinois and across the Mississippi valley area after flooding this past winter.

But there is always more work to be done. According to the American Society of Civil Engineers, America scores a D-minus in investment in levees and inland waterways, and a D in investment in dams. This bill is a good start to making the critical investments we need in American infrastructure.

So I am not sure why, after Senator ALEXANDER and Senator FEINSTEIN pulled together such a strong bipartisan bill, Republicans would want to try to add a poison pill rider preventing an EPA rule that keeps our water clean.

Many economists and military leaders tell us that water will be to the 21st century what oil was to the 20th century. Water is going to be that indispensable commodity that makes progress possible; an essential commodity over which wars will be fought. The United States has more clean water today than any other nation on the planet, and it is because of the Great Lakes. Why would we knowingly, deliberately, spoil this precious com-

modity that is a source of conflict between other nations?

We can't afford to stop making a real difference in our clean water supply, and let me tell you why.

The EPA and Army Corps clean water rule provides stronger water quality standards to protect our Nation's streams, wetlands, and navigable water. These are all resources that we rely heavily on for drinking water and recreation. And one in three Americans, or 117 million people, get drinking water from sources that were vulnerable to pollution before the clean water rule. Now, more than ever, we must work to ensure our water is safe.

We know what can happen when our water supply isn't protected. The Flint, MI, water contamination crisis and high lead levels in the water supply in other communities across the country and in Illinois are reminders of this. But it is not just lead that we have to worry about. Pollutants from factories and sewage treatment plants; waste from confined animal feeding operations; pesticides used on crops; and mining wastewater all flow into tributaries that eventually flow into the Great Lakes, the source of clean water for 35 million people.

Attempts to roll back the clean water rule will not only return us to a patchwork of water protections that make it difficult for businesses, farmers, and others to know whether waterways are covered by the law. It will also risk one of our greatest commodities that supports agriculture, recreation, tourism, and energy production.

To see the impacts of rolling back these protections, we need to look no further than the Gulf of Mexico, which has one of the largest dead zones in the world. Let me tell you what a dead zone is: Dead zones are the result of an overabundance of algae growth, which eventually decompose and steal oxygen from the water, making it hard for anything to live. Nutrient runoff from 12 States along the Mississippi River trickles down into the Gulf of Mexico.

Last year, the dead zone in the Gulf of Mexico reached 6,474 square miles, roughly the size of the State of Connecticut. The State of Illinois was one of the largest contributors to this nutrient overload, a combination of runoff from our farm fields and point source pollution such as wastewater plants. We need to reduce this nutrient runoff while protecting our agriculture economy in Illinois. The clean water rule does exactly that by exempting agricultural activities from its provisions.

I urge my colleagues to vote against any ideological poison pill amendment that would prevent clean water appropriations from moving forward to protect our children, our communities, and our economy.

Without ideological riders like the clean water rule amendment, the Energy and Water Appropriations bill is a bipartisan effort that proves we can make smart investments that make

the most sense for our country—right now and as we plan for our future. The current lead crisis has shown that we need to get serious about investing in infrastructure programs and support regulations to ensure that every American—especially children—has access to safe, clean drinking water.

Now is the time for Congress to act responsibly to develop a budget that enables our country to thrive.

Thank you.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Indiana.

WASTEFUL SPENDING

Mr. COATS. Mr. President, this is No. 40 of "Waste of the Week." For the 40 weeks the Senate has been in session this cycle, I have come down to the Floor to talk about a waste of taxpayers' dollars through waste, fraud, and abuse. This week I am going to talk about yet another Federal program which has, at best, a questionable track record.

I filed an amendment to the Energy and Water appropriations bill currently in the Senate, which is related to this program, and hopefully we will be voting on the amendment I will be offering in a few moments to address this issue. This amendment, which I offered with Senators FISCHER, TOOMEY, and FLAKE, would finally wind down the Department of Energy's failed Advanced Technology Vehicles Manufacturing Loan Program.

Remember the stimulus? Remember how we were throwing all kinds of taxpayers' money out there? We talked about advanced vehicle programs, and many of these distributions of funds have been misused or simply have not come to fruition, and a great deal of money has been wasted.

The ATVM Loan Program continues to sit on billions of dollars of unused funds that could be put to better use. I am glad there are some unused funds there because it means that when we look at the history of this program, perhaps we will have an opportunity to better use those unused funds or to help return it back to the Treasury so the taxpayer isn't on the hook for this kind of thing going forward.

Let me explain this program. The Department of Energy's Advanced Vehicle Technology Manufacturing Loan Program was created in 2007. It was created to provide very low-interest loans to manufacturers that make vehicles or components of vehicles that use alternative energy.

I am not here to downplay the use of alternative energy. I think that is something that is happening throughout our country. Hopefully, it is on a market basis. To qualify for this loan, there were a couple of requirements applicants must meet: No. 1, the vehicle or component must be new or significantly improved from what is currently available in the U.S. marketplace; No. 2, it has to be manufactured in the United States. The purpose of the program, partly, was to encourage manufacturing here—not in China, not somewhere else.

Last month, nearly 10 years since the program's inception, the Government Accountability Office took a look at the program's finances and found that the Department of Energy has billions of unused and unspent funds. I am glad they do because a lot of things that have taken place under this program have not proven to be worth their weight.

I have spoken before on a number of programs, but in 2011, under this fund—the Alternative Vehicle Fund—the Obama administration approved a \$730 million loan to a company called Severstal Steel Company, a Russian-owned company with operations in Michigan.

Remember, to qualify for this loan, the alternative fuel vehicle or vehicle part needs to be manufactured in the United States and—here is the key—it must be a new product. Technically, Severstal was manufacturing in the United States, but the Obama administration certainly walked the line in this case. The U.S. Government was providing American taxpayer dollars to a Russian company owned by one of Russia's richest oligarchs, Alexei Mordashov.

The New York Times has reported that Mr. Mordashov has ties to the Kremlin and to Russian President Vladimir Putin. Apparently, this Russian looked at this program and said: Hey, here is a way I can get a low-cost, low-interest loan. All I have to do is operate this plant and the government will loan me \$750 million and I will produce a new part, a new component of steel that is used in automobile manufacturing.

After working with the Department of Energy's inspector general, Senator TOOMEY and I learned that the type of steel made by this Russian company was identical to the steel already being produced in my home State of Indiana and Senator TOOMEY's home State of Pennsylvania. Obviously, that violated one of the basic criteria in that the product has to be an alternative that is brand new or significantly improved and not something that is already being produced in Indiana.

Fortunately, with the help of the inspector general, we were able to ensure the Obama administration voided the loan. To their credit, when we brought it to their attention, they said: OK. We have a Russian oligarch we are giving money to—and that doesn't sound very good. We are giving money to this multibillionaire in Russia with close ties to Vladimir Putin. Secondly, we now have learned what they are producing is already produced in the United States—in my State of Indiana and in Senator TOOMEY's State of Pennsylvania. Thus, fortunately, the administration canceled this loan.

This example calls into question the integrity of this program. The ATVM Program also has a lackluster success rate. For example, Fisker Automotive received a \$529 million loan to produce a \$100,000 plug-in hybrid sports car. You

will not see any of these on the road because the company went bankrupt after drawing down \$193 million of taxpayer funds.

Another loan recipient, VPG, planned to sell natural gas-powered vans. It went bankrupt after receiving a \$50 million government loan.

Of the five projects funded by this program to date, two of them have gone bankrupt. I think these examples demonstrate what happens when the government tries to pick winners and losers instead of letting the free market determine how we are going to go forward.

The Coats-Fischer-Flake-Toomey amendment that will be offered would wind down this program and it would make much better use of the unspent funds from this program.

I want to be clear. This amendment prohibits DOE from reviewing any new loan applications after the bill's enactment. There are currently some pending applications. We do not address those pending applications. I hope serious evaluation will be made relative to whether they qualify under the criteria that is laid out and we will not end up with any more Severstals.

Those who argue that this shuts down an alternative energy program is not valid. Anything that is now being currently evaluated up through the end of 2020, the next 5 years—will be allowed to go forward and be evaluated under the program. The amendment doesn't take that away.

CBO scored this amendment as saving at least \$300 million over the next 10 years. I have been down here every week talking about a waste of the week. I have just identified another waste of taxpayer dollars. We are not counting that, but we are counting what we can save if this amendment is adopted. It is \$300 million. I think that is a significant amount it raises our waste, fraud, and abuse level to \$162 billion and change.

I encourage my colleagues to work with us so we can offer this amendment. Remember, it does not affect anybody who has a proposal before the Department of Energy under this loan program. If that is underway, it can be evaluated—hopefully successfully evaluated, and if it doesn't qualify the criteria, won't be accepted. The amendment does not free funds for anything that is not currently before the evaluators of this program.

I trust we can gain the support of my colleagues in saving the taxpayers some dollars.

With that, 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.

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

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

AMENDMENT NO. 3811

Mrs. BOXER. Mr. President, we are going to vote on the Hoeven amend-

ment shortly. I rise to speak against that amendment, which would undermine one of our Nation's landmark environmental laws, the Clean Water Act. It is very difficult for me to understand how we could be at this point in time attacking a clean water rule—a clean water rule in light of what has happened in Flint, MI. This is what the water looked like as it came out of the tap in Flint at the height of the crisis. By the way, people were told this was safe. Why on Earth would we be going against the clean water rule at a time when we are fighting against this kind of problem?

This is what the pipes looked like in Flint: the corrosion, the obvious problems with lead. This was all getting right into the drinking water. While we look for ways to help the people of Flint—and I would love to do it on this bill. If we can't do it on this bill, I would love to do it on the WRDA bill. If we can't do it on the WRDA bill, I will do it on any bill. We need to take care of what happened there, and we also need to help other communities from the east coast to the middle of our Nation, to the west coast and help us help our families.

Here we have in the face of Flint an attack on the clean water rule. Let's see what else we have to say and what else we learned about what happened in Flint. Pregnant women, kids cautioned over Jackson water. This is in Mississippi. Jackson, MS, also has a problem with lead. What is our response to that today? To stop a clean water rule. What are my Republican friends thinking? It doesn't make sense.

The Associated Press wrote this: "Elevated lead levels found in Newark schools' drinking water."

Here we are talking about elevated levels of lead in Newark. We have places in California where the kids can't drink the water out of a water fountain. So what is the response of the Republican Senate? Turn back a clean water rule. It makes absolutely no sense.

What we have going on, on the Senate floor, is a very heated debate, as I speak, about how to handle the issue in Flint. Let me tell you this. The first thing to do in the light of Flint is not to weaken environmental law, is not to stop a clean water rule. It is completely ridiculous.

My friends will say: All we are doing is delaying implementation for a year while the court looks at it. We shouldn't be doing anything that plays into the hands of those special interests that simply don't want to clean up the water in our Nation. The clean water standards that are a target of this amendment are designed to safeguard drinking water for America's families and businesses.

This dangerous amendment rolls back protections of small streams and wetlands that provide drinking water to one in three Americans. That is 117 million people put at risk because this U.S. Senate, run by the Republicans,

thinks the best thing to do in the light of Flint is to roll back the Clean Water Act. Come on. Get a life. Read the paper. Look at what happened to those people. This is the time to provide reliable drinking water to all Americans and to clean up our waterways. Now is not the time—and it should not be the time—to attack the Clean Water Act, which is vital to the health and safety of our families.

I want to mention that I have received opposition to the Hoeven amendment from numerous sportsmen's groups, including Backcountry Hunters and Anglers, International Federation of Fly Fishers, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, and Trout Unlimited. These groups understand the important link between clean water and the outdoor recreation economy. When you go right after the clean water rule, you are going after the people who enjoy outdoor recreation, and they are against the Hoeven amendment.

Leading environmental and conservation groups oppose the amendment, including American Rivers, Clean Water Action, Earthjustice, Earthworks, Environment America, Environmental Defense Fund, League of Conservation Voters, Natural Resources Defense Council, Prairie Rivers Network, Sierra Club, and Southern Environmental Law Center. These are some of the most popular groups in the country.

Does anyone know what the rating of this Republican Congress was in the last polls I saw? It was 14 percent.

Do you know what the rating of the President was in the last poll I saw? Over 50.

So what does the Republican Senate do today? They are going after the President with their 14-percent rating in the polls. I say to my friends on the other side—and believe me, they are my friends: What are you doing? How do you expect people to support you when you, after seeing what happened in Flint, continue to go after landmark environmental clean water laws like you are doing today?

In addition, public health groups, including the American Public Health Association, Physicians for Social Responsibility, and Trust for America's Health, have opposed similar legislation to block this important rule, and 200,000 businesses represented by the American Sustainable Business Council have called on Senators to oppose efforts to block the clean water rule. These experts understand the importance of the clean water rule, and they know that our drinking water remains vulnerable to pollution.

Just last month, EPA released a report showing that nearly half of U.S. waterways are in poor condition. In fact, one in four waterways have levels of bacteria that fail to meet human health standards, and our children go swimming in these very waterways. We have cities across the United States

with sewer systems that discharge raw, untreated sewage in waterways—again, where our children swim. It is a disgrace. Despite enormous successes since passage of the Clean Water Act, we have more work to do. Nothing is more important than protecting the lives of the American people, whether it is through our military or through our public health laws. When we weaken the Clean Water Act, as the Hoeven amendment will do, we put our families and our children at risk. Why are we here?

Flint has put a spotlight on the need to keep our families safe from toxins and pollutants in their drinking water. The first thing the Republicans do in light of Flint is to try to roll back the clean water rule.

I have to say that one of my deepest regrets—and I have written about it—is how partisan this place has become over environmental laws. When I started a long time ago, Republicans were the ones leading the way on the environment. I remember there was a Republican State senator named Peter Behr, whom I supported because he understood how critical it was to protect and defend the environment, not only as a legacy to our children in terms of the beauty of our planet but also for the very health and safety of our families.

I have been in office for 40 years. It is hard to believe that it has been 40 years. I guess time flies when you like your work. The fact is that no one has ever come up to me and said: BARBARA, our water and air is too pure and way too clean. You need to do something about that. You need to dirty it up. Repeal the landmark laws, BARBARA, that protect our water.

They don't do that. They come up and say: We are worried about the fact that we are not sure what contaminants are in our water.

I see my good friend is going to close out the debate, and I promised him that when he came to the floor, he wouldn't have to listen too long.

I say again: Please vote against the Hoeven amendment. This is not smart legislation in light of what we face.

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. HOEVEN. 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. HOEVEN. Mr. President, I will yield the floor to the good Senator from Michigan for a minute.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wanted to make a quick statement about an amendment that will come up for consideration on the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, of course I support my friend from Michigan, but we need to quickly move to a vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wanted to quickly take a moment to speak about the vehicle program from two sides. When I authored this legislation back in 2007, we began to see fuel economy standards increase in the United States. Part of our focus at that time was to keep jobs in America and make sure we had low-cost financing available for companies, such as retool plants, so that smaller, fuel-efficient vehicles would be made in the United States rather than have those jobs shipped overseas. We saw that with the initial loan made to Ford Motor Company. They were able to bring jobs back from Mexico and also focus on electric vehicles.

As we fast forward to today, we are looking at fuel economy for trucks and larger vehicles. A loan was recently made to Alcoa. They are focused on aluminum materials so companies can make lighter weight trucks in order to meet new fuel economy standards. There are positives, but there are also areas under this loan program that have not been successful.

I come to the floor to specifically say that when it is time to consider the Coats amendment, which will completely eliminate this program, my colleagues need to know that we are undercutting a carefully crafted bipartisan compromise with Senator INHOFE, Senator PORTMAN, and others to move forward on a water infrastructure plan to deal with lead in water that will not only help 100,000 people in the city of Flint, but it will also help people in Jackson, MS, Cleveland, OH, and other States across the country.

Our proposal responsibly phases out this program and uses the funds for critical water infrastructure needs. We strongly oppose pulling the rug out from under not only Flint but also Jackson, MS, Cleveland, OH, and communities across the country that are counting on us to come together and pass what we have done in a bipartisan way to address critical water infrastructure needs and deal with the lead poisoning issues.

I ask colleagues to vote no on the Coats amendment and allow us to phase out this program in a way so that we will be able to use this investment in a critical way to address water infrastructure needs across the country.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am willing to yield to the junior Senator from Michigan.

The PRESIDING OFFICER. The junior Senator from Michigan.

Mr. PETERS. Mr. President, I concur with my colleague from Michigan, Senator STABENOW. We urge our colleagues

to vote no on the Coats amendment. This is part of a very carefully crafted amendment to deal with water infrastructure around the country, and in particular Flint.

I think this will be a win-win for those folks who may want to see this program go away. We have a plan to do that while also dealing with an incredibly important issue not only for our State but that is also incredibly important to other States across the country.

I urge a "no" vote.

I thank the Senator for yielding the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3811

Mr. HOEVEN. Mr. President, I rise today to ask my colleagues to support an amendment I offered, amendment No. 3811, that prevents the EPA and the Corps of Engineers from implementing its waters of the United States final rule. The language for my amendment is actually identical to the waters of the United States provision in the underlying bill. It is already in the bill, H.R. 2028, which we are considering right now. My amendment will make sure that this waters of the United States provision stays in the bill and that our bill is consistent with legislation supported by the House.

It is critical to preserve the prohibition on implementing the waters of the United States because this rule will greatly expand the scope of EPA regulations over nearly every water in the United States, threatening farmers and job creators with permitting requirements and litigation that will make it more difficult for them to produce our Nation's food and complete needed construction projects.

Moreover, this regulatory overreach by the Army Corps of Engineers and the EPA is inconsistent with the law. Let's look at what the courts are saying. When granting a preliminary injunction against this rule, the North Dakota Federal District Court stated:

The Rule allows EPA regulation of waters that do not bear any effect on the "chemical, physical and biological integrity" of any navigable-in-fact water.

It went on further to state:

The rule asserts jurisdiction over waters that are remote and intermittent waters. No evidence actually points to how these intermittent and remote wetlands have any nexus to navigable-in-fact water.

That is the key. EPA has jurisdiction over navigable bodies of water, not ephemeral water that might be in a ditch today and gone tomorrow.

Meanwhile, the Sixth Circuit Court of Appeals issued a nationwide stay of the rule, in Cincinnati, citing that EPA and the Corps of Engineers did not identify "specific scientific support substantiating the reasonableness of the bright-line standards they ultimately chose."

To get a sense of the size of the Federal power grab we are talking about here, consider that under the adminis-

tration's final rule, all water located within 4,000 feet of any other water or within the 100-year floodplain is considered a water of the United States as long as the EPA or the Army Corps of Engineers decides that it has "significant nexus." That is the argument the EPA is making—"significant nexus." They are saying: Well, we can regulate navigable bodies of water. They just decided, without statutory authority provided by this Congress or any other authority, that because other waters run into navigable bodies, they can regulate all water, and they have issued a regulation to do that.

The waters of the United States is clearly flawed from a legal perspective, but it is even more important to take a look at how this rule, if implemented, affects hard-working Americans with excessive regulations. For those of you who haven't had the opportunity to visit with a farmer from my State or any farmers across this country, do so. They will tell you how difficult it is to deal with excess water on their property, particularly when they face an overbearing regulation like this one. Those farmers can tell you that just because there is water in a ditch or field one week doesn't mean that there will be water there next week. It certainly doesn't make the water worthy of being treated the same as a river, a lake, or a navigable body of water. A field with a low spot that has standing water—

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

Mr. HOEVEN. Mr. President, I ask that the Members of this body not only consider the underlying issue and the impact it will have on farmers and ranchers. It will also affect everybody's private property rights. I also ask my colleagues to consider their own prerogative. Under our Constitution we have legislative, judicial, and executive branches, and each has its own authority. We have to stand up on this one when an agency overreaches and takes statutory authority we have not provided.

I ask that Members join with me in support of this vitally important amendment.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following locking in the votes, the Senator from California have an opportunity to speak and then that we move to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that it be in order to call up the following amendments: Franken amendment No. 3833, Coats amendment No. 3814, and Murray amendment No. 3813; further, that following the disposition of the Hoeven amendment No. 3811, the Senate vote

on the Coats amendment No. 3814, with a 60-affirmative-vote threshold for adoption of the amendment; and that at 1:45 p.m. today, the Senate vote on the Franken amendment No. 3833; finally, that at 5:30 p.m. on Monday, April 25, the Senate vote on the Murray amendment No. 3813, with no second-degree amendments in order to any of the amendments prior to the votes, and that there be 2 minutes equally divided prior to each vote.

May I say before the Senator from California speaks, I see the Senators from Michigan are here and the Senator from Indiana. I wish to thank the three of them for working with Senator FEINSTEIN and me toward the goal of making sure that Senators who have a germane amendment have the opportunity to have an up-or-down vote. If we are able to follow that practice generally, we will be able to have an appropriations process and the Senate will function well. They all responded quickly and promptly on issues they feel very strongly about, and I thank them for it.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 3811

Mrs. FEINSTEIN. Mr. President, I want to say a few words.

The junior Senator from California has been speaking in opposition to the waters of the United States amendment sponsored by Senator HOEVEN. I just want to put before the body a little bit of the history.

In 2006 the Supreme Court introduced real uncertainty regarding which wetlands and water bodies were subject to Federal jurisdiction under the Clean Water Act. Since 2006 the EPA and the U.S. Army Corps of Engineers have been working on new rules to clarify their jurisdiction and address the Supreme Court's ruling.

EPA and the Army Corps just finalized the new rule last May. This new rule helps resolve almost a decade of confusion by clearly stating which types of water bodies are subject to Federal jurisdiction and which are not. It will make Federal permitting easier, faster, and less costly for business and industry. It maintains all previous exemptions and exclusions for normal farming and ranching practices and agricultural discharges, such as irrigation return flow and storm water runoff.

Nevertheless, the Sixth Circuit Court of Appeals has issued a stay suspending implementation of the rule. I strongly believe we should let the courts decide whether the executive branch has overreached in its interpretation of congressional statute, just like the Constitution calls for.

The President has threatened to veto the entire Energy and Water appropriations bill if this amendment is included in it. Right now, we have the best opportunity in 7 years to pass this bill as a stand-alone piece of legislation and

get the Senate appropriations process working again.

So I am very hopeful and would strongly recommend that the Senate defeat the Hoeven amendment.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the Hoeven amendment No. 3811.

Mr. ALEXANDER. Mr. President, 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 Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—56

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

NAYS—42

| | | |
|------------|------------|------------|
| Baldwin | Franken | Nelson |
| Bennet | Gillibrand | Peters |
| Blumenthal | Heinrich | Reed |
| Booker | Hirono | Reid |
| Boxer | Kaine | Schatz |
| Brown | King | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Leahy | Stabenow |
| Carpenter | Markey | Tester |
| Casey | Menendez | Udall |
| Collins | Merkley | Warner |
| Coons | Mikulski | Warren |
| Durbin | Murphy | Whitehouse |
| Feinstein | Murray | Wyden |

NOT VOTING—2

Cruz Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, in a moment Senator COATS will call up his amendment, the Coats and Toomey amendment.

I want to thank the Michigan Senators and others for making the schedule work today. For the information of all Senators, after the Coats amendment, the next vote will be at 1:45 p.m. on the Franken amendment. That will be the last vote today.

The next vote will be on the Murray amendment on Monday afternoon.

Senators and their staffs have been very good about getting their amendments in. We think we have all the amendments. We have asked to have them by 1 p.m. so we could by consensus finish up on Monday and Tuesday, giving everybody a chance to have their vote if it is a germane amendment and to speak on the germane amendments.

My request on behalf of Senator FEINSTEIN and me is that if there are any amendments still out there, we would like to have them by 1 o'clock.

AMENDMENT NO. 3814 TO AMENDMENT NO. 3801

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3814, to be offered by the Senator from Indiana, Mr. COATS.

Mr. COATS. Madam President, I call up my amendment No. 3814.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 3814 to amendment No. 3801.

The amendment is as follows:

(Purpose: To limit the use of funds made available for the Advanced Technology Vehicles Manufacturing Loan Program)

On page 30, line 9, strike the period at the end and insert the following: “: *Provided*, That none of the funds made available under this heading shall be used to administer, review, or approve any loan or loan application that was not submitted as of the date of enactment of this Act: *Provided further*, that none of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.”.

Mr. COATS. Madam President, 205 loans issued by the Department of Energy under the alternative vehicle program have failed, costing taxpayers \$500 million in losses. DOE currently sits on \$4 billion of unused money. It is time to wind down this program. This will not affect any proposals that are currently with the Department of Energy on this program, but it will prevent any new programs going forward.

We can save the taxpayers a lot of money and use this for other alternatives if we adopt this amendment.

I yield the remainder of my time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, this is exactly the kind of program our constituents hate. It is the crony capitalism where taxpayers are forced to subsidize preferred companies, special interests. How many hundreds of millions of dollars do taxpayers have to lose?

I understand there is some discussion that maybe on some bill in the future, this will get phased out as part of another deal, but who knows if that is ever going to happen. Here is a chance

to wipe out some crony capitalism, some corporate welfare, and a huge loss for taxpayers.

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

Mr. TOOMEY. Let's adopt this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I would certainly urge all of my colleagues to oppose the Coats amendment. What this does is eliminate a program that basically pays for a very carefully crafted agreement on which we are working to deal with the Flint water issue, as well as water infrastructure issues all across this country. This is part of the proposal Senator STABENOW and I have been working on and have been building support.

We are looking to move to this very shortly to deal with this broad issue. A vote against this amendment allows us to continue to move forward with a bipartisan plan, critical for our whole country.

I yield my remaining time to the senior Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, the bottom line is that we have developed a bipartisan bill that phases out this program in a responsible way for the businesses that are currently involved and uses that to pay for water infrastructure needs across the country, not only in Flint but in Jackson, MI, and Cleveland, OH—across the country.

So we can achieve what the Senators are talking about in a way that helps us with water infrastructure.

I urge a “no” vote.

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

The question is on agreeing to amendment No. 3814.

Mr. HATCH. Madam President, 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 Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—48

| | | |
|----------|---------|---------|
| Ayotte | Cochran | Daines |
| Barrasso | Collins | Enzi |
| Boozman | Corker | Ernst |
| Burr | Cornyn | Fischer |
| Capito | Cotton | Flake |
| Coats | Crapo | Gardner |

| | | |
|----------|-----------|----------|
| Graham | McCain | Sasse |
| Grassley | McCaskill | Scott |
| Hatch | McConnell | Sessions |
| Hoeben | Moran | Shelby |
| Inhofe | Paul | Sullivan |
| Isakson | Perdue | Thune |
| Johnson | Risch | Tillis |
| Kirk | Roberts | Toomey |
| Lankford | Rounds | Vitter |
| Lee | Rubio | Wicker |

NAYS—49

| | | |
|------------|------------|------------|
| Alexander | Gillibrand | Nelson |
| Baldwin | Heinrich | Peters |
| Bennet | Heitkamp | Portman |
| Blumenthal | Heller | Reed |
| Booker | Hirono | Reid |
| Boxer | Kaine | Schatz |
| Brown | King | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Leahy | Stabenow |
| Carper | Manchin | Tester |
| Casey | Markey | Udall |
| Cassidy | Menendez | Warner |
| Coons | Merkley | Warren |
| Donnelly | Mikulski | Whitehouse |
| Durbin | Murkowski | Wyden |
| Feinstein | Murphy | |
| Franken | Murray | |

NOT VOTING—3

| | | |
|-------|------|---------|
| Blunt | Cruz | Sanders |
|-------|------|---------|

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Arizona.

TRIBUTE TO SANDY LEDY

Mr. FLAKE. Madam President, I rise today to recognize Sandy Ledy, a dedicated Senate staff member who will retire after more than two decades of public service in my office.

Soon after being elected to the Senate in 1994, Senator John Kyl was wise enough to offer Sandy—a standout campaign volunteer—a job on his new staff. Sandy was given two options: She could work as a staffer in Washington, DC, or she could serve in Arizona and serve as John Kyl’s military case worker. Sandy knew she couldn’t pass up an opportunity to serve those who serve our Nation. It was an easy decision for Sandy and a fortuitous one for Arizona’s military servicemembers, veterans, and their families.

Sandy’s genuine passion for our military service men and women, combined with her meticulous approach to her work, has made her an invaluable staffer. Sandy is well-versed in all things military, from regulations, to benefits, to the service academies. Her vast knowledge has ensured that Arizona’s military service men and women have had nothing but the best assistance for more than the past two decades.

Her reputation preceded her, and when I was elected as Senator in 2012, I had an easy decision of my own—offering Sandy a job on my staff. Thankfully, she said yes.

Sandy is probably best known around the State as the point person for service academy nominations. Her understanding of that process and what it takes for a student to be an excellent nominee has helped so many students fulfill their dreams of attending one of our prestigious service academies. Her focus on preparation and attention to detail has turned what can be a very daunting task into a seamless produc-

tion, resulting in countless nominations and appointments to the service academies.

While we all marvel at Sandy’s meticulousness, it is her compassion and calm demeanor that make her such an asset. This is never more evident than when she is working with students and parents in the long and complicated process of applying to attend one of these service academies.

Beyond her work on behalf of the military, she is an active and cherished member of her community in Cave Creek, AZ. She is a member of her church choir, a regular volunteer at the Cave Creek Museum, and a long-time swim coach, sometimes judging local meets. But there is no better testament to Sandy’s example as a public servant than her two children, Amy and Joe. Amy is a graduate of the U.S. Air Force Academy who herself recently retired after a career in the military. Joe served in the U.S. Marine Corps. They have made her the proud grandmother of three, and she is looking forward to spending a well-deserved retirement looking after those grandkids.

Sandy, thank you for more than 20 years of dedicated public service in the Senate and, in particular, for the 4 years of stellar service as a member of my staff. Your knowledge and passion will be greatly missed. I wish you well in your retirement.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. WHITEHOUSE. Madam President, I am on the floor with my colleague Senator PORTMAN to join him in urging the House to take prompt action on the Comprehensive Addiction and Recovery Act, which passed with such a stunning bipartisan vote in the Senate.

As Senator PORTMAN has pointed out, years of careful preparation went into the drafting of this bill. There were five separate national hearings held in Washington with people from all over the country. This is a very polished and carefully developed piece of legislative work that has the support not only of the addiction and recovery community but of the law enforcement community and many others.

Senator PORTMAN has been very diligent about coming to the floor to press for action from the House of Representatives. My view is that since the House of Representatives is under Republican control, they are more likely to be attentive to the urgings of a Republican Senator—particularly one who has served in the House of Representatives—than they are to me.

But I want to make sure the record is clear that I fully support rapid passage of this bill, whether it is something that is close enough that we can quickly get it through conference or whether it is our bill, to which they are free to add things as they wish over time, but

can get to the President now—the reason I think it is important that it get to the President now is we are in the appropriations process. The appropriators for these accounts need to know what they are appropriating to. So time is of the essence, not just because of the lives that are being lost day-to-day and month-to-month out there but also because our appropriators need to know.

I urge my colleagues in the House of Representatives, Democrats and Republicans alike, to listen to the distinguished Senator from Ohio. Let’s try to get this done.

With that, I yield to Senator PORTMAN with my thanks and appreciation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. First, Madam President, I want to thank my colleague from Rhode Island who just spoke. We did work together for the past few years in putting together this legislation, and we did it, by the way, with the House of Representatives. So Senator WHITEHOUSE and I took good ideas wherever we could find them, in whatever part of the country it came from, including ideas from the House of Representatives. We didn’t ask who had the idea; we asked whether it was a good idea. We kept this entirely non-partisan, not just bipartisan. Therefore, we built something that makes sense for our communities back home to deal with this epidemic of prescription drug and heroin addiction and overdoses.

I appreciate his partnership in this, and I appreciate the fact that he came to the floor today to talk about the importance of moving ahead with this legislation. After all, it is very rare around here to get a 94-to-1 vote on anything, and we did it on this bill. After 2½ weeks on the floor of the Senate talking about this heroin and prescription drug epidemic, every single Senator here realized this was a problem in their States, and 94 Senators stood up and agreed this legislation will help address it.

By the way, since we passed the Comprehensive Addiction and Recovery Act, or CARA, as it is called, on March 10 in the Senate, 42 days have passed. That is more than a month. Every day, we lose about 120 Americans—120 Americans—to drug overdoses. That means in these 42 days we have lost over 5,000 fellow American citizens to drug overdoses. Think about that.

I do urge the House to act and act quickly. These numbers keep getting higher and higher. This is not getting better. Back in Ohio, this is getting worse, and I assume the same is true in your State, if you are a Senator or if you are a Member of the House of Representatives in your district.

Since 2007, we have looked at these numbers, and drug overdoses have killed more Ohioans than car accidents. It is now the No. 1 cause of accidental death in Ohio. It has tripled

from 1999 to 2010. We are now told, by the way, that 200,000 Ohioans are addicted to opioids—opioids are prescription drugs—and heroin—200,000 Ohioans. That is the size of a significant city in any State represented here in this body or any district on the other side.

In fact, it is the same size as the city of Akron, OH, where I was on Monday of this week, meeting with their opioid task force. They are alarmed at what is happening, and they want to be sure we are making every possible effort we can on the prevention side, the education side, to get more people into treatment, to get them into longer term recovery, to provide police officers and other first responders with Narcan, the miracle drug they need to stop overdoses from turning into a death. They want our help. They support the CARA legislation. They need it, and they need it now.

The Cincinnati Enquirer had some really troubling news last week. They wrote a story about a new poll that is out. It is a group called Interact for Health. They do an annual Ohio health issues poll. They found in the poll in 2014 that 2 of every 10 Ohioans knew someone who was abusing prescription drugs. A year later, it is 3 in 10, so this is not getting better. This is getting worse. By the way, this is just prescription drugs. And by the way, of the 3 in 10 who knew somebody who is abusing prescription drugs, 4 in 10—4 in 10—knew somebody who had overdosed on those prescription drugs. So these percentages are increasing across the board—every age group, every education level, every income level. There is no demographic, no ZIP Code, no State, no city, and no county that is safe from this epidemic. It is spreading, and it is spreading everywhere.

This poll is another indication that we have a lot of work to do. This should be a motivation for us. This should get us to pass this legislation. And, yes, can we work on additional legislation? Of course, we can and should. I am encouraged that the House is taking up new bills and looking at this in different ways. That is good. But we know here in the Senate and over in the House that this CARA legislation will help and will help now.

By the way, there are over 120 cosponsors of the CARA legislation in the House. Not only did we work with them and introduce identical legislation in the House and the Senate, anticipating this day when we could pass it in one House, but we wanted to pass it quickly in the other House and get it to the President for his signature. There are over 120 cosponsors over there. It is bipartisan.

Think of the impact we could have on the community if we could get this passed. If we could turn around just one life, it matters, and we know this can save many lives and make many people begin to look at this issue differently—that this is a disease. Addiction is a disease and needs to be treat-

ed as such. Removing some of that stigma alone will bring a lot more people into treatment, and that is part of what is important about this legislation.

There is another issue that is not prescription drugs, and it is not heroin, but it is another issue related to it, and that is fentanyl. Fentanyl is being laced with heroin throughout the country. In Cleveland, OH, a couple of weeks ago, we lost 12 people—12 people—in 6 days to overdoses. That is one city. This was heroin, but it was laced with this even more dangerous toxic substance called fentanyl. By the way, it comes in the mail. The drug dealers are shipping it in the mail.

Fentanyl is so toxic—10 to 30 to 40 times more toxic than heroin—that it is dangerous even to open up the mail if you are an inspector, we are told. We had a hearing on this just this week. We talked to the Customs and Border Patrol people: Our question was, Why can't we stop this stuff from coming in? This, unfortunately, is something that is also increasing. Ohio, they say, is one of the top States in the country in terms of fentanyl overdoses. But I will tell those who have not dealt with this fentanyl issue yet that it creates even more issues because it is so deadly.

After 3 years of work on this CARA legislation, Senator WHITEHOUSE and I and others, including Senators on both sides of the aisle—we did hold five forums, as he said, on various aspects of this debate. We consulted with the experts on treatment and recovery, the experts who are focused on how to keep kids and other people from making these bad decisions in the prevention and the education community. We met with the drug experts from the administration, such as the White House Office of National Drug Control Policy. We brought in people from all over the country, including from my home State of Ohio.

This is the third time I have come to the floor. I have come once every week that we have been in session since we passed it to say to the House: Let's move on CARA. Let's get it done. It will help immediately.

The majority leader in the House has said he wants the House to take on the drug epidemic and pass legislation soon. I believe him. He is a good man. I appreciate that. But I would ask him again to please work on the other legislation. It is fine to take them through hearings and markups, but we cannot delay. We know CARA will work, and it will work now. It is sitting over there and ready for action. It can be taken to the floor immediately under suspension and can be passed. We are one vote away from having this go to the President and having it go to help in our communities.

The chairman of the House Energy and Commerce Committee, FRED UPTON, who is a good friend and a man with a big heart and cares about this issue, has said he would like the House

to move quickly with, as he said, an "all hands on deck effort." Good for him.

One of his subcommittees, the Health Subcommittee, recently marked up a dozen bills. This happened yesterday; they marked up 12 bills. Look at those bills. A number of them are actually a part of CARA already. They are in CARA. They are smaller bills. None of them is comprehensive, like CARA.

One reason we have to get CARA passed is this is a problem that has to be addressed from all angles, from all sectors, and that is why it has to be comprehensive. But of those 12 bills that were marked up yesterday, many of them are identical, and others are very similar to the CARA legislation. So this shouldn't slow us down. In fact, it is even more an indication that if these are the kinds of bills the House thinks are the right way to go, let's get CARA passed and then we can work on the other legislative ideas Members may have.

I respect my colleagues—Chairman UPTON, the majority leader over there, and Chairman Pence, the chairman of the subcommittee and also a guy who cares a lot about this issue—but let's give CARA a vote. There are 125 cosponsors. That is the latest number I have as of this morning, and the number keeps growing. It is bipartisan, it is bicameral, and it is the right thing to do.

Again, I know there are other ideas out there, and that is fine. We need to take those up as well. But let's go ahead and get this passed. Put it under suspension, and take it to the floor. It will pass. We are one vote away from having this help our communities.

CARA is not just comprehensive; it does the right thing in terms of focusing on what is evidence based. In other words, we didn't just say "Let's throw more money at this problem," we said "Let's actually find out what is working and what is not working."

I was in Dayton, OH, with a group called Project C.U.R.E. on Friday. I had the chance to visit with some of the administrators there, some of the recovery coaches, as they call themselves, many of whom, by the way, are recovering themselves. They are doing an amazing job. I talked to many of the patients who were there. They are people who are recovering addicts. Some have been clean for 2 weeks, some clean for 2 years. But I asked them the same question I ask all over our State: What works? What doesn't work? How did this happen?

Most of them, by the way, told me the same story you hear time and again: It started with prescription drugs. In fact, one story was from a man by the name of Anthony. He dropped out of high school at age 14, got into drugs, and made some mistakes in his life, which he readily acknowledges. He ended up in prison. He said he had eight convictions and was in and out of prison, in and out of the drug world. He decided to go straight.

He made a decision. For him, a lot of it was faith based and a lot was being sure he was going to be able to take care of his family and be a contributing member of his community, so he gave back.

Anthony had a good job, had gotten married, and was on the right track. He was on his way to work one day, and he was in a car accident. For those experts who are listening to this today, you probably know happened. I don't even have to tell you. When he got in the car accident, he was injured. They sent him to the hospital. What did they give him at the hospital? Narcotic pain pills, Percocet, prescription drugs.

Immediately—immediately—Anthony became addicted again. He is now struggling, but he is back at the treatment center. He is getting his life back together again. But in the meantime he has lost his family because the drugs became everything. He lost his job because the drugs became everything.

We talk a lot about the overdoses, and they are horrible—120 Americans a day. We don't talk enough about those who aren't overdosing but who have lost their ability to achieve their own God-given purpose in life because the drugs are everything. So they have lost their families—torn apart. They have lost their jobs. They have lost their ability to be contributing members of our society. And those people who get into treatment and longer term recovery, as Anthony is doing, can turn their lives around. There is hope. It can work.

Anthony is back for a second chance. Having talked to him, I believe he is not just on the right track but he will work through this. This legislation is needed to help him.

When I do meet with recovering addicts, I ask them to look at the legislation, look at the summaries, and tell me what they think. What they tell me is they like it because they are convinced it would help others to have the access to treatment they have. Probably only 1 out of 10 of those people who are addicted are getting treatment. That is the best number I have. Maybe it is a little higher than that in your State or congressional district, but this is an issue where, if we provide more resources for treatment and begin to remove that stigma around treatment and get more people into a system where they can begin to get their lives back together with treatment, we know that works.

Our legislation supports veterans task forces and veterans courts because we know this will help with our veterans who are coming back with PTSD, 20 percent of whom have this addiction. People say it is self-medicating. They have self-medicated to the point that they are now addicts. We need to put them not into a prison cell but into a treatment program. That is what these veterans courts do, and they surround these veterans with other veterans. They do an awesome job. I have been to

them in Ohio. You have them probably in your State. If you don't, this legislation will help because it creates more veterans courts.

We have talked on the floor before about the fact that there has been a huge increase—a 750 percent increase in the State of Ohio—in babies born with addiction. That is just in the last 12 years in Ohio. Go to any neonatal unit in your State or congressional district, and you will see these babies. They are being lovingly cared for by doctors and nurses. They are taking these addicted babies you could hold in the palm of your hand, and they are literally taking them through withdrawal. They have to because these babies are addicted and showing the symptoms you might see in an adult of addiction.

We don't know what the long-term consequences are. We are having a hearing on this tomorrow in Cleveland, OH, at one of our great hospitals—University Hospitals Rainbow Babies & Children's Hospital. It is one of the best children's hospitals in the country. Their neonatal unit is doing awesome work. I have been there and seen it. We are going to talk to the experts about this and how we can do even better to help these babies. But wouldn't it be great if we didn't have so many babies born with addiction because mothers, knowing the consequences, dealt with their addiction problem to avoid it through prevention and education efforts? Wouldn't it be great if we didn't have this 750-percent increase in children whose futures are uncertain because of being born with this addiction?

Again, there is hope. I have been to a women's recovery center in Cleveland and Columbus and also in Eastern Ohio and Athens, OH, where I have met with women in long-term recovery with drug addiction. They are there with their kids. There is hope.

With this legislation, we do have the ability to give people more hope. Getting rid of that stigma, not judging people, is part of beating this epidemic, and CARA will do that by treating addiction like a disease.

There is an opportunity for us to move, and move quickly, to address this growing crisis we have in our States and our communities; that is, to pass this CARA legislation. Is it all we should do? No. Of course we should do more. I know the House of Representatives will have some great ideas. I know there are some great ideas in this body. The HELP Committee is working on additional ideas on how to get more medicine into this area of addiction, science, and treatment. They are working on ways to ensure that we can provide more help to people. That is great, and we should continue to work on that.

Meanwhile, we know this legislation will help. We know that if it is sitting on the desk in the House of Representatives, having passed the Senate by a 94-to-1 vote, it is not going to help. But

we know if it can get off the desk and onto the floor for a vote, we are one vote away from getting it to our communities to begin to help, to keep people from making the wrong decision—but then if they get into a drug addiction, it can help them to be able to turn their lives around and to achieve their potential in life, their God-given potential.

That is what this argument is about. It is not about the fact that the Senate has all the answers. By the way, we wrote this legislation with the House. They were engaged from the start. They were engaged with the start. We introduced identical bills and they had 125 cosponsors. All we are saying is, let's let this one piece of legislation go, let's allow it to begin to help right away, and then let's continue to work on other ideas.

Again, we have lost nearly 5,000 Americans to drug overdoses since the Senate passed CARA with a 94-to-1 vote. To begin to reverse this tide—this trend of addiction, of overdoses—we can and should act now. It is urgent. There is a crisis. There is no time to waste.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to thank my friend for his comments about addiction. I agree with the Senator from Ohio, talking about the victims from Ohio. I can assure him we have victims in Virginia and all across the country, and we need to get this legislation to the President's desk so people who are hurt by the scourge of drugs can get the treatment they need. Again, I thank him for his leadership.

NOMINATION OF MERRICK GARLAND

Madam President, I rise to again express my disappointment that many of my colleagues on the other side of the aisle have continued to obstruct consideration of an eminently qualified candidate to fill the vacancy on the Supreme Court.

It has now been 36 days since President Obama nominated Judge Merrick Garland; that is, 36 days that our highest Court has been relegated to falling short of its full constitutional obligations. Make no mistake. The Senate's inaction is already having a tangible impact on the Court's ability to function effectively. During the current session, we have seen our eight current Justices end up in a 4-to-4 deadlock in three separate cases since Justice Scalia's passing—effectively muting the Court's voice in consequential judicial proceedings.

President Reagan himself said: "Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body."

More recently, retired Justice Sandra Day O'Connor put it quite simply, as she always does. She said: "I think we need somebody there now to do the job, and let's get on with it."

Indeed, the Supreme Court has granted only three cases since Justice Scalia

died—a number experts say is extraordinarily low and an indication that the eight sitting Justices are acutely aware of the precarious position the Court is in with a vacancy.

Many Senators apparently believe that President Obama shouldn't be able to make appointments under article II because he is in the last year of his term. The record shows there is nothing in the Constitution that says the President is only President for 3 of the 4 years of his or her term. I don't understand that reasoning. Under that reasoning, any of those same Senators who have made that argument shouldn't be voting on any bill that comes before this body in the last year of their Senate term. If we continue with that rationale, the President's office and the Senate would lead to further dysfunction. Quite honestly, that logic is beyond the pale.

It is clear as well that the American people expect us to do our job. Recent polls show that by a 2-to-1 margin Americans want the Senate to hold hearings and vote on Judge Garland's nomination. That is why I remain so perplexed by the logical contortions that many of my colleagues are undertaking to justify their obstruction and quite honestly their failure to do their job.

I had the chance to meet with Judge Garland last week. His qualifications and dedication to public service are beyond reproach. He has received strong bipartisan support in the past, but what also stood out to me are his measured view of the role of the judiciary, his strong record on national security, and commitment to keeping our country safe.

This past Tuesday marked the 21st anniversary of the bombing of a Federal building in Oklahoma City. On that tragic day in 1995, 168 people, including 19 children, lost their lives. To this day, the Oklahoma City bombing remains the deadliest act of domestic terrorism in our Nation's history.

Judge Garland at that time was Principal Associate Deputy Attorney General. He was the guy who led the criminal investigation and supervised the prosecution of the bombers. Merrick Garland fought for justice for the victims and the families in Oklahoma City. Through his tireless efforts, deep understanding of the law, and attention to detail, he ensured that the prosecution had an airtight case. Ultimately, both bombers were successfully convicted.

This is the highest profile instance in which Judge Garland exhibited his commitment to making and keeping our country safe, but it is far from the only one. In my meeting with him, it was clear that the safety and security of our citizens is an issue that quite honestly keeps him up at night.

What also stands out about my conversation with Judge Garland is his sense of humility. Our conversation and his judicial record demonstrate to me that he is a moderate, thoughtful,

consensus candidate. As Judge Garland said in the Rose Garden on the day he was nominated:

People must be confident that a judge's decisions are determined by the law and only the law. For a judge to be worthy of such trust, he or she must be faithful to the Constitution, and to the statutes passed by Congress.

He or she must put aside his personal views or preferences and follow the law; not make it. Fidelity to the Constitution and the law has been the cornerstone of my professional life, and is the hallmark of the kind of judge I have tried to be for the past 18 years.

These are not the words nor the track record of a judicial activist. In my opinion, this is the kind of judge that Merrick Garland has been: not a judicial activist but someone who recognizes the important role and the important balance between the executive, legislative, and judicial branches.

I am encouraged that my colleagues on the other side of the aisle have at least begun to give Judge Garland the courtesy of a meeting, but meetings alone are not sufficient. The American people deserve the opportunity to hear Judge Garland's qualifications debated in a public hearing in the Judiciary Committee, and they deserve an up-or-down vote on the Senate floor. That is all we ask.

I again urge my colleagues to give Judge Garland the consideration other nominees have received. At the end of the day, if they choose to vote against him, that is their right, but the idea that somehow they are interpreting the Constitution to say that in the last year of a Presidency a qualified judge should not even receive consideration of a hearing and a vote is quite honestly beyond the pale.

Too often these debates end up going on and become extraordinarily complicated. In many ways, what I hear from Virginians—regardless of whether they want me to support Judge Garland—is a very simple message: Do your job. In the coming days and weeks, I hope the Senate will do its job and give Judge Garland the consideration of a hearing before the Judiciary Committee and then take up this eminently qualified jurist's nomination on the floor and give him the vote he deserves.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PARIS CLIMATE AGREEMENT

Mr. MERKLEY. Madam President, I rise to recognize the importance of the signing of the Paris Agreement.

Tomorrow marks the 46th anniversary of Earth Day—the first Earth Day—the Earth Day that occurred when I was in seventh grade. My sev-

enth grade teacher made a point of making sure all the students were aware of it. They made sure we had a chance to do a field trip to the community college to learn about some of the issues related to stewardship of the planet.

It is a day to appreciate the extraordinary beauty of our blue-green planet but also to recognize, to remind ourselves of the fact that we have a huge responsibility to be good stewards of the wonderful planet we have.

It was Theodore Roosevelt who said that "our greatest central task [is] leaving this land even a better land for our descendants than it is for us." That is the definition of stewardship, and that is what Earth Day is all about. This is why it is so fitting that tomorrow, on Earth Day, America will join other nations in signing the Paris Agreement.

This international climate accord is a tremendous step forward. It makes clear the world recognizes that global warming is a very significant and grave concern facing human civilization on this planet. It is, indeed, the moral challenge of our generation.

I am proud and inspired by the global community's unprecedented commitment to avert global warming, to avert a climate crisis. We know what the stakes are. We don't need computer models to look 50 years into the future because the impacts are here today. We see it in our own communities. We see it in our own States. We see it through the impact of droughts, the impact of wildfires, the impact of heat waves, the storms, the hurricanes, the tornadoes. We see it through story after story of this year or this month being the warmest ever recorded by humans. These events have profound costs that can be measured in lost lives, lost homes, lost businesses, billions of dollars in disaster relief.

It is important to understand that global warming's major assault is on our rural communities, on our farming, our fishing, and our forestry. You can see it across the world. You can see it across the country. You can see it just inside my home State of Oregon. We have had significant droughts greatly impacting our agricultural community in my State.

We have had a loss of snowpack in the Cascades, a trend over decades impacting the availability of water for irrigation in farming. We have seen the impact on fishing, with streams that are warmer and smaller than they were in the past. We have seen it on our oyster population on the coast, where now the oysters are having trouble reproducing because the Pacific Ocean is 30 percent more acidic than it was before we started burning fossil fuels on this planet. That greater acidity is affecting the ability of baby oysters to form shells. That should frighten us all—the ability of shellfish to form shells being threatened.

It is hard to imagine that we have burned enough fossil fuels to actually

impact the acidity of the oceans. But we have, and the problem is getting worse. We see the impact on our forests. We see it in my home State of Oregon through the red zone. That is the term given to the vast swaths of forests that have been killed by pine beetles because the winters now are not cold enough to kill off the pine beetle. So the infestations are much more aggressive, much more widespread.

We see the impact on our forests from more vigorous wildfires and a longer forest fire season—a season that has grown by 60 days over 40 years. That is 2 months. In fact, we have even had forest fires in Oregon in the month of January. It is a huge loss, a huge impact on the ecosystem, and a huge impact on the economy.

If you care about rural America and our farming, our fishing, and our forestry, you must care about carbon pollution and global warming. Scientists agree that we must keep the warming of our planet under 2 degrees Celsius in order to avoid the catastrophic impacts of climate change—impacts much worse than what we are seeing now. But we have already warmed the planet by 1 degree. So we are halfway toward that boundary, which is why an important component of the Paris agreement is not just the substance of the agreement itself but also a compact that the international community will revisit every 5 years, because the measures taken in the Paris agreement are not enough to fend off catastrophe.

What they do represent is virtually every nation in the world coming together and saying we understand the challenge to our planet, and we understand that we must be part of the solution. To have more heads of state come together in December for the Paris agreement than at any other time in human history is very impressive. But the commitments made, even if they are fully fulfilled, don't go far enough. We are going to have to come back together every 5 years to add to our understanding and to increase the speed with which we are pivoting from fossil fuels to renewable fuels.

At those 5-year gatherings, we will strengthen our pledges, we will work to reduce the emissions even further, and we will review the changing technologies. There is so much investment going on. There is a program called Mission Innovation, which is a number of countries coming together, private companies coming together, and foundations coming together to develop the best ideas—out-of-the-box ideas—to be able to take on the challenge of global warming. Those technologies are going to be a key part of accelerating our ability to tackle this challenge.

We have to keep working to drive down the cost curve on renewable energy so that it makes a positive contribution to our economy in every possible way, lowering the cost of power while at the same time putting thousands or, in some technologies, millions of individuals to work. We have

to make sure developing countries can afford these options in solar, wind, and other renewable strategies.

Together, we must invest in paradigm-shifting technology. One of those might be battery storage, to make better use of solar energy when the solar energy exceeds current demand, or to capture wind energy when the wind is blowing strongly and our wind turbines are producing more than the current demand.

It means we have to do things such as investing in a broader grid to ship those amps of electricity around the country—those watts of energy around the country. Here at home, we can't keep up business as usual. If we need to pivot from fossil fuels to renewables, then we shouldn't keep subsidizing fossil fuels. We can't keep drilling oil offshore and opening up drilling in new places like the Arctic. The Arctic nation should come together and reach a pact not to drill in the Arctic and to put it off-limits.

As American citizens, you and I own a lot of oil, a lot of coal, and we must recognize that we need to keep those fossil fuels that we own in the ground because here is the size of the problem. For us to succeed in keeping the temperature of our planet below 2 degrees Celsius above the pre-industrial age, we have to leave 80 percent of the identified proven fossil fuel reserves in the world in the ground.

If we are going to do that, then it makes no sense at all—for what you and I own as citizens—to be pulling it out of the ground. It makes no sense to be doing contracts today—leases—that provide a legal contract for extraction of our coal, our oil, and our gas, which you and I own as citizens, three decades, four decades, or five decades into the future—long after the world has to have pivoted off of fossil fuels.

It is said that when you are in a hole, stop digging. In this case, we are in a carbon pollution hole, and we need to stop digging fossil fuels out of the ground. Instead, we must seize the opportunity to invest in the infrastructure of the future, to spur a clean energy revolution, and to build a green economy creating living-wage jobs. It has been said that we are the first generation to feel the impact of global warming, and we are the last generation that can do something about it.

That is a huge responsibility. The signing of this agreement consists of doing something about it, something major about it, something important about it, something that all the Nations in the world have come together to do together to take this on and to recognize our collective responsibility. It is a breakthrough moment in the fight—the international fight, the human civilization fight—to take on this moral, major challenge to our planet.

While this deal is by no means the end of the work we must do, having the global community come together around a vision of action is a huge

milestone in the path to averting climate catastrophe. This agreement should only strengthen our Nation's resolve to build a sustainable future, to protect our beautiful blue-green planet, and to work harder to fight climate change not just on Earth Day but every day of the year. In fact, this agreement is very much central to the task that Theodore Roosevelt put before us: to leave our land a better land for our descendants than it is for us. Let's get to work.

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

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

AMENDMENT NO. 3833 TO AMENDMENT NO. 3801
Mr. FRANKEN. Madam President, I call up my amendment No. 3833.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota, [Mr. FRANKEN] proposes an amendment numbered 3833 to amendment No. 3801.

The amendment is as follows:

(Purpose: To provide funding for the Tribal Energy Loan Guarantee Program)

On page 29, between lines 2 and 3, insert the following:

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For the cost of loan guarantees provided under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), \$8,500,000, to remain available until expended: *Provided*, That the cost of those loan guarantees (including the costs of modifying loans, as applicable) shall be determined in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That, for necessary administrative expenses to carry out that program, \$500,000 is appropriated, to remain available until expended: *Provided further*, That, of the subsidy amounts provided by section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10; 125 Stat. 126), for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), \$9,000,000 is permanently canceled.

Mr. FRANKEN. Madam President, Federal programs in Indian Country are chronically underfunded. I have served on the Indian Affairs Committee for the past 7 years, and I have been shocked by what I hear almost every week from tribal leaders about the challenges in Indian Country. Tribes struggle with crumbling schools, dilapidated roads, lack of housing, and lack of basic infrastructure. Many of the crises we hear about in Indian Country come from lack of opportunity, lack of hope. Indian youth have the highest rate of suicide among all ethnic groups in the United States. Suicide is the second-leading cause of death for Native youth aged 15 to 24. The Indian suicide rate is 62 percent higher than it is for

the general population. Unemployment on Indian reservations averages 19 percent, and on some reservations it is above 50 percent.

Senators MURKOWSKI, HEITKAMP, and UDALL understand the dire needs of Indian Country, which is why they have cosponsored my amendment. Chairman BARRASSO also understands the needs of Indian Country, and that is why he also supports this amendment. They understand that we have to support economic development for tribes whenever we can.

My amendment sets aside \$9 million, which can be leveraged into about \$50 to \$85 million worth of loans for energy projects in Indian Country. Developing tribal energy resources will help tribes bring power to the most remote parts of Indian Country—improving access to reliable and resilient energy and providing much needed jobs. That is why Congress authorized the loan program in the Energy Policy Act of 2005—to help tribes access the capital they need for energy projects. But this program has never received funding.

My amendment doesn't cost anything. We are simply putting \$9 million of already-appropriated money toward a new use.

I thank Senators HEITKAMP, UDALL, and MURKOWSKI for cosponsoring my amendment. I thank Chairman ALEXANDER and Ranking Member FEINSTEIN for their leadership. Finally, I thank Secretary Moniz, who has been a champion for this program.

I urge my colleagues to support Franken amendment No. 3833 to bring jobs to Indian Country.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank Senator FRANKEN for the way he worked with our committee. I will vote for the amendment, and I recommend that others do as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3833.

Mr. ALEXANDER. Madam President, 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 bill clerk called the roll.

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

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. MURPHY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—76

| | | |
|------------|------------|------------|
| Alexander | Flake | Murkowski |
| Baldwin | Franken | Murray |
| Barrasso | Gardner | Nelson |
| Bennet | Gillibrand | Peters |
| Blumenthal | Graham | Reed |
| Booker | Grassley | Reid |
| Boxer | Hatch | Risch |
| Brown | Heinrich | Roberts |
| Burr | Heitkamp | Rounds |
| Cantwell | Heller | Rubio |
| Capito | Hirono | Schatz |
| Cardin | Hoeven | Schumer |
| Carper | Inhofe | Shaheen |
| Casey | Isakson | Stabenow |
| Cassidy | Kaine | Sullivan |
| Coats | King | Tester |
| Cochran | Klobuchar | Thune |
| Collins | Leahy | Toomey |
| Coons | Manchin | Udall |
| Corker | Markey | Warner |
| Cornyn | McCain | Warren |
| Crapo | McCaskill | Whitehouse |
| Daines | Menendez | Wicker |
| Donnelly | Merkley | Wyden |
| Enzi | Mikulski | |
| Feinstein | Moran | |

NAYS—19

| | | |
|---------|-----------|----------|
| Ayotte | Lankford | Scott |
| Boozman | Lee | Sessions |
| Cotton | McConnell | Shelby |
| Ernst | Paul | Tillis |
| Fischer | Perdue | Vitter |
| Johnson | Portman | |
| Kirk | Sasse | |

NOT VOTING—5

| | | |
|-------|--------|---------|
| Blunt | Durbin | Sanders |
| Cruz | Murphy | |

The amendment (No. 3833) was agreed to.

VOTE EXPLANATION

• Mr. DURBIN. Mr. President, I was necessarily absent from this afternoon's vote on Franken amendment No. 3833, which was adopted to the pending business—Energy and Water Development and Related Agencies Appropriations Act, H.R. 2028.

On rollcall vote No. 59, had I been present, I would have voted to support the amendment. Senator Franken's amendment will further strengthen the deployment of clean energy by creating a Tribal Energy Loan Guarantee Program to fund energy projects in Indian Country. This amendment will help Indian tribes access much needed financing as they seek to develop energy projects and create well-paying jobs. •

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as the vice chair of the Appropriations Committee to express my appreciation to the majority leader of the Senate, Senator MCCONNELL, and Senator COCHRAN, the chair of the Appropriations Committee, for moving the process forward.

We have on the floor today the Energy and Water Committee bill. This is the first bill of the Appropriations Committee to come to the floor. It signals that we are ready to do regular order. I so appreciate the leadership's commitment to do that, so we don't end up with a big omnibus bill at the end. Every bill comes, they can be amended, and everyone can have their day and their say.

It is an excellent kickoff to what I hope will be the ability to move all 12 bills and some crucial, urgent

supplementals. I also compliment Senators ALEXANDER and Senator FEINSTEIN for the excellent job they have done on this particular subcommittee. They have followed the bipartisan agreement. They have a bill that is free of poison pill riders. When you look at what they have done in terms of energy and water, it is an excellent bill from the standpoint of national security and economic development, whether it is the funding for the Army Corps of Engineers that is so important to those of us who have ports, to science in terms of our fields of energy. We win Nobel prizes, but we need to win the markets. It has an excellent approach in terms of tech transfer.

Maryland benefits from this bill. It provides over \$100 million for the Port of Baltimore. That is going to support the port's nearly 14,000 jobs and a tax base of over \$300 million. The Port of Baltimore has always been the gateway to Ohio and the West. First, supported by the B&O—Baltimore and Ohio—Railroad and now CSX. Funding in this bill dredges the port's 50-foot channel, making it ready for megacontainer ships coming through the expanded Panama Canal and supporting the port's competitive edge over its East Coast competition. The bill also funds construction of Poplar Island, where clean dredge material is rebuilding the natural ecosystem of a former Chesapeake Bay island.

This bill exceeds the target level for the harbor maintenance trust fund, providing approximately \$1.3 billion. Dredging is the primary activity of the trust fund. This funding is knocking out the nationwide backlog of dredging projects, supporting the U.S. economy and local economies.

Across Maryland, this bill makes critical investments, protecting Assateague Island, a national seaside treasure, for future generations, protecting Cumberland from flooding, and protecting this area's water supply at the Jennings Randolph Lake in Garrett County.

This bill also supports a unique public-private partnership between the U.S. Department of Energy and commercial truck manufacturers. Together, they are developing the next generation of fuel-efficient heavy-duty trucks. Total funding is \$20 million. Volvo has been a partner and is competing again for a portion of this funding. Its Hagerstown, MD plant produces Mack Trucks with 1,600 jobs. Their talented professionals have been leaders on truck engine research and development, discovering technologies to reduce oil consumption and decrease greenhouse gas emissions.

For the Appalachian Regional Commission, this bill provides \$75 million for the base program, an increase of \$5 million. The commission meets both physical and human infrastructure needs. This is a hands-across-the-aisle program that all Appalachia Senators support. There are 13 States in the commission.

Maryland has three counties in the commission: Washington, Allegany, and Garrett.

Maryland's mountain counties receive nearly \$5 million annually, making investments to rebound from lost manufacturing jobs. The recession was another setback.

Now, through their community colleges, they are retraining and retooling their residents. The commission's grants, matched with local and other Federal funding, are making a big difference.

I recently visited Garrett College where I announced two grants. The first was to establish new allied health programs with a simulation manikin. This was a grant award for \$110,000.

The second grant was to buy Westernport a new water tank. This grant for \$400,000 was matched with \$2.4 million in other Federal loans and grants. It means more capacity for Westernport, new service to nearby towns of Luke and Bloomington, and a huge cost savings to Luke Mill. The paper mill has been supplying drinking water to the town of Luke. This grant is protecting the 880 employees at Luke Mill and 3,000 regional jobs in timber and trucking.

If this is the way it is going to be to move appropriations, I think it is a good day. It is not only a good bill, but it shows when the Senate practices the ability to work together to bring legislation to the floor, to follow regular order, we can get our job done. It can be open, it can be transparent, and we can have amendments. I so look forward to this being the tone and the tempo of the rest of the appropriations season.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL PARK WEEK

Mr. COTTON. Mr. President, this week I encourage Arkansans and all Americans to take a moment and enjoy your local national parks as we celebrate National Park Week 2016. This year National Park Week is particularly important because it also happens to be the 100th anniversary of the National Park Service, a milestone we will celebrate all year long.

For those of you who don't know, our National Park System began in 1872 with the establishment of Yellowstone National Park. The organization charged with managing these parks, the National Park Service, was established four decades later in 1916. Today we have over 400 national parks and historic sites around the country, all full of wildlife, beautiful landscapes, and rich culture. These sites are all cared for by over 20,000 dedicated employees of the National Park Service, including park rangers who patrol our parks and keep visitors safe.

Arkansas is home to several national parks and national historic sites, some of the prettiest and most interesting in the country, in my opinion. For those of you who have not been to Arkansas,

I encourage you to visit Hot Springs National Park to see our natural springs and thermal pools.

If you are a history buff, you can visit Arkansas Post, the site of the only Revolutionary War activity in the State of Arkansas. If you are into the outdoors, you can float the Buffalo River. The list goes on. Each of the national parks and historic sites in Arkansas and around the country has its own unique appeal and holds its own adventure.

So happy National Park Week and happy 100th birthday to the National Park Service. I encourage everyone to take advantage of free admission to all national parks in Arkansas and across the country through this Sunday, April 24. Have a little fun, learn a little bit about your great country, and show your support and thanks for the men and women who serve us in the national parks.

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.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete this speech.

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

CORPORATE INVERSIONS

Mr. HATCH. Mr. President, over the past couple of years I have spoken numerous times on corporate inversions, the problems they cause, and various proposed solutions. I wish to take a few minutes today to comment on some of the recent developments with regard to this important issue.

Inversions are a matter of great concern in our country. This is true among members of both parties, both in and out of government. As the chairman of the Senate's tax-writing committee, I have to say that for years now, most major discussions I have had on tax policy and reform with various private sector stakeholders eventually end up focusing on inversions.

Virtually everyone acknowledges that inversions are a problem. When a U.S. company reidentifies itself as a foreign entity and moves its tax headquarters overseas, it shrinks our tax base. It means lost investment and growth for our country and a further demonstration of the failure of the government to create a tax environment in this country that allows businesses to flourish, create jobs, and, of course, help grow our economy.

As I said, members of both parties see inversions as a problem, one that needs fixing. Sadly, the debate surrounding this national issue has too often become mired in politics and partisanship, which thus far has prevented Congress from making any real

progress. Some in Washington—in the Capitol and on the other end of Pennsylvania Avenue—would rather talk about inversions than solve the problem.

When a wave of U.S. companies announce that they are merging with other entities and moving their headquarters offshore, the strategy seems to be to publicly attack those companies; accuse them of, among other things, lacking "economic patriotism"; and put forward unworkable policy proposals while labelling anyone opposing those proposals as somehow being in favor of or at least indifferent to inversions. Most of the policy ideas that get put forward tend to be punitive and burdensome, with the goal, not of incentivizing companies to stay in the United States, but to forcibly prevent them from leaving.

Over the past year or so of political campaigning, we have heard a lot of talk about building walls and who will be made to pay for them. Some are proposing that we build a literal physical wall to keep certain people from coming into the United States, with a supposedly clever plan to force other countries to pay for it. Well, at the same time, most of the proposals we have seen to deal with inversions would amount to building a virtual wall—a wall forged in regulation and punitive tax treatment—around the country to keep companies from leaving and making every business in America and all of their employees and individual customers pay the cost.

The latest wall-building exercise came earlier this month with Treasury's temporary anti-inversion regulations and proposed regulations aimed at earnings stripping. Of course, the administration's anti-inversion approach is essentially the regulatory equivalent of a doctor who wastes all of his time and energy treating a patient's symptoms one by one as they arise without making any effort to diagnose, let alone treat, the underlying illness.

Inversions are not in and of themselves a disease; they are merely symptoms of a much broader illness that will continue to infect our economy so long as we refuse to treat it. I won't keep you in suspense, Mr. President. That illness is not a lack of proper regulation; it is an overly burdensome tax system and an environment that is, on the whole, unfriendly to American businesses.

U.S. companies don't move their tax headquarters offshore because they like the weather in other countries. If that were the case, I don't think so many of them would be moving to Ireland or the U.K. No. American companies invert because they face global competition, and our system forces them to compete on an uneven playing field with at least one, if not both arms tied behind their back. For example, we have the highest corporate tax rate in the developed world, and we have a tax code that effectively pays U.S.

multinationals to keep their foreign earnings offshore and punishes them when they decide to bring capital back into the country. It is these factors—not a lack of appropriate regulation by the government or a shortage of “economic patriotism” on the part of American businesses—that make foreign countries more attractive destinations for American companies.

If we want to prevent future inversions, we should spend less time tinkering around the regulatory edges and engaging in partisan rhetoric and more time trying to find common ground to actually fix our Tax Code.

For the record, it isn't just inversions that are the problem. As I have noted repeatedly, even if the administration and Congress found a way, through punitive and burdensome means, to block all inversions, our tax system would still make American companies even more attractive targets for foreign takeovers, which are every bit as problematic as inversions, if not more so, and much harder to address through a purely regulatory approach. Foreign takeovers are already a problem. According to an Ernst and Young study released last year, the U.S. economy suffered a net loss of \$179 billion—with a “b”—in business and assets to foreign buyers in the decade between 2003 and 2013. The same study also found that a reduced corporate tax rate would have greatly reduced these losses, possibly eliminating them entirely.

Keep in mind that unlike most inversion transactions, U.S. management is almost always fired after a foreign takeover. Other employees—local service providers and suppliers—are often targeted for elimination as well.

Sadly, many Democrats in Washington, both here in Congress and in the administration, don't seem to grasp the full nature of this problem. They talk a great deal about inversions and the need to prevent them. Because the picture of a big American company moving offshore to escape taxation is particularly distressing for populist audiences, they tend to ramp up that talk and couple it with ideas on how to punish inverters in even-numbered years. Yet they have taken precious little action to fix the underlying problems that lead companies to want to invert in the first place.

There was a glimmer of hope with the findings and recommendations of the Finance Committee's bipartisan International Tax Reform Working Group. However, as is far too often the case, that glimmer of hope may very well be overtaken by the politics of the moment.

So instead of acknowledging that our tax system is the cause of the inversion problem, my friends on the other side have generally opted to put forward regulations that may very well be effective in curbing inversions in the short term but will do nothing to improve business conditions in the United States and could be in the order of

causing companies to sell themselves to foreign buyers, which is what is happening.

Within days of the release of the Treasury's latest regulations, Pfizer, a major American drug company, announced it was backing out of its proposed inversion deal with Allergan. Many observers were quick to credit the Obama administration for a supposed job well done while Democratic candidates for President openly celebrated the fact that an American company chose to subject itself to hundreds of millions of dollars in losses and penalties in order to avoid even greater losses as a result of these regulations.

That is the kind of world we are living in—one where there is a willingness to demonize an iconic American company that employees tens of thousands of American workers and to cheer when it suffers massive losses. That is viewed as an affirmative qualification to be the Democratic nominee for President.

Now, to be fair, I will acknowledge that, in addition to unveiling the proposed anti-inversion measures, the Obama administration also laid out a basic framework for corporate tax reform. Of course, this framework, which closely resembles similar proposals the President has included in past budgets, is woefully short on details. It is not a reform proposal with any serious potential for bipartisanship nor one with a detailed list of specific goals and objectives. It is more or less just a vaguely worded wish list of tax ideas they would like to see enacted at some point. The reaction from many sectors of the business community, including from CEOs who more often than not support my friends on the other side, proves the point.

We know, basically, that the President's version of international tax reform consists of a one-time mandatory repatriation of foreign earnings to be taxed at a rate designed not to maximize any benefit but to hit a revenue target for increased spending—in other words, so they can spend more money. This would be coupled with a high minimum tax on foreign earnings, also designed specifically for increased spending, not for significantly bringing down the statutory tax rate, which, after all, is one of the few ways you can really help our American companies.

Put simply, there is virtually nothing in the President's nebulous tax reform framework that would discourage companies from moving offshore. In fact, one could argue—and many have—that the President's proposed high minimum tax on foreign earnings would actually encourage more U.S. companies to invert.

For example, this past November, the vice president of global taxes at Procter & Gamble, another iconic American company, was quoted as saying: “If we take a step towards a [minimum] tax at the corporate level, we're exacerbating the problem; we're actually

guaranteeing that inversions are more attractive.”

On top of these new taxes, there is no real effort in the President's tax framework to improve the business climate in the United States more generally. After all these changes, the framework would still leave the United States with a corporate tax that would be well above the average in the developed world, leaving us right where we have been. In short, this framework is par for the course with this administration.

We have heard quite a bit of blame thrown in Congress's direction for not acting to prevent inversions. What we haven't heard is any serious effort on the part of the President or anyone in his administration to engage with Congress on meaningful tax reform. Like I said, the President and his supporters are far more willing to assign blame for the problems caused by our tax system than to actually work toward a solution. This is particularly true in election years, when the motto seems to be this: Why fix a problem when you can blame it on the other side?

For my part, I am working to take specific steps to address these problems. I have been the Republican leader on the Senate Committee on Finance for about 4½ years now, and for 4½ years I have been calling on my colleagues and imploring officials in the administration to engage on tax reform. To date, I have seen little in the way of a meaningful response.

Currently, I am working on a relatively simple but potentially effective tax reform proposal that I believe will be bipartisan and many believe would relieve a great deal of the inversion pressure on American companies and, at the very least, significantly alter the economic calculation for inversion transactions. Best of all, it would do so without punishing companies or imposing burdensome mandates. In short, my proposal would provide more carrots to keep companies from inverting and fewer sticks to punish companies that try to go in that direction.

While I am still working with the Joint Committee on Taxation to finalize the details of this proposal, the basic idea behind my proposal would be to streamline the taxation of business income and eliminate instances in which profits and earnings are subject to multiple layers of taxation at the company and shareholder levels.

I will have more to say on this proposal in the coming weeks. Today, I am simply trying to counter the narrative that American companies can and should be forced to remain in the United States by regulation. I am trying to demonstrate that you cannot fix the inversion problem by building a virtual wall around the country to keep businesses from leaving, while at the same time keeping tax rates so high that they have to leave to be able to compete.

I am trying to show why you can't build that wall expecting some other

country to pay for it. Indeed, if an anti-inversion wall goes up without any real changes to improve the tax and business environment in the United States, it will be American workers and consumers that will end up footing the bill.

What we are working on is corporate integration. Right now the work we have done seems to be getting some positive feedback from the Joint Taxation Committee, but they are not through with their work yet and so we are going to wait until they are. They should be through by the end of May, or at least that is what they have indicated will be their target. Hopefully, they will have some preliminary results before the end of May.

But let me say, if we are right on corporate integration, then both parties should come together to resolve these problems so that we can compete with any company anywhere in the world.

I can just say, in short, that this program we are devising will allow the companies themselves to bring down their own tax rates without worrying about what the wonderful Members of Congress are going to do. At the same time, by bringing down those rates, they will be able to help this economy to go forward.

So far this has been revenue positive. All we want for this program is to be revenue neutral. But I think we can get there, and I hope my friends on the other side will seriously look at this because this is something we could do this year to help this country resolve its problems with regard to corporate inversions. I believe it will work. I believe it will work. But a lot will depend on the Joint Taxation Committee, and we will see what they are doing. So far the work they have done is positive. They have worked on it for a number of months now. They want to cover every possible ramification, and we are very appreciative of the work they are doing.

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

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

Mr. RUBIO. Mr. President, today I filed two amendments very important to my home State of Florida that I want to discuss. The first is an amendment that would authorize the Central Everglades Planning Project. The Florida Everglades are a national treasure. We have to work together to restore these lands.

The State has experienced a wetter-than-average winter. The rains have elevated the levels of Lake Okeechobee which triggered the Army Corps of Engineers to discharge billions of gallons of water to the east through the St.

Lucie River and to the west through the Caloosahatchee River. These discharges have been ongoing for months and have negatively impacted the delicate ecosystem in the area as well as the agricultural and tourism industries.

In order to diminish these discharges, we must authorize the Central Everglades Planning Project. Once complete, this project will allow water to flow south from Lake Okeechobee to Everglades National Park and to Florida Bay.

I had hoped this project would be authorized in 2014 by the administration, but the administration delayed the Army Corps of Engineers' Chief's report, which is the final step before Congress can authorize new projects, but this year we have a real chance to get this done. Thanks to the good work of Chairman INHOFE of the Environment and Public Works Committee, I expect the Central Everglades Planning Project to be included in the forthcoming water bill, which is slated to be marked up in committee next week.

I will not ask for a vote on this amendment today, but I want to draw attention to this essential Everglades restoration project. I am hopeful this body can come together to restore our Everglades, but in the meantime I will continue to push for this vital authorization.

Mr. President, the other amendment I filed today, cosponsored by Senators SHELBY, NELSON, and SESSIONS, also highlights the importance of water management. The issue at hand there involves water that is naturally supposed to flow south, but it has not done so due to the Army Corps' actions in and around the State of Georgia.

The results of this mismanagement have led to a 2013 Department of Commerce fishery disaster. It was declared for oysters in the Apalachicola Bay. During that same year, Senator NELSON and I held a field hearing in Apalachicola, where we heard from local fishermen whose livelihoods and family traditions were injured by the collapse of these fisheries.

While we must continue to explore ways to fish more sustainably, a large part of the fisheries' collapse was the lack of freshwater flows. I have long supported the role Governors play in water allocation when the water in question greatly impacts multiple States. However, absent such an agreement between Governors, water continues to be withheld, and the situation has now become dire in my home State of Florida.

The bottom line is, the status quo is only working for one State. I, along with the senior Senator from Florida and our colleagues from Alabama, have stood lockstep to bring our respective States to the table to finalize water allocations that will take into account our shared goals.

Today we filed an amendment to do just that—to require the Governors to agree on water allocation before the

Army Corps of Engineers can reallocate waters between the Apalachicola-Chattahoochee-Flint River Basin and the Alabama-Coosa-Tallapoosa River Basin. The amendment also stipulates no funds would be available for re-allocation of water within the States if an agreement between the Governors is not finalized. I urge my colleagues to support this commonsense measure.

EUREKA GARDENS

Mr. President, on a different matter, I want to take this moment to applaud the residents of Eureka Garden Apartments in Jacksonville, FL, for coming together as a community during a time of hardship. While they face dangerous living conditions and bureaucratic indifference to their concerns, they have remained united and resilient.

The bottom line is, the Federal Government has failed them. The Department of Housing and Urban Development has for years certified a living facility that has put hundreds of families at risk. When HUD inspected the property in question last summer, they passed the apartment complex, and they passed it with flying colors. Eureka Gardens received an 85 out of 100, but less than a month later, residents were complaining at tenants' association meetings and to their city council members about how bad their living conditions had become.

When my staff visited the complex, what they witnessed was literally unbelievable. They saw crumbling stairs and black mold. They saw exposed electrical wiring that had been covered up by a trash bag. They smelled the natural gas that would soon hospitalize residents just days later.

That was and that is unacceptable. My office, along with Mayor Curry of the city of Jacksonville and the city council and the tenants association, pushed for months to have improvements and repairs done to this complex. In February, HUD finally had a date by which all repairs must be completed.

When they came back to reinspect Eureka Gardens, it passed the inspection, and they eventually renewed their contract with the property's owner, but the residents continued to say what they have been saying all along—HUD's inspections weren't working.

Just recently, HUD revealed that Eureka Gardens passed with a score of 62. The passing score is a 60. However, a senior HUD official admitted that HUD officials do not believe the property would currently pass another inspection. So HUD has just admitted it has certified a failing facility. Something is clearly wrong with the HUD inspection process and Floridians are being hurt because of it.

I would like to read part of an article from the Florida Times-Union, which was published on Monday that quotes one of the residents at Eureka Gardens.

Dwan Wilson, who said she has had to go to the hospital at least six times with asthma issues since the mold remediation, cried as she spoke about her apartments' problems.

"We thank you all for what you're trying to do," Wilson said. "We thank you all for pushing. But we're telling you they aren't doing anything."

How many more years must the residents of Eureka Gardens suffer under this mismanagement? How many more children have to be put at risk due to lead poisoning and gas leaks? How many more facilities will HUD continue to rubberstamp approval of only to further sell slumlike conditions for the most vulnerable tenants? How many taxpayer dollars will be wasted by this agency on failing projects such as this?

These are the questions HUD must answer. In the meantime, the residents of Eureka Gardens are forced to deal with the consequences of HUD's failures. I will continue to look for solutions to make sure what has happened at Eureka Gardens isn't repeated elsewhere. Americans deserve better from their government.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to the Secretary of HUD, and it is dated April 18.

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

U.S. SENATE,

Washington, DC, April 18, 2016.

Hon. Secretary JULIAN CASTRO,

U.S. Department of Housing and Urban Development, Washington, DC.

DEAR SECRETARY CASTRO: For over five months, my office has been involved in the investigation of shocking health and safety conditions at Eureka Garden Apartments (Eureka Garden) in Jacksonville, Florida. It is appalling that American taxpayer dollars have been wastefully spent over the years to fund a facility that has repeatedly put hundreds of people and their families at risk. I am writing to highlight these many problems and to ask for the U.S. Department of Housing and Urban Development (HUD) to conduct a thorough review of its inspection process.

As you may know, following reports of code violations at the Westside complex, my Jacksonville staff toured Eureka Garden in early October 2015. They witnessed crumbling stairs disguised with duct-tape and covered with apparent black mold, faulty electric wiring covered with a garbage bag, and a distinguishable natural gas odor being sucked from an outdoor piping system into residents' air-conditioning, among other obvious health and safety issues. HUD confirmed these conditions in an inspection of the property in October 2015, in which physical deficiencies were found in at least 340 of the 400 units. According to HUD's own criteria, almost 50 of those deficiencies represented "Exigent Health and Safety concerns," including mold, water damage, exposed wires, carbon monoxide hazards and leaking gas pipes.

Despite these findings, just three months earlier in July 2015, HUD gave Eureka Garden Apartments an 85 out of 100 score in its Real Estate Assessment Center (REAC) inspection. Although many of the problems were witnessed during the summer inspection, HUD representatives defended the passing score to my staff in a meeting last October, saying they did not contribute to the assessment of the property as they are not relevant criteria under HUD's inspection process. Had it not been for the residents calling attention to their dire situation, the facility

would not have been reviewed again for another two years.

Your Department recently notified my office that the most recent inspection of Eureka Garden gave the complex a REAC score of 62 out of 100, despite the many repairs that have been completed since the last REAC inspection. This discrepancy indicates something is clearly wrong with the REAC scores. Your Department visited Eureka Garden again on March 17th and 18th and witnessed what my staff and the city of Jacksonville has seen all along—Eureka Garden remains in poor condition.

After visiting Eureka Garden most recently, the Deputy Assistant Secretary for Multifamily Housing wrote in a letter that "HUD officials do not believe the property would currently pass another REAC inspection." However, HUD's protocol has placed enough confidence in the previous inspection that it has renewed GMF's \$6 million contract for Eureka Garden. In doing so, HUD has knowingly certified a substandard facility because of a faulty inspection process.

Your Department is ultimately responsible as the steward of the taxpayer funding that supports this property. Therefore, to address these concerns, I respectfully request a timely response to the following questions:

With conditions at Eureka Garden going unidentified for so long, what does HUD plan to do about reforming its inspection process to identify problems earlier and to ensure passing grades are not given to failing properties?

Will HUD explore a broader reform of inspection that expands the role of and resources available for state and local partners to regularly check the status of HUD-certified facilities to ensure greater accountability?

Does the Department plan a re-inspection of the complex?

During this difficult time, I am proud of the Eureka Garden community for standing up and coming together on behalf of their vulnerable neighbors. This community has demonstrated great strength by collectively voicing their concerns and showing resiliency in the face of bureaucratic indifference and property mismanagement. It is time they are given the respect and quality of life they so deserve after waiting far too long for critical improvements to be made at Eureka Garden.

Thank you for your attention to this matter and continued work on this issue. I look forward to your prompt response.

Sincerely,

MARCO RUBIO,

U.S. Senator.

CALLING FOR THE RELEASE OF RAIIF BADAWI AND WALEED ABULKHAIR

Mr. President, one last item I want to discuss today, and I think it is appropriate, given where the President finds himself at this moment in Saudi Arabia. It is regarding a letter I sent earlier this week, along with Senators DURBIN, RISCH, LEAHY, and JOHNSON to President Obama asking him to raise human rights issues during his meetings in Saudi Arabia—in particular, the case of Raif Badawi and his lawyer Waleed Abulkhair. Raif Badawi is a Saudi blogger. He was arrested in 2012 on the charge of insulting Islam and indicted on several charges, including apostasy. He was sentenced to 10 years in prison and 1,000 lashes.

In January of 2015, Raif received his first set of 50 lashes in public. This resulted in an international outcry. Raif's subsequent lashes have been

postponed. They have been postponed on health grounds. They have been postponed because just the first 50 lashes were so brutal, there were doubts whether he would survive 50 more, but he continues to serve his sentence in prison.

Last week I met with Raif's wife to discuss his case. Raif and his lawyer should be immediately and unconditionally released. While I deeply value and think it is a very important alliance between the United States and Saudi Arabia, this alliance cannot allow our country to turn a blind eye to human rights abuses. I hope we will take up this cause.

I ask unanimous consent to have printed in the RECORD our letter, dated April 19, 2016, that we wrote to the President.

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

U.S. SENATE,

Washington, DC, April 19, 2016.

Hon. BARACK OBAMA,

The President, The White House

Washington, DC.

DEAR MR. PRESIDENT: As you prepare for your upcoming trip to Saudi Arabia, we are writing to express concern regarding the Government of Saudi Arabia's continued treatment of human rights advocates, particularly the documented prosecutions of non-violent activists who are engaging in freedom of expression. Intolerance for freedom of speech and the imposition of travel bans and lengthy prison terms for peaceful dissidents harm Saudi Arabia's reputation internationally and stifle Saudi innovation and creativity. We are concerned that unless you make these issues a priority during your trip, human rights abuses will continue to occur with impunity and the full potential of the U.S.-Saudi relationship will continue to be impeded.

Specifically, we request you raise the case of blogger Raif Badawi, who was sentenced to 10 years in jail and 1,000 lashes for launching a website that suggested a peaceful discussion about religion. Mr. Badawi endured a first round of 50 lashes in January of 2015 but the remainder of his lashes has been postponed due to his health condition. During his unjust imprisonment, Mr. Badawi has been a recipient of prestigious international awards such as the Sakharov Prize for Freedom of Thought. We are also concerned for the case of Mr. Badawi's lawyer, prominent human rights activist Waleed Abu al-Khair, who was sentenced to 15 years in prison. Additionally, we are concerned about the 2014 travel ban placed on Mr. Badawi's sister Samar Badawi, for her activism defending human rights. In 2012, Ms. Badawi received the U.S. State Department's International Women of Courage Award. In recent months, Ms. Badawi has been called in for questioning by security forces on several occasions and is subject to ongoing harassment.

In your meeting with King Salman, we urge you to advocate for the immediate and unconditional release of Raif Badawi and Waleed Abu al-Khair. Additionally, we urge you to request that Ms. Badawi's travel ban be lifted and ensure that she is not harassed further for her work. This is an important time for Saudi Arabia to play a leadership role in the region and the world by setting an example of religious tolerance and civility.

We value the United States and Saudi Arabia close partnership and support efforts to

find common approaches to addressing such critical issues as combating terrorism. However, true partners need to be able to have a frank dialogue about disagreements and areas of concern in our relationship. It is thus essential that the United States does not turn a blind eye to Saudi Arabia's human rights abuses.

Sincerely,

MARCO RUBIO.
JAMES E. RISCH.
RON JOHNSON.
RICHARD J. DURBIN.
PATRICK LEAHY.

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

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

ENERGY POLICY MODERNIZATION BILL

Mr. PETERS. Mr. President, I rise today to discuss the bipartisan Energy Policy Modernization Act, which passed the Senate yesterday with my strong support. This bill will help improve the energy efficiency of our buildings and appliances, saving Michiganders money on their heating and electric bills by incentivizing weatherization and other activities. Many of these cutting-edge building efficiency technologies, such as insulation and window sealing, are designed and developed in my great State of Michigan.

The bill also included a number of conservation provisions that will not only protect our environment, but they will boost our economy by supporting the \$646 billion outdoor recreation industry. Permanent authorizations of the Land and Water Conservation Fund and reauthorization of the North American Wetland Conservation Act are just two examples that will protect wildlife habitat and improve access to public lands for all kinds of outdoor recreation.

Mr. President, I would also like to take a moment to focus on a bipartisan provision that I authored with my colleagues Senator STABENOW and Senator ALEXANDER, the Vehicle Innovation Act. This legislation will provide the tools that researchers, engineers, manufacturers, and others need to create the next generation of cars and trucks built in Michigan and in States all across our country.

Southeast Michigan is home to more engineers per capita than anywhere else in the country. We must ensure that our automakers, part suppliers, and other advanced manufacturers have the right tools to develop and incorporate new vehicle innovations that will improve safety, innovation, and vehicle performance in the cars and trucks of the future.

Exciting innovations are already underway. Cars and trucks are being made with high-strength, light-weight materials that can improve fuel econ-

omy without compromising safety. Improved combustion technologies can increase the efficiency of traditional engines while decreasing emissions. Researchers are making batteries more affordable and recyclable while enhancing battery range and performance, making hybrids and electric vehicles even more competitive.

The Department of Energy's Vehicle Technologies Program is leading this effort, working with a wide range of partners, manufacturers, material suppliers, universities, energy suppliers, and our National Laboratories. The Department of Energy's vehicle technology activities are authorized by a patchwork of different laws, and these authorities were last renewed almost a decade ago. A lot has changed in that time. Vehicles today are wired with cutting-edge electronics and sensors.

While my favorite part of Detroit cars and trucks remains horsepower and torque, advances in onboard computers and new technologies are making our cars safer, more efficient, and more competitive globally.

The Peters-Alexander-Stabenow Vehicle Innovation Act provides for a steady increase in funding for critical DOE programs through the year 2020. This will create more certainty for companies and entrepreneurs engaged in public-private partnerships and ensure that critical research and development can keep up as technologies continue to emerge.

Our bill also establishes a clean authorization for DOE's advanced vehicle technology activities. This will improve collaboration with light-duty automobile and medium- and heavy-duty commercial truck engineers, manufacturers, and suppliers to conduct cutting-edge technology-neutral research that will improve fuel economy and minimize fossil fuel use.

With over 256 million vehicles on our roads, it takes decades of sustained effort to turn over our fleet. It is absolutely critical that we continue developing these advanced technologies here in the United States in order to achieve major fuel savings in the future and become truly energy independent.

The Vehicle Innovation Act has support from major manufacturers, labor, and environmental groups. This is something that just makes sense. I appreciate the support of Senators MURKOWSKI and CANTWELL and all my colleagues who supported including this legislation in the bipartisan energy package. While I was pleased to see this commonsense measure included, I continue to be frustrated and disappointed that this body has held up an up-or-down vote on a bipartisan package authored by Senator STABENOW and me to help the people of Flint, MI.

Flint is still in crisis mode as families still do not have safe, reliable water flowing from their taps. Senator STABENOW and I will continue pursuing all paths to fight for the assistance that the people of Flint deserve. We

will not give up. We remain fully committed to delivering to Flint families the assistance they need to be able to use their tap water for bathing, cooking, and drinking without the fear that it may harm them or their children.

I know that many of my colleagues on both sides of the aisle are willing and able to join us in our efforts to help Flint. I urge them to continue working with us to pass this package through the Senate as soon as possible. The people of Flint cannot wait any longer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

JUDICIARY COMMITTEE INVESTIGATIONS

Mr. GRASSLEY. Mr. President, I wish to take this time to respond to Senator REID's juvenile attacks on my Judiciary Committee's investigations and to Senator REID's frequent crying about my previous State Department holds.

Over the past several months, Senator REID has been obsessed with mentioning holds on nominees—holds which I no longer have. Holds are often necessary to force the executive branch to comply with congressional investigations. If you want proof of that, just ask the Obama administration. In a Federal court filing during the Fast and Furious litigation, the Obama administration argued that the court should not even consider that particular case. The Justice Department's brief said courts should not enforce subpoenas at all. Instead, the Justice Department reasoned that Congress should use other powers to get documents.

Here is exactly what the government brief said: "Among other powers, Congress can withhold funds from the Executive Branch, override vetoes, decline to enact legislation, refuse to act on nominations, and adjourn." Later in the brief, the Obama administration specifically suggested that Congress can "tie up nominations" in order to get documents.

If the administration can say that, why would Senator REID think that is a wrong act for Congress to take? It is this simple: If the minority leader doesn't like Senators using holds to get documents from agencies, perhaps Senator REID should talk to his friends in the Obama administration who suggested that in the first place.

In addition, Senator REID shows his hypocrisy since Members on his own side have held up Obama nominees, and Senator REID never said a peep about Democrats exercising their rights. Further, Senator REID's attempts to politicize the Judiciary Committee's oversight work are very uninformed and result in misguided statements, and Senator REID's accusation that taxpayer money is being wasted by engaging in oversight of the executive branch rings hollow.

Secretary Clinton's nongovernment server and private email arrangements effectively walled off her official communications from the normal Freedom

of Information Act and other Federal recordkeeping requirements. So to Senator REID, I say: The Freedom of Information Act is squarely within the jurisdiction of the Judiciary Committee and subject to oversight.

The former Secretary's use of a secret, private server to conduct all of her official business led to an avalanche of Freedom of Information Act litigation. It also caused inaccurate responses to Freedom of Information Act requests. For example, in December 2012, Citizens for Responsibility and Ethics in Washington submitted a Freedom of Information Act request for records of Secretary Clinton's email addresses. The Department responded by stating: "No records responsive to your request were located." That response is very misleading, at best. Senior Department officials knew about Secretary Clinton's use of private email for official correspondence since they were sending emails to her nongovernment email address. They would have known instantly of records responsive to that request that the Citizens for Responsibility and Ethics in Washington submitted. Yet those senior officials apparently failed to communicate with the State Department's Freedom of Information Act office. Even then, if State's FOIA office were to search Secretary Clinton's government email account, they would find nothing since she operated a private account not subject to freedom of information.

Separate from her email address, Secretary Clinton's nongovernment server was a secret to high-level officials at the State Department who were responsible for information technology and security.

These officials had no idea the Secretary was operating a separate unofficial system. She did not get their approval to do so, so how would they know?

The Judiciary Committee has interviewed the Chief Information Officer, the former Chief Information Officer, the former Deputy Chief Information Officer, and the Director of Diplomatic Security at the State Department. The Chief Information Officers oversaw the work of the information technology staffer who Secretary Clinton secretly paid to maintain her nonpublic server, yet all of these people knew nothing about that nonpublic server. That staffer didn't ask permission to have outside employment. While working at the State Department, he didn't disclose his outside income on his financial disclosure forms. Now, think about that. Officials whose job it is to know were kept in the dark about this "home brew" email server. If a government agency hopes to be transparent with the American people—and that is the point behind the Freedom of Information Act legislation—it must first be transparent with itself.

Now we know that highly classified material was transmitted to and stored on Secretary Clinton's secret server.

What is important about that is this is an issue of national security.

State Department diplomatic security personnel have informed the Judiciary Committee that they were unaware of Secretary Clinton's using a nongovernment server for official business. So how, then, could they possibly secure it from security threats?

Now, the FBI is investigating this matter as well as several other investigations. We keep hearing that the FBI's inquiry is just a security review and not a criminal inquiry. So let me tackle that. However, one witness asserted his Fifth Amendment right against self-incrimination rather than answer questions about his work on Secretary Clinton's secret server. And he is relying on the Fifth Amendment to withhold his personal emails as well. Recently, the Department of Justice granted him immunity. So, quite naturally, we are searching for other ways to get information before deciding whether it might be appropriate to seek an immunity order for his testimony.

Now, to Senator REID: These are legitimate oversight inquiries for the Judiciary Committee.

Further, Secretary Clinton did not turn over all of her official emails. Emails between GEN David Petraeus and Secretary Clinton, which Secretary Clinton failed to provide to the State Department, were later turned over to the Defense Department. Secretary Clinton also failed to turn over emails with Sydney Blumenthal, whom Secretary Clinton views as an off-the-books intelligence resource, while Secretary of State.

If Secretary Clinton had used a government email address for official emails, we wouldn't have this problem in the first place.

So how many more official emails were not turned over but should have been? The Judiciary Committee cannot ignore these important issues simply because the former Secretary decided to run for President. And to be perfectly clear, I started this investigation before Secretary Clinton announced her candidacy.

Senator REID suggested that the committee's work on these issues is a waste of money. Senator REID, that is nonsense. Congressional oversight is not a waste of money; it is a constitutional responsibility. The minority leader fails to understand that Congress is obligated to oversee that the executive branch of government faithfully executes the laws and faithfully spends the money the way Congress intended. Without such constitutional oversight, Congress will not know if there are failures in the executive branch's duty to faithfully execute the laws that we pass.

But do my colleagues know what is a real waste of money? This administration fought tooth and nail in the courts against Congress for more than 4 years. Why? Just to avoid disclosing documents in the Fast and Furious scandal

that they eventually turned over. That is a waste of money—a 4-year waste of money.

The Obama administration has fought against the press and watchdog organizations for years in the Freedom of Information Act litigation over former Secretary Clinton's email records.

Senator REID, that is a waste of money.

It is shocking that the Obama Justice Department devotes so much taxpayer resources to avoiding the very transparency that President Obama promised on January 21, 2009—1 day into office. This administration was going to be the most transparent in the history of the entire country, and it has turned out to be the most stonewalling. None of that would be necessary if the administration would just comply with congressional subpoenas and the Freedom of Information Act. That is the way to save money.

By the way, I would like to ask how much taxpayers' money does Senator REID spend having his staff write daily speeches trying to undermine the work of the Judiciary Committee.

Senator REID also fails to understand that we are not only focused on Secretary Clinton. The committee is conducting dozens of investigations on a broad range of issues under the jurisdiction of the committee.

Some of the executive branch agencies have complained about the amount of oversight work the committee does on other matters. To justify my statements for this part of my remarks, I ask unanimous consent to have printed in the RECORD two letters. The first is from the Department of Homeland Security, and the second is from the Department of Justice.

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

U.S. DEPARTMENT OF
HOMELAND SECURITY,

Washington, DC, November 18, 2015.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN GRASSLEY: Since I became Secretary of Homeland Security almost two years ago, I have worked to make the Department more responsive to congressional correspondence, directives, request for reports, briefings and hearings, and other requests for documents and information. Given that some 108 committees and subcommittees of Congress (depending on how you count) assert oversight jurisdiction over this Department, this is a full-time, time consuming task. We have also participated in about 100 hearings and over 2000 non-hearing engagements with Congressional members and staff since the beginning of the 114th Congress. Members on both sides of the aisle have acknowledged our increased responsiveness.

So far in 2015, I have received 46 letters from you alone—almost one per week. I know because I read them all. Many of these letters request reams of information, data, and documents that take hundreds of hours and dozens of staff to compile. We work diligently to respond to your letters promptly, but there is a huge cost to this.

Senator, I ask for your help in focusing and prioritizing these oversight letters. I want to continue to be responsive to your requests, and I want to do so as quickly as possible. At the same time, I must ensure that my staff remains focused on all our other priorities.

I welcome the opportunity to discuss with you.

Sincerely,

JEH CHARLES JOHNSON.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 18, 2015.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letters to the Attorney General, dated June 12, 2015, July 10, 2015, August 13, 2015, September 14, 2015, and September 15, 2015, regarding the Executive Office for Immigration Review (EOIR). The Department of Justice (the Department) has provided responses in our letters of August 14, 2015, August 25, 2015, and September 11, 2015. As noted in those letters and discussed with your staff, we continue to collect and review information, including the information noted in your letters, so we may provide a complete and thorough response to all of your inquiries as expeditiously as possible. We will continue to keep an open line of communication with your staff as we work toward additional responses to your questions. The Department takes these issues seriously, and we thank you for bringing them to our attention.

As you know, this year the Department has received from your office almost 100 letters containing more than 825 questions and document requests, including the five letters received to date on this matter. While we have made and will continue to make all reasonable efforts to meet your stated deadlines, our ability to respond in a timely manner to your inquiries is impacted by the significant volume of letters we receive.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

PETER J. KADZIK,
Assistant Attorney General.

Mr. GRASSLEY. Mr. President, both of the letters note the many dozen letters and hundreds of requests that I have sent, and both essentially complain about the volume of our investigation and requests for information.

The Judiciary Committee is hard at work doing the people's business, and the committee is doing much more than just oversight. The committee has reported 16 executive nominees and 37 judicial nominees. It has processed 27 bipartisan bills out of committee, and every bill that has come out of committee is a bipartisan bill. Eighteen of those bills were passed out of the Senate over to the House, eight of which have been signed into law by the President.

Just last week, the committee unanimously adopted bipartisan legislation to finally protect FBI whistleblowers who report wrongdoing to their supervisors and provide for independent review of FBI whistleblower cases for the first time.

So reviewing that record, it seems to me we can ask Senator REID to justify his claim that this committee is partisan.

The committee concluded an investigation into the abuse and misuse of paid administrative leave. The committee took the results and worked hard with Members on both sides of the aisle to actually fix that problem.

In February, the Homeland Security and Governmental Affairs Committee approved the bipartisan, commonsense reforms in the Administrative Leave Act of 2016. Similarly, the committee has worked with Democrats and Republicans alike to overturn an Office of Legal Counsel opinion that allows the agencies across government to stonewall their inspectors general.

Now let me tell my colleagues how Senator REID is involved in stonewalling that effort. We came up with a legislative solution called the IG Empowerment Act and attempted to pass it in December by a live unanimous consent request. But Senator REID objected to the bill even though it is supported by seven Members of his own caucus and supported by the New York Times editorial board and a host of civil liberties and good-government groups. Even the largest circulating daily newspaper in the home State of Senator REID urged him to work with us on a compromise. But rather than engaging us in a productive and civil manner, Senator REID publicly slandered the bill as a legislative overreach. He claimed that he was concerned about a provision that allowed inspectors general to issue testimonial subpoenas to fight waste, fraud, and abuse.

In fact, Senator REID voted—Senator REID actually voted—to give the exact same authority to the Office of Special Counsel in 1989. That 1989 bill passed the Senate unanimously and is now law.

Senator REID, was that legislative overreach when you did it?

Like that bill, the IG Empowerment Act has near unanimous support and is designed to root out wrongdoing from government, while ensuring proper safeguards of the use of subpoenas. So there is no reason to object to this bill on policy grounds. Yet Senator REID stands in the way of getting that done.

The Judiciary Committee will continue its work. I say that to just one Senator: Senator REID. And during the course of my oversight work, I will use every tool at my disposal to obtain answers for the American people.

So, Senator REID, I will keep faith with my oath of office and “we the people.”

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

OKLAHOMA CITY BOMBING ANNIVERSARY AND
NOMINATION OF MERRICK GARLAND

Mr. CARPER. Mr. President, 21 years ago this week, the families of 168 people—19 of those 168 people children—received some of the worst news of their lives. That news was that a beloved member of each of their families had been killed in the bombing of the Federal building in Oklahoma City.

We all watched the news that day, that night, the next day, and that week and beyond, as we took in the devastation caused by that blast. That horrible crime was carried out by a radical, anti-government extremist. It remains the deadliest act of homegrown terrorism in our Nation's history.

For the families who lost a loved one that day in 1995, there is no way to fill the void left by a life taken too soon, but I know that our government's pursuit of justice for the lives lost that day serve as a small source of comfort for the people who were left in mourning.

At the time of that heinous crime, Judge Merrick Garland, President Obama's nominee to fill the vacancy on the Supreme Court, was the Principal Associate Deputy Attorney General at the U.S. Department of Justice. He immediately flew to Oklahoma City to lead the criminal investigation and supervise the prosecution of the bombers. In fact, he insisted on being sent. He didn't just volunteer. He didn't just say: Well, OK, I will go. He told his supervisors they had to let him go. He was the highest ranking Justice Department official on the ground in Oklahoma City following the bombing. He helped oversee every aspect of the investigation and the subsequent trial. His colleagues at the time have attested to Judge Garland's commitment to following the letter of the law in every aspect of that investigation. He refused to take any shortcuts that could somehow compromise the integrity of the case that he and his team were building. Through their tireless efforts, his tireless leadership, his deep understanding of the law, and scrupulous attention to detail, Judge Garland ensured the prosecution had an airtight case.

Ultimately, both bombers were convicted, giving the families of the 168 victims not their sons, their daughters, their children, their moms or dads back again, but at least providing a small measure of vindication for the losses they had incurred.

Judge Garland's work was so appreciated by the families and friends of those victims 21 years ago that last year, on the 20th anniversary of the bombing, the Oklahoma City National Memorial & Museum awarded Judge Garland its annual Reflections of Hope distinction—not the year after the bombing but 20 years after the bombing.

Judge Garland has established an unparalleled reputation as a brilliant, dedicated prosecutor and jurist. He has received strong bipartisan support in the legal community, including from Alberto Gonzales, the former U.S. Attorney General and White House Counsel in the administration of President George W. Bush. So today it is not just discouraging that most of my Republican colleagues are refusing to consider Judge Garland's nomination to serve on our highest Court; personally, I believe it is outrageous.

I served for 8 years as Governor of Delaware, a State that is renowned for its own courts—supreme court, court of chancery, superior court—courts that play a national role, not just on a State level. As Governor of my State for 8 years, I nominated men and women to serve on those courts. In every one of those nominations there were hearings held, whether they were Democrat or Republican. I think during that period of time I nominated an equal number of Democrats and Republicans to the judiciary. That is the constitution of our State, and, frankly, that is a great example because in Delaware we have one of the highest regarded judiciaries.

My obligation as Governor was to nominate outstanding candidates for these judgeships as they became vacant. The role of the State Senate in Delaware was to consider them. They never waited a year and left a seat vacant for a year awaiting the end of my time as Governor or any other Governor's time. That would never happen. We wouldn't waste 10 months. State senators in our State wouldn't wait 10 weeks. They did their jobs. They did their jobs.

We are not doing ours, and we need to. The fact that we haven't is outrageous. When we elect Presidents to this country, we elect them for 4 years, and if they are reelected, then it is for another 4 years. They are not Presidents for 3 years and 11 months; they are not elected to a term of 3 years and 10 months. We elect them to a term of 4 years. They need to be on the job for 4 years.

Our President is doing what he is supposed to do, and that is sending us the names of exceptional people who serve in incredibly important positions like the Supreme Court. He has done his job.

I very much want to do mine, and I want to be joined by Democrats and Republicans in doing our jobs. Every Member of this body has taken at least one oath to uphold the Constitution—some of us, many times over.

At 17 years old, not much older than the young interns who are sitting here in the Chamber, I took my first oath as a midshipman. I was a freshman at the Ohio State Navy ROTC, where I was privileged to go on a Navy scholarship. Four years later, I took another oath and raised my right hand as an ensign in the Navy. I took an oath to defend the Constitution and the country and headed to Pensacola, FL, to become a naval flight officer right in the middle of the Vietnam war. I ended up serving three tours over there during that conflict.

As a Congressman, I took an oath to defend the country and Constitution. As Governor, I also took a similar oath to defend our country's Constitution—at least to defend our State's constitution. Then, as a U.S. Senator I have taken an oath any number of times.

I am regarded by my colleagues as one of the least partisan people here,

but I think the refusal of the majority to even consider this nomination is more than an abdication of our responsibility. I believe it is an example of playing politics with the very Constitution we have sworn to uphold.

For those who don't know, Delaware is known as the First State. We are known as the First State because on December 7, 1787, before any other State had ratified the Constitution, we did. I joke with people that for 1 week Delaware was the entire United States of America. We opened things up and let in Maryland; we let in Pennsylvania and New Jersey and eventually Louisiana—even Iowa. I think for the most part it has turned out pretty well, but the idea of playing politics with the Constitution that we have sworn to uphold is deeply troubling to me. I hope that is not what is going on here, but I fear that it is.

The right and just way to proceed is to begin consideration of Judge Garland's nomination, not next month and not some other year, but now—first in committee and then on the Senate floor.

We have something we call the Delaware way. We are focused on the three C's—communicate, compromise, and collaborate. That is a good example for 49 other States, and I think it is a good example right here. After all, we have been sent by the people to this hallowed place, this Senate Chamber, to put democracy into action, to protect liberty and to protect justice for all.

Nearly 50 years ago, former Chief Justice Warren Burger, a conservative—I believe he was from California and was appointed or nominated by Dwight Eisenhower, a Republican. Former Chief Justice Warren Burger said, "A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people."

He went on to say that "inefficiency and delay will drain even a just judgment of its value." I think the shorthand version of that is justice delayed is justice denied. Justice delayed is justice denied. By dragging our feet and trying to get into a new Congress, maybe with a new President—certainly, with a new President—that is delaying justice, I believe.

In the face of the prospect of any number of potentially 4-to-4 divided verdicts in the Supreme Court with only eight members, we cannot just stand aside and let that happen.

Justice Burger was right when he said those words all those years ago, and he is right today.

Mr. President, I think it is time to stop this delay. It is time for us to serve the people. It is time for us to deliver justice.

It is time for us to give this President's nominee the consideration demanded of us by the Constitution, which we are sworn to uphold.

Mr. President, I see no colleague seeking recognition, and with that I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REMEMBERING PRINCE

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today to speak of the loss of the one of Minnesota's own, and that is Prince.

Like all Minnesotans, today we were shocked and saddened. I grew up with Prince's music, starting with "Little Red Corvette" in the seventies and eighties. We won't forget "Purple Rain" in Minnesota. We were so proud of that movie, and everyone would point at every spot in the movie they knew from growing up.

He was a superstar, composer, amazing performer, and a music innovator with a fierce belief in the independence of his art. He lived his art. He believed his words were his own, his name was his own, and he wasn't going to let anyone own him. There was absolutely nobody like him, and there never will be.

Prince sold more than 100 million records worldwide. He released 39 studio albums. He had five No. 1 Billboard hits and 40 in the top 100. He won seven Grammys, an Oscar, and a Golden Globe. He was inducted into the Rock and Roll Hall of Fame in 2004, the first year he was eligible.

But even with all that success, even with all that fame, Minnesota never lost that sense that he was a beloved son—our neighbor, the superstar next door. I was always so proud to say: "Prince—you know he's from Minnesota." He was born there, and he still lives there.

The fact that Prince was a proud native of my State came through in all of his music. He pioneered the Minneapolis sound—that mixture of funk, rock, and pop that emerged in the late 1970s and 1980s and influenced music for decades to come. Jimmy Jam and Terry Lewis, Janet Jackson, Bruno Mars, Mark Ronson, Justin Timberlake, The Weeknd, Beyoncé—these are just some of the many artists who were influenced by that sound.

But that sound didn't just influence artists, it influenced everyone who heard it. Prince's music touched our hearts, opened our minds, and made us want to dance. That is his legacy, and that is what we will always remember.

Prince made "Purple Rain" a household name. Like most Minnesotans, I remember the first time I listened to that album. It was, as his band was then called, a revolution. It changed music forever and is considered among the best in music history.

Two of the songs on that album—"When Doves Cry," which is especially notable because he plays all of the instruments in the song, and "Let's Go Crazy"—rose to the top of the charts.

“Let’s Go Crazy” includes a lesson important to remember on days like today. There is a world waiting for us after this life, Prince sang, “a world of never ending happiness, where you can always see the sun, day or night.” I know that today all of us hope Prince is standing in that Sun.

Prince sang that song at First Avenue—the venue in downtown Minneapolis—when he introduced his band to the city in 1983. There, too, Prince shot some of the scenes for his classic “Purple Rain” film. Today the club is a landmark and a must-play venue for some of the best artists. I personally stood in Prince’s dressing room surrounded by pictures of him. The building is covered in stars with the names of artists who have performed there, and there will always be one star that will shine the brightest, and that is the man who made it the landmark it is—Prince.

Minnesota loves Prince, and Prince loved Minnesota. He was born in Minneapolis. He went to Central High School, where he played piano and guitar for a band called Grand Central. He recorded his early demo tapes with Chris Moon and at Sound 80 Studios in Minneapolis.

Throughout his life, he called Minnesota home. He wrote a song about the Minnesota Vikings—he was always a big fan—appropriately titled “Purple and Gold.”

At the end of last year when the Minnesota Lynx—our women’s basketball team—won the WNBA championship, he held a concert at his recording studio, Paisley Park, for local fans, who got to enjoy his music well into the night. Just a few days ago, he hosted a dance party there and made a brief appearance. In some way, it was his last gift to our State. But his best and lasting gift? His music, his innovation, his energy.

When accepting BET’s Lifetime Achievement Award, Prince said:

The future’s in your hands now. And the world really is yours.

Well, that world is a whole lot cooler because Prince was in it, and it is a whole lot sadder today now that he is gone.

My heart goes out to his friends and family and to all who mourn his loss today. We will miss the artist Prince.

I yield the floor.

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

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

PARIS CLIMATE AGREEMENT

Mr. WHITEHOUSE. Mr. President, I am on the floor I guess just a few moments ahead of the ranking member of our Senate Foreign Relations Committee, my friend BEN CARDIN, who is

on his way but has authorized me to proceed with a few remarks on the topic that he and I, and perhaps others, would like to address, which is tomorrow’s signing in New York of the Paris climate agreement.

Over 160 nations around the world are going to be participating in signing that agreement that will move many of them immediately into their program of compliance and signify for others a statement of intention to join. I think it is the largest international agreement, in terms of the number of countries involved, ever, certainly the biggest one I can think of. So it is very significant in that respect.

One other thing about Paris that I think was also very significant is what took place in America’s corporate sector in support of a strong Paris Agreement. The President and groups like Ceres, with particular leadership from companies like Unilever, got together and created a remarkable American corporate coalition with more than 150 companies, including ones like Bank of America and Goldman Sachs, Ford and GM, Nike, and VF industries, General Mills, Cargill, Apple, Google—a terrific coalition; kind of the who’s who of corporate America. They got together to urge the countries of the world to be bold in Paris, to have it be a strong agreement, and to show their support for an international program to address climate change, which I think is terrific.

The distinguished junior Senator from Louisiana is presiding, and I can’t think off the top of my head what Louisiana-based companies are part of that coalition, but certainly companies that are based in virtually every State we represent in the Senate—major companies: Walmart, for instance, out of Arkansas; Coca-Cola, out of Georgia; VF industries, out of North Carolina; some of our biggest electric utilities; the bulk of the property casualty insurance and reinsurance industry. It is very significant that America’s corporate community came so strongly together. I hope very much that is a message that not only resonated in Paris but that will resonate in Congress as well because I would bet that every single one of us have a significant home State corporation that has signed that pledge, and some of us will have many significant home State corporations that will have signed that pledge.

So when you have gotten to the point where the leadership of America’s corporate community has signed on to the fact that something needs to be done and that America ought to lead—that is our role in the world—that will begin more and more to have an effect in this body to counter some of the nonsense and mischief that a very small slice in the fossil fuel industry has been propagating at the expense of the broader American corporate community, which, by and large, has been pretty outstanding on this.

Let me also mention one other thing that has happened just this afternoon,

which I am very encouraged by; that is, an amendment that has been filed by 10 Senators—bipartisan, 5 and 5. It is the Graham-Whitehouse amendment. The cosponsors on the Republican side are Senators GRAHAM, KIRK, AYOTTE, COLLINS, and PORTMAN. On the Democratic side, they are WHITEHOUSE, MERKLEY, SCHATZ, MARKEY, and BROWN.

The amendment reads: Climate change is real, and human activity contributes to climate change. Climate change is already affecting the American people and poses an increasing risk to our health, security, economy, and infrastructure. Over 180 nations, including China, India, and Brazil, have made commitments to reduce greenhouse gas emissions that contribute to climate change, creating opportunities for American workers and innovative private industry benefits from global clean energy markets. Therefore, it is the sense of the Senate that the United States should be a world leader in addressing climate change; that Congress is best positioned to address policies that leave a prosperous economy and healthy environment for future generations; that Congress has a responsibility to take actions that reduce emissions and combat climate change; and, finally, that Congress should support research and development to bolster clean energy technology.

In that latter regard, let me note the Mission Innovation Initiative that has come out of Secretary Moniz’s Department of Energy and out of a significant group of major investors around the world. The deal basically is that countries involved will try to double our clean energy R&D, and in return these major investors from around the world, led by Bill Gates, will set up a significant fund that will take the emerging technologies that early R&D can discover and bring them through the various early investment stages of what investors and startup folks call the valleys of death on the way to becoming a sustainable company so those technologies can be brought forward on an accelerated basis.

So when you look at Paris, you not only see this enormous array of nations coming together in a common cause, you see right behind it virtually the entirety of the leadership of America’s corporate sector coming right in with it and saying: This is what we want. This is what we encourage. We want it to be strong. You have the biggest investors in the world, most of them coming together and saying: We are going to have your back with investment into new types of clean energy funding. And then you have the governments of the world not only signing up for—not all of them but the ones participating in Mission Innovation—signing up, in addition to the treaty, for this commitment to increase R&D and press innovation in this space forward.

So for all those reasons and more, tomorrow is a good news day for our country. It is a good news day for

progress and innovation, it is a good news day for the enormous array of American corporate leaders who have supported and cheered on this particular occasion, and I think it is an occasion for pride on the part of the United States of America that the signing will be taking place in the United States in New York, that Secretary Kerry will be attending, that the Chinese leader will be attending, and that people from all around the world will be there not only recognizing the need to do this but recognizing America's leadership in getting us to this place.

I will close with a personal note of appreciation for a gentleman named Todd Stern. Todd was the climate negotiator for the Department of State for many years, and some of those were rather bleak years in which the United States was not showing leadership. So Todd had to hang in there and endure that frustration and keep his candle of faith burning until the day came when we finally began to kick in at last. His role was very important in getting us prepared for and through the Paris Agreement. He is retiring and has served his country well. So I will close with a word of good will for that particular public servant who has done right by his duty and done right by his country.

With that, I yield the floor, and with any luck, we can await the arrival of Senator CARDIN in due course.

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

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

REMEMBERING PRINCE

Mr. FRANKEN. Mr. President, before I begin my remarks today regarding climate change, I wish to say a few words about a Minnesota icon who passed away today.

Prince was a phenomenal artist who was beloved by people all over the world, but as Minnesotans, we are particularly proud to call him one of our own.

Prince got his start in a Minneapolis jazz band and went on to share his talent throughout Minnesota and all over the globe. His artistry, his innovation, and his unparalleled presence inspired and will continue to inspire millions of people. In Minneapolis, he put one of our most cherished venues, First Avenue, on the map. Up until just a few days ago, he was still performing, having held a concert in Atlanta. He is truly going to be missed.

Someone once said: A brain isn't a mind, and a mind isn't a soul, and that is why we need the artists.

I think the outpouring of appreciation we are seeing today for Prince has to do with that unique role artists play, and it speaks to the importance of the arts and to human beings.

PARIS CLIMATE AGREEMENT

Mr. President, I rise today to join my colleagues in celebrating the official signing of the Paris climate agreement.

Tomorrow, more than 160 countries will send representatives to New York to sign onto this historic agreement. This gathering is set to become the most well-attended signing event in the history of the United Nations—highlighting the importance of this issue for people around the entire world. I think it is very fitting that this event is taking place on Earth Day.

This agreement has been nearly 25 years in the making. International climate efforts date back to 1992, when governments met in Rio with the objective of stabilizing greenhouse gas concentrations. Nations have met every year since then to further this goal. While some meetings have been more successful than others, most have been met with disappointment and lack of action. After all, climate change is a complex issue, and achieving consensus for any international issue is no small feat, which is why this agreement is truly, truly impressive.

Last December, I traveled to Paris with nine of my colleagues. We met with United Nations Secretary General Ban Ki-moon, with U.S. Energy Secretary Ernest Moniz, and with our then top climate change negotiator Todd Stern. I would like to congratulate all of them for their stellar work. I would also like to thank Todd Stern for his service at the State Department and his dedication to combating climate change. Mr. Stern played a critical role in achieving a successful resolution in Paris, and I have no doubt that his successor, Dr. Jonathan Pershing, will effectively continue his work.

Climate change is an existential threat to our planet and to future generations. My colleagues have been on the floor of the Senate today to talk about the impacts of climate change on their States and the need to address it. So I wish to take a minute to talk about how it is going to impact Minnesota.

Minnesota is one of the top producing agricultural States in the country, where one out of five jobs is tied to agriculture. Climate change will have significant impact on our food system, both through warmer temperatures and more intense droughts. A recent study estimates that global crop production could decrease by more than 40 percent by the end of the century. That is why I joined Dave MacLennan, the CEO of Cargill—the largest privately owned company in the country—in penning an op-ed in the Minneapolis StarTribune to highlight this threat, especially considering that the global population will reach 9 billion by midcentury. As the CEO of a company focused on agriculture, David is concerned about what climate change is going to do to our food supply.

Climate change will also impact our waters. Minnesota is the Land of 10,000

Lakes. Actually, it is about 14,000 lakes, including Lake Superior, which contains about 10 percent of the world's fresh surface water. Lake Superior has about 10 percent of the fresh surface water on Earth. Lake Superior is warming by 2 degrees per decade. We are seeing more evaporation and lower water levels in the lake. Plus, rising temperatures allow for more favorable conditions for invasive species and hazardous algal blooms. Warmer temperatures could also have severe consequences to fish like walleye and trout, which are so important to Minnesota fisheries and to our ecosystems.

Let's not forget the threat of climate change to our forests. Like our lakes, warmer temperatures elevate the threat of invasive species—invasive species such as the emerald ash borer and gypsy moth, which are rapidly changing the composition of our forests. In other parts of the country, we are seeing longer wildfire seasons—wildfires that are burning hotter, more intense, and bigger. The Forest Service is spending more and more fighting these fires—now more than half of its entire budget.

So we can see that climate change poses a very serious threat to Minnesota, our country, and the world.

The Paris Agreement that we will sign tomorrow marks an important step forward to address this threat. But, of course, our job is not done. We have to remain vigilant and build upon the success of the agreement. Internationally, we have to hold other nations accountable, ensure that they commit to stronger emission reduction targets over time, and make sure that those reductions are transparent and verifiable. Domestically, we have to build on the success of our cities and States—like Minnesota—that have been working hard for a long time now to become more energy efficient and reduce emissions.

I have two grandchildren, and I am expecting a third later this year. God willing, they will live through this century and into the next. I want them to know that when we had the opportunity to put the Earth on a safer path, we seized the moment.

Let's recognize the historic nature of this year's Earth Day, and let's celebrate this climate agreement because it is an important milestone. Let's build on it to make the planet a safer and more habitable place for our grandchildren, their children, and their grandchildren.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to thank my friend from Minnesota, Senator FRANKEN, for his comments concerning an important day tomorrow. It is important for many reasons. We have worked a long time to get the global community engaged on climate change.

As Senator FRANKEN pointed out, tomorrow is Earth Day. It will be the

46th anniversary of Earth Day, which was started by our former colleague Senator Gaylord Nelson. He did that because he recognized it is important for this country to recognize our global responsibilities to our environment and to our future.

There is no greater challenge that we face than climate change because climate change has been caused, in part, by our own activities here on Earth, by the emission of greenhouse gases. We have a responsibility to reverse the current trends. We can do that.

Tomorrow in New York City, many leaders will come to sign the COP21 agreement that was negotiated in Paris earlier this year by 16 nations representing 98 percent of the global greenhouse emissions. This is a historic moment.

I want to reflect for a moment about the U.S. leadership that has brought us to this moment in which we now have an agreement among so many countries of the world. We have been trying to do this now for a long time. We have not been successful. At last, the global community has come together with meaningful commitments that will put us on the right path, and the U.S. leadership made this possible.

I want to congratulate President Obama for his leadership on this. I was with Secretary Moniz in Paris. Ten members of the U.S. Senate went to Paris during the COP21 negotiations. We were there less than 48 hours, but I think we were able to broadcast the united support for U.S. leadership for a global commitment.

Secretary of Energy Moniz took us to the exhibit where we saw firsthand U.S. technology that will help us meet the challenges of climate change—how we can produce energy more efficiently and how we can use energy more efficiently. It was U.S. technology, and that technology will be used around the world.

I mention that because U.S. global leadership is critically important to help save our planet from the adverse impacts of climate change, yes, but it also will help our economy. It will help our economy, obviously, in dealing with the effects of climate change but also in U.S. technology being used around the world, creating jobs here in the United States.

This is an urgent issue. If I might, let me first quote from Pope Francis. He said:

The urgent challenge to protect our common home includes a concern to bring the whole human family together to seek a sustainable and integral development, for we know that things can change. . . . I urgently appeal, for a new dialogue about how we are shaping the future of our planet. We need a conversation which includes everyone, since the environmental challenge we are undergoing, and its human roots, concern and affect us all. . . . Climate change is a global problem with grave implications: environmental, social, economic, political, and for the distribution of goods. It represents one of the principal challenges facing humanity in our day.

I couldn't agree with him more. This is a global challenge with global, grave consequences if we don't get it right.

I see that in my own State of Maryland's Smith Island, which is disappearing into the Chesapeake Bay. I see it in the Chesapeake Bay with the loss of sea grasses because of warmer water temperatures. Sea grasses are critically important to the survival of the Maryland blue crab. I see it in our coastal safety, as we see more and more storms with more consequences.

Recently I traveled to the southern part of Africa, and I had a chance to see from a helicopter the impact of climate change. In the southern part of Africa, they have only two seasons: the rainy season and the dry season. They are now at about one season: the dry season. We were there during the rainy season, and by helicopter we flew over land that should have been part of a pond. Instead, it was dry, no water. We saw the carcasses of animals that couldn't survive because of the drought.

Climate change is real and is affecting our planet. There are vulnerable nations—from the Marshall Islands to Bangladesh and so many others—whose very existence is at risk because of climate change.

This is an urgent issue that requires an urgent response. But here we can make a difference. We can make a difference through conserving and using less energy and producing our energy in a more environmentally friendly way in a carbon-free environment.

I am joined by Congressman DELANEY and many Members of both the House and Senate in saying that the United States should make a commitment to produce at least 50 percent of our electricity through a carbon-free source by the year 2030. We can do that.

Here is the good news. It will not only be good for our environment, it will be good for our economy and good for our national security. Renewable energy sources can be produced here in America. You don't have to depend on the fossil fuels from countries who disagree with our way of life. For the sake of our national security, for the sake of our national economy, there are more jobs in clean energy than there are in fossil fuel industry.

For all those reasons—for our economy, for our security, and for our environment—U.S. leadership in dealing with these solutions can help America's security. Yes, U.S. leadership is absolutely vital. We saw that in COP21. Without U.S. leadership, it could not be done.

Here is where I really call upon our colleagues. I have said this many times on the floor of the Senate. It is a great honor to serve in the Senate; it is a great honor to represent the people of Maryland. Every Congress has tried to add to its record to protect the future generations as it relates to our environment.

The protection of our environment has never been a partisan issue. I would

urge our colleagues to find ways that we can work together to build the legacy of this Congress to further protect our environment for future generations. We should be part of the solution.

Tomorrow is Earth Day. Let's make a difference. With what we see happening in New York and by our actions, let us protect future generations.

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. SASSE. 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. SASSE. Mr. President, on behalf of Senator ALEXANDER, I ask unanimous consent that it be in order to call up the following first-degree amendments: Merkley amendment No. 3812, Reid amendment No. 3805, and Flake amendment No. 3820; further, that at 11 a.m., on Tuesday, April 26, the Senate vote on the amendments in the order listed and with no second-degree amendments in order prior to the votes, and that there be 2 minutes equally divided prior to each vote.

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

MORNING BUSINESS

Mr. SASSE. 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.

PARIS CLIMATE AGREEMENT SIGNING AND EARTH DAY

Mr. DURBIN. Some may know that there is a section of the Washington Post called the Kids Post—a section of interesting stories written for kids in the Washington area. The writers ask area grade schoolers about their favorite books, tv shows, hobbies, and sports. Sometimes the kids are asked what they think is one of the biggest problems in the world. Last week, a fifth-grade class in Virginia was asked this question.

About half the class mentioned an environmental problem such as global warming. In other recent editions when this question was asked, climate change is something these young people consistently worry about. It only makes sense.

Failure to do anything about climate change today, when we still have a chance, will leave future generations—our grandchildren and their children—with a changed world—and not for the better.

I know every time I look at my beautiful young grandchildren, I feel a responsibility—a moral responsibility—