

resources it needs to provide protection from the virus.

I was just talking to Senator HATCH, chairman of the Senate Finance Committee, about getting the financial crisis addressed in Puerto Rico. We can see how that is spilling over into not being able to attack the Zika crisis where it is raging out of control because of the transmission in Puerto Rico by these mosquitos. Out of the 3.5 million population of Puerto Ricans on the island, it is estimated by the CDC that 800,000 of them could be infected by the end of this year.

So that U.S. territory—remember, they are American citizens. These are fellow Americans who are in trouble—is struggling under the weight of crippling debt in the financial crisis, and we haven't helped them yet. They have a Medicaid Program that is capped and it is running out of cash. The physician shortage is getting worse. What is happening is that because of the financial problems, the professionals—the doctors and lawyers and nurses, especially those in health care—because they cannot get compensated, they are leaving the island and going to the mainland. As a matter of fact, it is estimated that something between 85,000 and 100,000 may be leaving the island this year, coming to the mainland United States. The benefit is that a lot of those professionals are coming to Florida, but look at the gaping hole in health care that is leaving for the island.

It seems to me that as Senators, it is our duty to protect our fellow Americans and curb the spread of this virus now. So I have introduced what the administration requested. I have had Senators say we have not given a plan for the \$1.9 billion. I have given the plan over and over until this Senator is blue in the face. There is a specific breakout that I have entered into the RECORD several times, the last of which was when we were last in session 1½ weeks ago. The bill has 35 cosponsors, but unfortunately there is not one Republican Senator who is a cosponsor. It doesn't make sense. The spread of the Zika virus is not a partisan issue, and yet it seems to have been characterized that way.

I urge our colleagues to come together on this for the good of the American people. For their health and safety, let's approve this \$1.9 billion emergency request. This is the same kind of emergency funding request that would be in the aftermath of an earthquake, a hurricane, or some other natural disaster. It has now affected the American people. It is an awful virus, and we need to get at it and stop it before it is too late.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

Mr. ALEXANDER. Mr. President, for the information of Senators and staff

members, I would like to make a few comments about the Energy and Water appropriations bill that we will be moving to at 4 this afternoon. Senator FEINSTEIN is in an intelligence briefing and will be here about 4 as we will. We will have more to say at that time, but here is my view of where we are: At 5:30 today, the Senate, for the third time, will vote on whether it is time to cut off debate and finish the bill. The first two votes failed, and they failed for one reason. They failed because of differences of opinion about the amendment by the Senator from Arkansas, Mr. COTTON, which said that in the year 2017, the United States could not use tax dollars to buy heavy water from Iran as we are doing in 2016. So we will vote for the third time today on whether to cut off debate and finish the bill.

Here is what I would suggest our goal should be. This is just my opinion, but I have talked with the majority leader, the Democratic, and I have talked with Senator FEINSTEIN and a number of other Senators. No. 1, we should dispose of the Cotton amendment the way we normally dispose of issues about which we disagree. We should vote on them. That is what we do in the Senate—we vote. If you are in the Grand Ole Opry, you sing.

So we have a difference of opinion about the Cotton amendment. Let's vote on it. It is relevant to the bill. It is properly filed. It is germane. Senator COTTON has been very flexible. He has offered to decide it in many different ways. He has offered to modify his amendment. He has offered to allow it to be considered separately. He has offered for us to vote at a 60-vote level, and then he would withdraw it if he should lose. He has offered to vote it at 60 votes on cloture on his amendment.

So he has offered us an opportunity to vote on his amendment in many different ways. He just wants a vote. In my view, a Senator who has a relevant and germane amendment is entitled to a vote, and I am supporting his right to a vote. Then, once we vote on the amendment and dispose of it, we should finish the bill.

So I am optimistic. I see no reason why today or tomorrow—certainly no later than Wednesday—we cannot vote on and dispose of the Cotton amendment and vote on and finish the Energy and Water appropriations bill.

So I say to Senators and staff members, if I were planning my week, I would plan on there being a vote on the Cotton amendment. Now, they may ask how I know that. Well, I know this: that any majority leader has the right to file cloture on an amendment like the Cotton amendment, and by Wednesday we will vote on it at 60 votes. My own view is, since we are basically finished with the bill, except for the Cotton amendment, why would we not agree to wrap up things and do it tomorrow or even today? We could finish the bill today, with a vote on the Cotton amendment at 60 votes, with a

vote on cloture, and a vote on final passage.

As much as I defend the right of the Senator from Arkansas to have a vote, I am going to oppose his amendment on the merits, which I will describe in just a minute, but it is time to bring this bill to a conclusion. I think most Senators agree with that, and that is what we need to do.

Let me discuss for a moment, remind Senators and those listening, why this bill is so important. As the majority leader says, it covers a lot of essential services in this country. For example, every time there is a flood in the Midwest, 15 or 20 Senators show up wanting more money for flood control. Our inland waterways are in need of reconstruction. The harbors on the west coast and in Charleston, Mobile, and many other places need deepening. We need to stay No. 1 in supercomputing in the world. About half of this legislation has to do with our nuclear weapons program—modernizing it and keeping us safe. All 17 of our National Laboratories are in the Office of Science under this legislation. Despite staying within strict budget limits, we have agreed to the highest level of appropriations for our Office of Science, out of which comes so much of our economic growth, of any appropriations bill in history.

In addition to that, we have gone through a very careful process. About 80 different Members of the Senate have come to Senator FEINSTEIN and me with policy changes that they would like to see in the bill that are in the bill. Eighty means about half Republicans and half Democrats. I know that it is important to them because I have already heard reports of many Senators being home last weekend taking credit for all of these provisions they have gotten in the bill, which we haven't passed yet.

I don't blame them for that. There are a lot of provisions in this bill that are important to the country and important to my State of Tennessee. I am reminding Senators that this is an important bill in which they have had a lot of say. In addition, on the floor, we have already processed 17 different amendments—about as many Democratic amendments as Republican amendments. We did all of that in a matter of 3 or 4 days before we reached an impasse on the Cotton amendment.

We are basically done with step one of our most basic constitutional work, which is oversight and appropriations of about \$1 trillion in spending. This is the first of 12 bills. This Energy and Water appropriations bill has not gone across the floor in regular order since 2009. It is time we do that. We are very close to doing that.

Let me say a word about the amendment by the Senator from Arkansas. As I said, I have, for the last week, defended his right to have a vote, and he will have a vote. Make no mistake about it, he will have a vote, but I intend to oppose it on the merits for

three reasons. The first is this, and let me say this very carefully: If the United States is not allowed to buy heavy water from Iran next year as it is this year, it creates the possibility that Iran will be able to sell that heavy water to other countries, including North Korea, which might use it to make nuclear weapons. Let me say that again. If we are not allowed to buy it by this amendment, someone else will buy it. Heavy water is a distilled form of water. By itself, it is not hazardous. It is not radioactive. It can be used for many peaceful purposes. The United States uses about 70 tons of it every year. For example, this year the Oak Ridge National Laboratory is buying 32 tons from Iran—6 tons of which we will be used for its big neutron microscope. The rest will be sold over time to universities, to hospitals, to manufacturers for medical research, for fiber optics—all for peaceful purposes.

This heavy water—this distilled form of water—can also be used to make plutonium to make nuclear weapons, which is why we do not want Iran to have it. We want it out of Iran. We want it somewhere else. If we don't want them to have it, and if we need it and we in the United States don't produce it and we don't buy it, what does Iran do with its heavy water? It sells it to somebody else, perhaps. We don't know who, but it could be any one of a number of countries, including North Korea. In a big meeting over there now—the biggest they have had in three decades—they are talking about nuclear weapons.

Respectfully, in my view, this is bad policy. I oppose it. I support the Senator's right to have a vote, and he will have a vote, but when we have that vote, I will vote no.

The second reason I oppose the amendment is it doesn't belong on the appropriations bill. The Senator has a right to have it on there, but I hear a lot of lectures of us appropriators in our Republican lunches from distinguished members of our so-called authorizing committees—committees such as Foreign Relations, Armed Services, Intelligence—saying: You Senators on the Appropriations Committee are making a lot of decisions you shouldn't be making. We should be making the policy decisions.

What is more of a policy decision than what to do with Iran's heavy water? This isn't a debate about whether you support the Iran nuclear agreement. I voted against that. I am opposed to that. This is a question about what do you do about the 200 tons of heavy water that can be used either for peaceful purposes or to make nuclear weapons over the next few years.

I would think there would be no issue that would be more suitable for discussion by the Foreign Relations Committee or the Armed Services Committee or the Intelligence Committee, nor can I think of many issues less suitable just to pop up as an amend-

ment on an appropriations bill. If we can't decide issues like this that are filled with national security implications, why do we have a Foreign Relations Committee? Why do we have an Armed Services Committee? Why do we have an Intelligence Committee?

It is not just the possibility that it might go to Iran, the issue cuts the other way as well. Senator COTTON or someone else who favors the amendment might say: Well, if we buy more heavy water from Iran, perhaps that creates a market for Iran. Maybe that incentivizes them to make more heavy water and keeps them in production for a long period of time. Then, later on, they misuse it. Maybe that is possible.

Then there is the question of what effect a decision by the United States to not allow our tax dollars to buy heavy water for our peaceful purposes have on other countries that produce heavy waters, such as India, such as Argentina or Canada, which doesn't now produce it but uses it. What are the implications? At this time, when there has never been a more dangerous recent time in the world, what are the national security implications of what to do about Iran's disposal of heavy water—water we don't want it to have, water we don't produce but which we need, and water we do not want to get into the hands of other countries, such as perhaps North Korea, which could use it to make nuclear weapons. I cannot think of a more appropriate issue to be considered by the Foreign Relations Committee.

There is a third reason we should take into account when voting on this. The President says he will veto it. I will say more about Presidential vetoes in a minute. I don't think we should pull the cord and stop the train just because the President says he will veto something. The White House has said they will veto something 85 times in the last year and a half. If we stopped our work every time they did that, we would only be meeting on Monday afternoons or Tuesday mornings. But we ought to take into account the fact that the President might veto it, and placing this amendment on this bill would be a sincere but in my opinion a futile gesture because we would end up with no amendment after the Presidential veto. We might end up with no Energy and Water appropriations bill for yet another year.

I have some differences with some of my friends on the other side. Some of them think that whenever the President says veto, we should stop. I don't agree with that. I think we should go ahead. If he wants to veto, he vetoes, but I think we should take that into account. Some of them say that whenever a controversial amendment comes up, we should not move forward with the bill.

Here is what we agreed to this year. After last year, I agreed, anyway, to make sure we did not in the Energy and Water Development Subcommittee—and I see the Senator from

California is here, which we worked on together. We kept controversial amendments off the bill in our subcommittee. There were a number that tried to come on. We said, if they are controversial, bring them to the floor. Last year on that bill went the waters of the United States amendment, and it killed the bill. The Democrats wouldn't move forward with it. I thought they should have, but they did not. It was not on the bill this year. Senator HOEVEN held it until we got to the floor. He offered the amendment at 60 votes and it didn't pass.

We honored our word. We kept the controversial amendments off the bill in committee, but amendments that are relevant and germane when they come to the floor are entitled to be heard. We should dispose of the Cotton amendment the way we dispose of our other differences. We should just vote on it.

Especially since the Senator from California is here, let me talk about another aspect of our work on the bill that is important in the Senate; that is, the word "restraint." For example, Senator FEINSTEIN is very concerned about the cruise missile. She could have offered an amendment in the subcommittee or she could have today that would have made a major change in our policy toward the cruise missile, but she chose not to do that. She chose instead to have a hearing. We will do that, and then we will take the next step, whatever that turns out to be. She knows, if she had moved ahead with that, that would have been a very provocative thing to do, made it harder to pass the bill. She chose not to do it.

The Senators from South Carolina, Mr. GRAHAM and Mr. SCOTT, are very concerned about the plutonium MOX facility in South Carolina. The administration has recommended that we close it and move to a different way of disposing of that plutonium. Senator FEINSTEIN and I agree with that.

We could have tried to make that policy decision in this bill or the South Carolina Senators could have tried that, too, but we thought it was a policy decision that should first be considered by the authorizing committee—in this case, the Armed Services Committee. We met with the representatives of Senator MCCAIN and Senator REED, and they have agreed to have a hearing. This is how we are dealing with that.

Senator SHELBY, from Alabama, is highly stirred up about what we call the Georgia-Florida-Alabama water wars. He would like to have his amendment to resolve that problem on this bill, but he has stepped back from that on this bill and allowed us to move ahead with it.

None of those Senators had to do that, but they did that knowing that it is the basic constitutional duty of this body to do its appropriations work, and they made it possible. I would have preferred Senator COTTON not offer this amendment on this bill, but he did.

Since it is relevant and since it is germane and since we did not deal with it in committee, I think the right way to approach it is to say: Let's dispose of it the way we dispose of other differences of opinion. Let's vote on it and let's move on.

If I may say through the Chair, before Senator FEINSTEIN came, I said, in my view, I wanted the Senators and staff to know we would be voting today for the third time on whether to cut off debate, and my hope was that we could dispose of the Cotton amendment at 60 votes and we could then finish the bill.

I also said that while I defended Senator COTTON's right to offer the amendment and that he will get a vote—because the majority leader has the parliamentary tools to file cloture and make sure there is a vote on the Cotton amendment by Wednesday—I intend to vote against the Cotton amendment because I think it risks the possibility that Iran's heavy water might be sold to a country, such as North Korea, that could use it to make nuclear weapons. I think first it should be considered by the Foreign Relations Committee or the Armed Services Committee or the Intelligence Committee. For those reasons, I intend to vote against it.

I am hopeful that when we get to 5:30, maybe conversations would continue, and the possibility could even exist that we could agree today to vote on the Cotton amendment at 60 votes, dispose of it, vote on cloture to move ahead with the bill, and have final passage of the bill. If we can't do that, I see no reason we can't do it over the next couple of days.

I thank the Senator from California for the way she has worked with me on this issue. We have gotten almost to the finish line. She and I would like to set a good example for the other 11 appropriations bills that are coming up. There are other bills beyond that which we need to deal with, such as the 21st-century cures legislation on biomedical research, and there is the Zika legislation that many Senators are interested in. My hope is that we will find a way to resolve the only major issue that remains so we can pass a bill that virtually every Senator in this body has some interest in and will probably vote for.

I am optimistic and hopeful that we can move quickly on disposing of the Cotton amendment so we can finish the bill. Ideally we would do it today, but we can certainly get it done by tomorrow or Wednesday.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. ERNST). 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 bill clerk read as follows:

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

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.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that all time during quorum calls until 5:30 p.m. today be charged equally between both sides.

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

The Senator from California.

Mrs. FEINSTEIN. Madam President, I wish to address the distinguished chairman of this subcommittee. Working with Senator ALEXANDER on this bill has been a very good experience for me, and I think my friend knows that. We take great pride in getting things done.

I very much appreciate his mentioning the standoff on the nuclear cruise missile legislation in some form of analogy, but I will say this: I have been in this body a long time, as has the Senator from Tennessee, and we both know that not everybody gets their vote. It just doesn't work that way. I can remember having an amendment on a bill year after year after year, and I never got a vote for it. That is not an unusual thing to happen. What has been unusual is to have one person take down a bill—particularly an appropriations bill.

We were hoping we could demonstrate that we worked out our difficulties with this legislation. The Senator from Tennessee gave on some points, and I gave on some points. As my friend was good enough to mention, one of the points I gave on is something that I consider to be a very big issue which has not yet been settled, and that is a standoff nuclear cruise missile—and it has not yet been satisfactorily demonstrated to me that it is necessary—and that we do not have a satisfactory conventional weapon that can go through air defense systems. I believe we do. In any event, there is a strong constituency that feels as I do. Senator ALEXANDER has been good enough to give me a hearing and some report language which contains some questions which the Defense Department will hopefully answer forthwith. I appreciate that, and that was enough for me. The standoff nuclear cruise missile is something we need to look more deeply into.

The amendment that our side is so strongly opposed to, accompanied by

the White House, is where one Senator is essentially hitting at the Iran nuclear agreement. The Iran nuclear agreement is not something that all of us don't know a lot about. A great deal of time was spent on it. There was a great deal of discussion both in subcommittees and on the floor, and there was a vote on it. So to a great extent, in my mind, it is very much a settled issue. The President has the right to go ahead with it, and I think that is very important. More importantly, Iran has kept the agreement and Iran has lived up to the terms of this nuclear-related agreement. If one thinks Iran doesn't know what is going on, one is wrong. Some of us went to meet with the Iranian Foreign Minister, and there was a question as to what is happening now, and of course there was concern.

Having said that, the chairman gave me a hearing and some report language. I certainly would have no objection to giving the Senator from Arkansas a hearing, and yet I would not stand here and say that we should not protect the sanctity of that agreement, because I believe we should.

I think the administration has done the right thing with the sale of this heavy water because we know if that heavy water is used in the United States of America, it will be used for peaceful purposes. A lot of it will go to a distinguished lab in the State of the Senator from Tennessee as well as other places. It can be sold to licensed businesses that do medical research and other kinds of manufacturing, such as carbon fiber, et cetera, where the nuclear component of heavy water is helpful. We know that if it goes on the open market, North Korea—if they were to be a buyer—would not use it for peaceful purposes; they would use it to help enrich plutonium for a bomb. So it makes imminent sense to me.

The reason I oppose what is happening so strongly is because it is a strike at the Iran nuclear agreement, and it is seen that way by the administration. The administration has said they will veto the bill if this is in it. I don't want to lose the bill because of this—because of one Senator who wants to strike out with that agreement. I think that is the wrong thing to do.

The Senator from Tennessee has been good enough to discuss this with me, and I really do appreciate that. We have discussed it in our caucus. There are very strong feelings about not moving to cloture until this issue is settled. I would certainly be happy to help settle it. From the conversation Senator ALEXANDER and I had yesterday, it is my understanding that he is willing to oppose it. I trust that is still the case.

I wish to ask a question to the chairman of our subcommittee through the Chair.

Is it correct that the Senator from Tennessee would stand in opposition to this amendment?

Mr. ALEXANDER. Madam President, the answer to that question is yes, and