

Shelby Sullivan	Thune Tillis	Vitter Wicker
--------------------	-----------------	------------------

NAYS—42

Baldwin	Heinrich	Nelson
Bennet	Heller	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Lee	Stabenow
Carper	Markey	Tester
Casey	McConnell	Udall
Coons	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—8

Cornyn	Kirk	Sanders
Cruz	McCain	Toomey
Durbin	McCaskill	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from Tennessee.

AMENDMENT NO. 3804 WITHDRAWN

Mr. ALEXANDER. Mr. President, I withdraw my amendment No. 3804.

The PRESIDING OFFICER. The amendment is withdrawn.

The majority leader.

AMENDMENT NO. 3878 TO AMENDMENT NO. 3801

Mr. MCCONNELL. Mr. President, I offer the Cotton amendment No. 3878.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COTTON, proposes an amendment numbered 3878 to amendment No. 3801.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to purchase heavy water produced in Iran.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Cotton amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3878 to amendment No. 3801 to Calendar No. 96, H.R. 2028, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Thad Cochran, Lamar Alexander, Johnny Isakson, Marco

Rubio, David Vitter, Patrick J. Toomey, Steve Daines, Richard C. Shelby, James Lankford, John Thune, James M. Inhofe, Lisa Murkowski, Tom Cotton, Pat Roberts, John Barasso, John Hoeven.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Alexander substitute amendment No. 3801.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3801 to Calendar No. 96, H.R. 2028, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Bob Corker, Tom Cotton, Thom Tillis, Mike Crapo, Joni Ernst, Jerry Moran, John Boozman, Lindsey Graham, John Thune, Daniel Coats, Chuck Grassley, Shelley Moore Capito, Thad Cochran, Lamar Alexander, Richard Burr, Roy Blunt.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. 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. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO DR. JAMES RICHARDSON

Mr. REID. Mr. President, today I wish to recognize the career of Dr. James "Jim" Richardson, who is retiring from the University of Nevada, Reno, UNR, this year.

Dr. Richardson is stepping down from his positions as director of judicial studies and foundation professor of sociology and judicial studies after 48 years of service to UNR. His commitment and dedication to the judicial studies and justice management programs have been invaluable in preparing students for careers in the justice system. Dr. Richardson has enriched the lives of hundreds of students, including the many undergraduate students he introduced to the field of sociology and the doctoral can-

didates he mentored as they completed their dissertations.

In addition to his teaching activities, Dr. Richardson has been a prolific researcher and writer. He was among the first researchers to focus on new religious movements. He has been praised for his interdisciplinary approach to sociology, particularly for his incorporation of subjects such as law, psychology, and economics into the study of religion. Dr. Richardson has authored or coauthored 9 books, more than 150 articles, and 85 book chapters. In addition, he has held nearly 350 presentations in almost 30 countries. Through his work, Dr. Richardson has made important contributions to the scholarship of sociology and has enriched academia as a whole.

Dr. Richardson has had an impact on the practice of law and the justice system in more direct settings as well. For instance, he has served as an expert witness on a variety of legal cases. He has also been a consultant for the Federal Bureau of Investigation and has worked to help law enforcement officials better understand the interaction between the justice system and religious groups. In addition, Dr. Richardson has researched several issues for the Nevada Supreme Court.

I congratulate Dr. Richardson on his many successes and decades of dedicated service to UNR and to the Silver State. Both the justice system and academia have benefitted from his work, and I wish him the best in his retirement and future endeavors.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I was necessarily absent from this evening's vote on cloture on the substitute amendment No. 3801 to the Energy and Water Development and Related Agencies Appropriations bill, H.R. 2028, which was not agreed to.

On rollcall vote No. 66, had I been present, I would have voted to oppose cloture. The junior Senator from Arkansas has proposed an amendment which would grind the Senate's appropriations process to a halt while undermining U.S. national security. This amendment is simply another attempt to undermine the Joint Comprehensive Plan of Action, JCPOA, that has verifiably eliminated the threat of Iran's nuclear program to the United States, Israel, and the international community. In fact, the junior Senator from Arkansas attempted to undermine this national security agreement before it was even negotiated by leading a partisan letter to Iran's Supreme Leader, implying that Congress would not honor any potential diplomatic resolution to the conflict. The unprecedented attempt failed.

Now that this agreement has been implemented, he is trying to undermine it again by attempting to prohibit the Department of Energy from taking actions which support the deal and remove nuclear-related materials

from Iran—actions which, if needed, are important to U.S. national security. As such, I strongly oppose this effort and continue to support the forceful implementation of the JCPOA in order to continue to prevent Iran from ever possessing a nuclear weapon.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-34, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to France for defense articles and services estimated to cost \$72 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of France.

(ii) Total Estimated Value:

Major Defense Equipment* \$45 million.

Other \$27 million.

TOTAL \$72 million.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:

Major Defense Equipment (MDE):

Three-hundred and twelve (312) AGM-114K1A Hellfire Missiles.

One-hundred two (102) AGM-114N1A Hellfire Missiles.

Fifty (50) ATM-114Q1A Hellfire Training Missiles.

Non-MDE items included in this request are: Hellfire Missile conversion kits; blast fragmentation sleeves and installation kits; containers; and transportation.

(iv) Military Department: Army (FR-B-WAA, Amendment 8).

(v) Prior Related Cases, if any: FR-B-WAA-\$42.2M-09 JAN 08.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: April 29 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of France—Hellfire Missiles

The Government of France previously requested the potential sale of one hundred twelve (112) AGM-114K1A Hellfire Missiles, one hundred two (102) AGM-114N1A Hellfire Missiles, fifty (50) ATM-114Q1A Hellfire Training Missiles. Non-MDE consists of four (4) Hellfire Missile Mock-Up Sectional Models, four (4) Hellfire II AGM-114N Warhead Mock-Ups, thirty (30) Hellfire M36-E4 Training Missiles, sixty (60) Hellfire M60 Dummy Missiles, M299 Launcher Spare Parts (O and I Level), Hellfire Missile Spare Parts (O and I Level), M36-4 Training Missile Spare Parts (O and I Level), Integrated Logistics Support Hardware Equipment, Training, U.S. Government Technical Assistance, one hundred (100) Dome Covers, three (3) Hellfire AGM-114K1A Warhead Sections, three (3) Hellfire AGM-114N1 Warhead Sections, thirty (30) LASS Simulators, three (3) AN-205Bs, forty-four (44) IRIS, three (3) Calibration Cables, AN-205B Test Equipment Spare Parts, AGM-114N1 Warheads without Electronic Safe, Arm and Fire Device, thirteen (13) AGM-114K1A Main Warheads with No Control Interface Group, thirteen (13) AGM-114K1A Precursors, Hellfire Tripod Launcher with Launch Control without Laser, Technical Data Documentation, Publications, Repair and Return Services, Classified Technical Data Package, Unanticipated and Unprogrammed Requirements, sixteen (16) Hellfire II AGM-114K1A Missile Sleeves, Hellfire M60 Dummy Missile Spare Parts, sixty (60) M34 Hellfire Training Missile, and Conversion Services for M34 Dummy Missiles. The MDE value of these items was \$20 million; the total implemented value of the initial case and amendments was \$42 million.

Of the items listed above, France has already received (via a below Congressional threshold-level FMS case, FR-B-WAA) one-hundred and twelve (112) AGM-114K1A Hellfire Missiles, one hundred two (102) AGM-114N1A Hellfire Missiles, fifty (50) ATM-114Q1A Hellfire Training Missiles, Hellfire Missile conversion kits, blast fragmentation sleeves and installation kits, containers, and transportation.

France has requested that this existing FMS case, FR-B-WAA, be amended with the possible sale of two-hundred (200) AGM-114K1A Hellfire Missiles, Hellfire Missile conversion, blast fragmentation sleeves and installation kits, containers, and transportation. The estimated MDE cost in this amendment is \$25 million. The total estimated cost is \$30 million.

As the amendment requested by France will raise the value of FR-B-WAA over the Congressional notification threshold, this transmittal notifies what will be the total quantities and value of the Letter of Offer and Acceptance (LOA) with this proposed amendment. The estimated cost of MDE is \$45 million. The total estimated cost is \$72 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the capability of a NATO ally. France is a major political and economic power in Europe and a key democratic partner of the United States in ensuring peace and stability around the world. It

is vital to the U.S. national interest to assist France to develop and maintain a strong and ready self-defense capability.

The additional missiles will meet France's operational requirements for a precision-guided tactical missile for its Tigre Attack Helicopter. The purchase will directly support French forces actively engaged in operations in Mali and Northern Africa, providing them the capability to successfully engage targets with minimal collateral damage. France will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There is no principal contractor for this sale as the missiles are coming from U.S. Army stock. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require any additional U.S. Government or contractor representatives in France.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AGM-114K1A, AGM-114N1, and ATM-114Q1: The highest level for release of the K1A semi active laser is SECRET, based upon the software. Software documentation (e.g., Data Processing, Software Requirements, Algorithms) are not authorized for disclosure. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is up to and including SECRET. The highest level that must be disclosed for production, maintenance, or training is up to and including SECRET. Reverse engineering could reveal SECRET information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET or CONFIDENTIAL. Detailed information to include discussions, reports and studies of system capabilities, vulnerabilities and limitations that leads to conclusions on specific tactics or other counter countermeasures (CCM) are not authorized for disclosure.

2. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government and are releasable to the Government of France. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0H-16. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 14-18 of 07 July 2014.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.