

what is happening. I listened and I need to listen to the debate on this legislation, and other Senators feel the same way. Members need to state their opinions and offer amendments.

The Republican leader repeatedly promised—I repeat, repeatedly promised—regular order and an open amendment process. I can't get away from the fact that he promised a robust committee process. He trumpeted the importance of committees. Once again he has failed to live up to the promise of what he would do. I assume he is not living up to his own standards.

I am going to vote no on cloture, and I encourage my colleagues to do the same. I invite my Republican colleagues to do the same. That is what they asked us to do, and I am asking them to do that. It is simply too important to just push this through. Senator MCCONNELL should respect his colleagues, Democrats and Republicans, and the importance of this legislation by allowing regular order to take place. Until that happens, I will oppose cloture on this measure.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 the motion to concur in the House amendment with an amendment to S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, Mike Crapo, John Thune, Richard Burr, James M. Inhofe, Pat Roberts, Lamar Alexander, John Barrasso, Thad Cochran, Deb Fischer, Shelley Moore Capito, John Boozman, Thom Tillis, David Perdue, Jerry Moran, John Hoeven, Roger F. Wicker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment with an amendment to S. 764 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

(Disturbance in the Visitors' Gallery.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

The yeas and nays resulted—yeas 65, nays 32, as follows:

[Rollcall Vote No. 121 Leg.]

#### YEAS—65

Alexander	Enzi	McConnell
Ayotte	Ernst	Menendez
Baldwin	Feinstein	Moran
Barrasso	Fischer	Perdue
Bennet	Flake	Peters
Blunt	Franken	Portman
Boozman	Gardner	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Carper	Heitkamp	Rubio
Casey	Heller	Scott
Cassidy	Hoeven	Sessions
Coats	Inhofe	Shaheen
Cochran	Isakson	Shelby
Coons	Johnson	Stabenow
Corker	Kaine	Thune
Cornyn	Kirk	Tillis
Cotton	Klobuchar	Toomey
Crapo	Lankford	Vitter
Cruz	Manchin	Warner
Daines	McCain	Wicker
Donnelly	McCaskill	

#### NAYS—32

Blumenthal	Leahy	Sanders
Booker	Markley	Sasse
Boxer	Merkley	Schatz
Cantwell	Mikulski	Schumer
Cardin	Murkowski	Sullivan
Collins	Murphy	Tester
Durbin	Murray	Udall
Gillibrand	Nelson	Warren
Heinrich	Paul	Whitehouse
Hirono	Reed	Wyden
King	Reid	

#### NOT VOTING—3

Brown	Graham	Lee
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The PRESIDING OFFICER (Mr. GARDNER). On this vote, the yeas are 65, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

#### Pending:

McConnell motion to concur in the House amendment to the bill, with McConnell (for Roberts) amendment No. 4935, in the nature of a substitute.

McConnell amendment No. 4936 (to amendment No. 4935), to change the enactment date.

McConnell motion to refer the House message to accompany the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions, McConnell amendment No. 4937, in the nature of a substitute.

McConnell amendment No. 4938 (to (the instructions) amendment No. 4937), to change the enactment date.

McConnell amendment No. 4939 (to amendment No. 4938), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Texas.

#### FORMER SECRETARY CLINTON'S USE OF AN UNSECURED EMAIL SERVER

Mr. CORNYN. Mr. President, some have taken yesterday's announcement by FBI Director Comey as vindicating Secretary Clinton for her use of a private, unsecured email server. But that would be exactly the wrong conclusion to draw. While the FBI did not recommend that the former Secretary of State be indicted, the concerns I have

previously raised time and again have only been reaffirmed by the facts uncovered by Director Comey and the FBI's investigation.

It is now clear beyond a reasonable doubt that Secretary Clinton behaved with extreme carelessness in her handling of classified information and that she and her staff lied to the American people and, at the same time, put our Nation at risk.

First, Director Comey said unequivocally that Secretary Clinton and her team were "extremely careless in their handling of very sensitive, highly classified information." He went so far as to describe specific email chains that were classified at the Top Secret/Special Access Program level at the time they were sent and received—in other words, at the highest classification level in the intelligence community.

Remember, Secretary Clinton said that she never sent emails that contained classified information. Well, that proved to be false as well. The FBI Director made clear none of those emails should have been on an unclassified server—period—and that Secretary Clinton and her staff should have known better.

Director Comey noted that Secretary Clinton's actions were "particularly concerning" because these highly classified emails were housed on a server that didn't have full-time security staff like those at other departments and agencies of the Federal Government.

It is pretty clear that Secretary Clinton thought she could do anything she wanted, even if it meant sending classified information over her personal, unsecured home server. It should shock every American that America's top diplomat—someone who had access to our country's most sensitive information—acted with such carelessness in an above-the-law sort of manner.

Unfortunately, our threshold for being shocked at revelations like this has gotten unacceptably high. I saw a poll reported recently that 81 percent of the respondents in that poll believed Washington is corrupt. Public confidence is at an alltime low, and we ask ourselves how that could be. Well, unfortunately, it is the sort of activity we have seen coming from Secretary Clinton and her misrepresentations and—frankly, there is no way to sugarcoat it—her lies to the American people—lies that were revealed in plain contrast yesterday by Director Comey's announcement.

Secondly, we know the FBI found that Secretary Clinton behaved at odds with the story she has been telling the American people, as I said a moment ago. To be blunt, yesterday's announcement proved that she has not been telling the American people the truth for a long, long time now. When news of her private server first broke, Secretary Clinton said:

I did not e-mail any classified material to anyone on my e-mail. There is no classified material.

Yesterday, Director Comey made clear that wasn't true—not by a long

shot. In fact, he said more than 100 emails on her server were classified, and, as I mentioned, that includes some of the highest levels of classification. We are talking not just about some abstraction here. We are talking about people gaining intelligence—some in highly dangerous circumstances—who have been exposed to our Nation's adversaries because of the recklessness or extreme carelessness of Secretary Clinton and her staff.

Another example: Secretary Clinton also maintained that she gave the State Department quick access to all of her work-related emails. Again, according to Director Comey, that wasn't true either. He said the FBI discovered several thousand work-related emails that Secretary Clinton didn't turn in to the State Department 2 years ago.

From the beginning, Secretary Clinton and her staff have done their dead-level best to play down her misconduct, even if that meant lying to the American people. To make matters even worse, Director Comey confirmed that Secretary Clinton's actions put our national security and those who are on the frontlines protecting our national security in jeopardy. The FBI Director said that hostile actors had access to the email accounts of those people with whom Secretary Clinton regularly communicated with from her personal account.

We know she used her personal email—in the words of the FBI Director—"extensively" while outside of the continental United States, including in nations of our adversaries. The FBI's conclusion is that it is possible that hostile actors gained access to her personal email account, which, as I said a moment ago, included information classified at the highest levels recognized by our government.

My point is that this is not a trivial matter. Remember that several months ago, Secretary Gates—former Secretary of Defense and head of the CIA, serving both in the George W. Bush and the Obama administrations—said he thought the odds were pretty high that the Russians, Chinese, and Iranians had compromised Clinton's server—again, all the time while she is conducting official business as Secretary of State for the U.S. Government.

It was also reported last fall that Russian-linked hackers tried to hack into Secretary Clinton's emails on at least five occasions. It is hard to know, much less estimate, the potential damage done to our Nation's security as a result of this extreme carelessness demonstrated by Secretary Clinton and her staff. In reality, it is impossible for us to know for sure. But what is clear is that Secretary Clinton acted recklessly and repeatedly lied to the American people, and I should point out that she didn't do so for any particularly good reason. None of the explanations Secretary Clinton has offered, convenience and the like, have held up to even the slightest scrutiny. Her intent was obvious, though. It was to avoid the ac-

countability that she feared would come from public recognition of her official conduct. So she wanted to do it in secret, away from the prying eyes of government watchdogs and the American people.

The FBI may not have found evidence of criminal intent, but there is no doubt about her intent to evade the laws of the United States—not just criminal laws that Director Comey talked about but things like the Freedom of Information laws, which make sure the American people have access to the information that their government uses to make decisions on their behalf. These are important pieces of legislation that are designed to give the American people the opportunity to know what they have a right to know so they can hold their elected officials accountable.

In the end, this isn't just a case of some political novice who doesn't understand the risks involved or someone who doesn't really understand the protocols required of a high-level government employee. This is a case of someone who, as Director Comey pointed out, should have known better.

I know Secretary Clinton likes to talk about her long experience in politics as the spouse of a President of the United States when she served as First Lady, as a United States Senator, and then as Secretary of State. But all of this experience, as Director Comey said, should have taught her better than she apparently learned.

The bottom line is that Secretary Clinton actively sought out ways to hide her actions as much as possible, and in doing so, she put our country at risk. For a Secretary of State to conduct official business—including transmitting and receiving information that is classified at the highest levels known by our intelligence community—on a private, unsecured server when sensitive national defense information would likely pass through is not just a lapse of judgment; it is a conscious decision to put the American people in harm's way.

As Director Comey noted, in similar circumstances, people who engage in what Secretary Clinton did are "often subject to security or administrative sanctions"; that is, they are held accountable, if not criminally, in some other way. He said that obviously is not within the purview of the FBI. But he said that other people, even if they aren't indicted, will be subjected to security or administrative sanctions.

Secretary Clinton evidently will not be prosecuted criminally, but she should be held accountable. From the beginning, I have had concerns about what Secretary Clinton did and whether this investigation would be free of politics. However one feels about the latter, it is clear that Secretary Clinton's actions were egregious and that there is good reason why the American people simply don't trust her and why she should be held accountable.

In closing, I would just say that we know there was an extensive investiga-

tion conducted by the FBI, and we know that Director Comey said that no reasonable prosecutor would seek an indictment and prosecute Secretary Clinton for her actions. That being the case, I would join my colleagues—Senator GRASSLEY, chairman of the Senate Judiciary Committee, and others—who have called for the public release of the FBI's investigation so we can know the whole story. That would also include the transcript from the 3½ hour interview that Secretary Clinton gave to the FBI, I believe just last Saturday. That way, the American people can have access to all the information.

What I suspect it would reveal—because it is a crime to lie to an FBI agent, I suspect Secretary Clinton, perhaps for the first time, in her interview with the FBI told the FBI the truth. If I were her lawyer, I certainly would advise her: No matter what happens, you had better tell the truth in that FBI interview because the coverup is something you can be indicted for as well.

So I suspect what happened is that, in that FBI interview, she did tell the FBI the truth. That is where Director Comey got so much of his information, which he then used to dismantle brick by brick the public narrative that Secretary Clinton has been spinning to the American people for the last couple of years.

If transparency and accountability are important, as Director Comey said yesterday, you would think that Secretary Clinton would want to put this behind her by also supporting the public release of this investigation, as well as the transcript of her interview with the FBI. I will be listening very carefully to see whether she joins us in making this request. But under the circumstances, where she no longer has any credible fear of indictment or prosecution, she owes to the public—and we owe to the public—that the entire evidence be presented to them in an open and transparent way. That is why the FBI should release this information, particularly the transcript of this interview she gave to FBI agents for 3½ hours at the FBI's headquarters downtown. Then, and only then, will the American people be able to render a well-informed and an adequate judgment on her actions taken as a whole because right now there appear to be nothing but good reasons why, in poll after poll after poll, people say they just don't trust her.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to address the bill before us, a bill that presents itself as a labeling bill but which is deeply defective, with three major loopholes that mean this labeling bill will not label GMO products, and I am going to lay out those challenges.

First, I want to be clear that this is about American citizens' right to know what is in their food. We have all kinds of consumer laws about rights to know,

but maybe there is nothing as personal as what you put in your mouth or what you feed your family. That is why emotions run so deep. Citizens have a right to make up their own mind.

We talk a lot about the vision of our country being a “we the people” democracy, and certainly it was Jefferson who said “the mother principle” of our Republic is that we can call ourselves a Republic only to the degree that the decisions reflect the will of the people, and that will happen only if the people have an equal voice.

In this case, we have a powerful enterprise—a company named Monsanto—that has come to this Chamber with a goal, which is to take away the right of consumers across this Nation and take away the right of citizens across this Nation to know what is in their food.

I am specifically referring to the Monsanto DARK Act. Why is it called the DARK Act? It is called the DARK Act because it is an acronym: Deny Americans the Right to Know. But it also very much represents the difference between an enlightenment that comes from information and knowledge, and a darkness that comes from suppressing information.

James Madison, our country’s fourth President and Father of the Constitution, once wrote:

Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

That is what this debate is about—whether citizens can arm themselves with the knowledge, arm themselves with the power that knowledge gives. And this act before us, the Monsanto DARK Act, says: No, we are not going to allow citizens to acquire in a simple way the information about whether the product they are considering buying has genetically modified ingredients.

There is something particularly disheartening about that, and that is that this is one of the few issues in the country about which you can ask Republicans, you can ask Democrats, you can ask Independents, and they all have the same answer. Basically, nine out of ten Americans, regardless of party, want a simple indication on the package: Does this container include GMO ingredients? That is all—a simple, consumer-friendly right to know, and this bill is all about taking that away.

Let me turn to the three big loopholes in this bill.

Monsanto loophole No. 1: A definition that exempts the three major GMO products in America. Isn’t it ironic to have a bill where the definition of GMO has been crafted in a fashion never seen anywhere else on this planet, is not in use by any of the 64 countries around the world that have a labeling law, and it just happens to be crafted to exclude the three major Monsanto GMO products? What are those products?

The first is GMO corn when it becomes high-fructose corn syrup. Well,

it is GMO corn, but under the definition of high-fructose corn syrup from GMO corn, it is suddenly not GMO.

Let’s talk about soybeans. When Monsanto GMO soybeans become soybean oil, they magically are no longer GMO under the definition in this bill.

Let’s talk about sugar beets. Monsanto GMO sugar beets—when the sugar is produced and goes into products, it is suddenly, magically not GMO sugar.

Isn’t it a coincidence that this definition is not found anywhere else in the world? This bill happens to exclude the three biggest products produced by Monsanto. Well, it is no coincidence. They are determined to make sure they are not covered. High-fructose corn syrup, sugar from GMO sugar beets, oil from GMO soybeans—none of those are covered.

This has been an issue of some debate because folks have said: Well, the plain language in the bill might be overruled and modified by the U.S. Department of Agriculture when they do rules. Of course, a rule that contravenes the plain language of the bill would in fact not stand. It wouldn’t be authorized. So what does the plain language of the bill say? It says: “The term ‘bio-engineering,’ and any similar term, as determined by the Secretary, with respect to a food, refers to a food . . . that contains genetic material that has been modified.”

That was the magic language not found anywhere in the world—“contains genetic material that has been modified”—because when you make high-fructose corn syrup, when you make sugar from sugar beets, when you make soy oil from soybeans, that information is stripped out. That is what magically transformed a GMO ingredient to a non-GMO ingredient.

They have a second loophole, and that loophole says “for which the modification could not otherwise be obtained through conventional breeding.” Well, the “could” factor here certainly raises all kinds of questions. In theory, is it possible to obtain through natural selection what we obtain through genetic engineering? Well, then suddenly it is not genetic engineering. We haven’t been able to find out exactly which crop they are trying to protect, wave that magic wand, and convert a GMO crop into a non-GMO crop, but certainly it is there for a specific purpose.

What does this mean? This means that if you look around the world and you examine the labeling laws from the European Union or Brazil or China, corn oil, soybean oil, sugar from sugar beets—all of those, if they come from a GMO form, GMO soybean, or GMO sugar beets, they are all covered. They are all covered everywhere in the world except, magically, in this bill.

We have consulted many experts. The language of the bill is very clear, but many experts have weighed in and they say things like this:

This definition leaves out a large number of foods derived from GMOs such as corn and

soy oil, sugar beet sugar. That is because, although these products are derived from or are GMOs, the level of DNA in the products is very low and is generally not sufficient to be detected in DNA-based assays.

That is the basic bottom line. That is loophole No. 1.

Let’s turn to Monsanto loophole No. 2. What this loophole is, is this law doesn’t actually require a label that says there are GMO ingredients. It provides a couple of options, voluntary. Those options already exist in law so that is not giving anything we don’t currently have. Under this law, a manufacturer is allowed to put in a phrase and say this product is partially derived from GMO ingredients or partially made from GMO ingredients. They can do that right now. It also says the USDA will develop a symbol, and that symbol can be put on a package to indicate it has GMO ingredients. Somebody can voluntarily put on a symbol right now. If you don’t voluntarily do those things that actually disclose it has GMO ingredients, this is the default.

We see here this barcode. It is also referred to as a quick response code. It says: Scan this for more information. Scan me. Of course, package after package across America already has barcodes. Package after package already has quick response codes, as these are referred to, these square computer codes—scan me for more information. It doesn’t say there are GMO ingredients in this package. It doesn’t say: Scan here for more information on the GMO ingredients in this food. No, just scan me.

Certainly, this defies the ability of anyone to look at that and say whether there are GMO ingredients. All it does is take you to a Web site. How do you get to that Web site? You have to have a smartphone. You have to have a digital plan you pay for. You have to have wireless coverage at the point that you are there. You have to scan it and go to a Web site to find out—the Web site, by the way, will be written by the company that makes the food so it is not going to be easy to find that information.

The bill says it will be in the first page of the Web site. There could be a lot of information on that Web page and always in a different format. This is not a label. This is an obstacle course. It is an obstacle course that causes you to spend your own money and your digital time.

If I want to compare five different products and see if they have a GMO ingredient and I have five versions of canned carrots, I can pick up that can, and if there is a symbol or a phrase that says “partially produced with genetically modified ingredients,” I can pick that up, turn it over, and in 1 second I get the answer. In 1 second, I can get the answer about the number of calories. In 1 second, I can get the answer of whether it contains peanuts. In 1 second, I can get the answer on how much sugar it has. I can compare these

five products in 5 seconds, which one—oh, here is the one I want. I want one that does have GMO. I want one that doesn't have GMO. That is a GMO label.

This is an obstacle course. This provides no details unless you go through a convoluted system that takes up a lot of time. If I want to compare those five products, I would have to stand in the aisle of the grocery store for 30 minutes trying to go to different Web sites, hoping there was wireless coverage. Quite frankly, that whole process, no one would do that. That is exactly why Monsanto wants this code because no one will use it. They don't know they should use it for GMO ingredients because it doesn't say it, and they know it will take so much time that no busy person or not-so-busy person would see that as a significant way to obtain the data desired.

Let's say I am going shopping for 20 items. If each of those items required comparing five products, if it was a 1-second label, it would take up to 50 seconds of my time shopping for 20 products—or 100 seconds of my time, excuse me. In this case, if it took half an hour per product, it would be 10 hours standing in the grocery store, on just 20 items, trying to figure out which variety does not contain GMOs. That obstacle course, combined with the definition that excludes Monsanto products, comprises Monsanto loophole No. 1 and Monsanto loophole No. 2.

There is a third loophole in this bill. Wouldn't it be wonderful, Monsanto says, to have a bill with no enforcement in it. When we look at other labeling laws, there is always enforcement. You violate this, there is a \$1,000 fine. You violate it again, there is a \$1,000 fine or something of that nature. This is the type of provision we had in our COOL Act. What was COOL? C-O-O-L—Country of Origin Labeling, the COOL Act. That was something that required labeling to say that meat—specifically, pork and beef—whether it had been grown and processed in the United States of America. If I, as a patriotic American, wanted to support American farmers, American ranchers, I could do so because the meat had a label.

What was the consequence of failing to provide that label? There was a fine. This bill does not have a USDA fine. This bill does not have any enforcement. It is very clear. They cannot recall any product. They cannot ban a product going to market. The only consequence in this bill is the Secretary could have the possibility of doing an audit of a company that had been the subject of complaints and could disclose the results of an audit. In a press release, he could say: We have done an audit of this company and they are not following the law. That is the consequence—a public announcement. Well, hardly anything this compelling—it just invites people to ignore this law.

At every level, Monsanto has undermined this being a legitimate labeling

law—a definition that excludes the big Monsanto products, an obstacle course instead of a label, and no enforcement. This bill says we oppose the bill because it is actually a nonlabeling bill under the guise of a mandatory labeling bill. That sums it up. It pretends to be a labeling bill, but it is not. This is a letter signed by 76 pro-organic organizations and farmer groups.

I had to do this very quickly. There has been no hearing on this bill. For this unique, never-in-the-world definition that exempts the Monsanto products, there has never been a hearing. What kind of deliberative body is the U.S. Senate when it is afraid to hold a hearing because people might point out that a very powerful special interest, Monsanto, had written a definition that excludes their own products?

Apparently, Senators are quaking in their boots for fear the public might find out they just voted on a bill with a definition that excludes Monsanto products so they didn't want to risk a hearing that would make that clear.

I am so appreciative of these groups. While you can't make out this print, it gives you a sense of what type of groups we are talking about from across the country—the Center for Food Safety, Food & Water Watch, Biosafety, the Cedar Circle Farm, Central Park West, Food Democracy, Farm Aid, Family Farm Defenders, Good Earth Natural Foods, on and on—because these groups believe citizens have a right to know what is in their food.

Some folks have said: Well, they don't deserve to have that right because this food is not going to do them any harm. Boy, isn't that Big Brother talking once again. The powerful Federal Government is going to make up your mind for you and not going to allow you to have that power that comes from knowledge.

As I noted earlier, James Madison wrote: "Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Big Brother says we don't want the people to have the power of knowledge; we don't let them make their own decision. Why is it so many people feel so powerfully about this issue? First, various groups have determined a major genetic modification that makes crops glyphosate-resistant, weed killer-resistant is a health issue. Why is it a health issue? Because glyphosate is a probable human carcinogen.

That is something citizens have a right to be concerned about, the possibility of cancer. In areas where glyphosate is sprayed on crops, it has shown up even in samples of rainfall, and it has shown up in the urine of people who live in that area. Do people have the right to be concerned about the fact that a weed killer is being sprayed, and it is ending up in their urine? Yes, I think they do. They have the right to be concerned about that.

Do they have a right to be concerned about the impact when this massive amount of weed killer flows off the farms and into our streams and rivers because that weed killer proceeds to kill organisms in the rivers, in the streams, altering the biology of the stream? Yes, they have a right to be worried about that.

Do they have a right to be concerned when the huge application of glyphosate is producing superweeds; that is, weeds growing near the fields that are exposed so often that mutations that make them naturally resistant proceed to produce weeds that are resistant to glyphosate, meaning you have to put even more weed killer on the crops.

Do they have a right to be concerned when there is a genetic modification called Bt corn that actually causes pesticide to grow inside the cells of the corn plant? What is the impact of that on human health? We don't yet know. Yet that particular genetic modification that causes pesticide to be growing inside the cells of the plant is covering more than 90 percent of the corn grown in America. That is a legitimate concern.

Do the citizens have a right to be concerned when they discover the insects a pesticide is designed to kill are evolving and becoming superpests and are becoming immune to that pesticide; meaning, not only is there pesticide growing in the cell of the plant, but now the farmer has applied pesticide to the field as well, which was the whole goal of ignoring that in the first place—that you wouldn't have to do that.

They have a right to be concerned. They have a right to educate themselves. They have a right to make their own decision. This is a Big Brother bill if there ever was one, saying, for those who supported cloture on this bill: This bill says citizens do not have the right to know. We are going to have a label that actually doesn't label. We are going to have a label that is an obstacle course. We are going to have a definition that excludes a commonly understood definition of what GMO crops are, and we are going to have no enforcement.

This is not good work. This is not a deliberative Senate. Let's send this bill to committee and have a complete hearing on the deficiencies I am talking about. Let's invite Monsanto to come and testify. Let's invite the many scientists who weighed in about the fact that this exempts the primary GMO products in America. Let them come and speak. Let all of us get educated, not have this rammed through the Senate at the very last moment.

There are individuals here who said: Wait. Time is urgent because we can't have 50 different State labeling standards. We only have one State that has a labeling standard, and that is Vermont. There is no real concern that we have two conflicting standards because we only have one standard. Could

there be more than one standard down the road? Yes, that is a possibility, but that is down the road. That doesn't require us to act today.

There are folks who say: Well, the Vermont law goes into effect July 1 so we have to act now to prevent the Vermont law from going into effect. The Vermont law has a 6-month grace period. It doesn't go into effect until January 1 of 2017. We have lots of time to hold hearings. We have lots of time to embrace knowledge rather than to convey and enforce ignorance, lots of time. So these arguments that are made about the urgency are phony arguments. They are made to take and enable a powerful special interest to push through a bill that 90 percent of Americans disagree with, to do it essentially in the dark of the night by not having hearings, not on the House side, not on the Senate side, not having a full debate on this floor. No, instead we are using an instrument that is a modification of a House bill that is a modification of a Senate bill because procedurally it makes it easier to ram this bill through without due consideration. That is wrong.

What I am asking for is a simple opportunity to have a series of reasonable amendments voted on, on the floor of this Senate. Let's actually embrace the Senate as a deliberative body. There is an amendment that would fix the definition. That is the amendment by Senator TESTER from Montana. That amendment would simply say: The derivatives of GMO crops are GMO ingredients. Soybean oil from GMO soybean is a GMO ingredient.

Many proponents of the bill said they think that is what is going to happen with the regulation down the road. If you believe that is what will happen, then join us. Let's correct the definition right now. Why have law cases? Why go into our July break having passed something with a definition that we don't have a consensus on what it means?

I know what the plain language says. I know what it exempts as GMO crops, but some say: Well, maybe not, maybe there is something that the USDA can do to change that, and they will be covered. The USDA was asked that question, and they wouldn't answer it directly. They sent back this very convoluted legal language that said: Foods that might or might not have GMO or non-GMO ingredients might possibly be covered, of course, based on what other ingredients are in the food.

Would the soybean oil from a GMO soybean be considered a GMO ingredient? That is the question. The USDA needs to answer that yes or no instead of this long, convoluted, lengthy dodging that occurred because they were afraid to answer the question. That is knowledge we could use on the floor of the Senate. Would high-fructose corn syrup from GMO corn be considered a GMO ingredient? The USDA wouldn't answer those questions directly, but lots of other folks did. The FDA, or the

Food and Drug Administration, answered the question in technical guidance. They said: Absolutely they wouldn't be covered. All kinds of other experts weighed in and said: Absolutely they wouldn't be covered. Maybe that is the type of information that we should have from a hearing on this bill.

How about voting on a simple amendment that clears up this confusion and clearly uses a definition, not one written by and for exempting three major GMO Monsanto crops. We need a straightforward definition that is used elsewhere and covers all of the products that are ordinarily considered a GMO. That is not too much to ask. Let's have a debate on that amendment. We should vote on whether we are going to have a clear definition in this bill.

Let's vote on changing the QR code. The QR code has a phrase in it that says: "Scan here for more food information." What if this simply said: Scan here for information on GMO ingredients? Now we have a GMO label. Now it would be truthful and authentic to say that this bill is going to require a GMO label simply by saying: "Scan here for GMO ingredients in this product." Let's have an amendment that changes that language. I have such an amendment, and I would like to see us have a vote on it. To the proponents who are saying this is a GMO labeling bill, this would actually make it a GMO labeling bill.

I know the two Senators from Vermont each have an amendment they would like to have considered, one of which would take the Vermont standard and make it the national standard, and another would grandfather Vermont in and say: Let's not roll over the top of Vermont. Maybe there are a couple of other Senators who have things that will improve this legislation. How about an amendment that would actually put in the same authority to levy fines that we have on the country-of-origin labeling law. I have that amendment. What about a vote on that amendment? These should be things that we can come together on.

If you truly want to have a national labeling standard, you want a definition that has integrity and is consistent with what is commonly understood to be a GMO. You want to have a label that indicates there are GMO ingredients inside because that is authenticity. You want to have the ability to have the U.S. Department of Agriculture levy a fine if people disobey the law so that it actually has some teeth in it and some compelling force. That is what I am asking for. Let's have a vote on several basic amendments rather than blindly embracing ignorance and denying Americans the right to know.

I thank the Presiding Officer.

Mr. President, parliamentary inquiry: Do I need to make any specific request to reserve the remainder of my 1 hour?

The PRESIDING OFFICER (Mr. FLAKE). No, the hour remains.

Mr. MERKLEY. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from West Virginia.

MILCON-VA AND ZIKA VIRUS FUNDING BILL

Mrs. CAPITO. Mr. President, I rise today to emphasize the importance of the MILCON-VA and Zika conference bill. As a member of the conference committee that crafted this report and a member of the subcommittee that drafted the Military Construction and Veterans Affairs appropriations bill, I cannot overstate the significance of this legislation.

Sadly, we have watched the Senate Democrats play politics with critical funding for our military, our veterans, and funding to combat Zika. In my view, this stunt—and I call it a stunt because that is what it is—is both dangerous and disheartening. It is an insult to the men and women who sacrifice so much to keep us safe. It is a reckless game to play with our veterans and public health across this country.

The conference report includes record-level funding for America's veterans. It fully funds the VA's request for veterans' medical services and provides an overall increase of nearly 9 percent for our veterans programs. It includes measures for the Department of Veterans Affairs to improve access and efficiency for military services. We certainly know we have a long way to go before we get satisfaction there. We have a long way to go to reduce the backlogs in claims processing, strengthen our whistleblower protections, and improve information technology in medical research.

The drug epidemic plaguing our Nation has unfortunately hit our veterans community particularly hard, especially in my home State of West Virginia. The overdose rate in my State is more than twice the national average. With almost 40 percent of our State's veterans using the VA health care system, it is vital that we strengthen the VA's ability to help treat opioid addiction.

Whether our veterans are recovering from injuries obtained during their service or tending to their daily health needs, this bill provides funding to give veterans a new lease on life. This includes supporting the VA's Opioid Safety Initiative—something I have been very involved with—which improves pain care for those who have a higher risk of opioid-related overdoses. It also encourages the VA to continually expand treatment services and better monitor our at-risk veterans.

Another thing we can do for our veterans is ensure they have ample employment opportunities as they transition into civilian life—another problem we have identified. In West Virginia, where the majority of our veterans live in rural areas—and as many of you know, almost the whole State is

rural—the unemployment rate is almost 2 percent higher than the overall national average.

I recently witnessed something that was great to see: an innovative agritherapy program that helps our veterans cope with PTSD. It has also helped to arm our veterans with skills they can use to start a business. I met several veterans who were suffering from PTSD who have embarked on an agritherapy program using bees and beekeeping. At Geezer Ridge Farm in Hedgesville—yes, it is Geezer Ridge—I saw veterans use beekeeping to overcome PTSD. To date, the program has helped create 150 new veteran-owned farms.

The benefits of agritherapy have been acknowledged by publications such as *Psychology Today* and *Newsweek*. However, we need research to further explore the benefits of this type of treatment. That is why I offered a provision in this bill calling for a pilot program at the VA to better understand agritherapy, and I am excited about what we learned.

While I was out there, I met a veteran who was suffering from PTSD and who was seeing a therapist once a week because he was having such difficulty coping at the VA, and he got interested in beekeeping. He began to grow a business, to learn about bees, pollen and honey, the queen bee, and all those kinds of things. He said that now he only sees a therapist every other month. He has such relief, and it gives him such a positive outlook for his future, just by having this type of therapy available to him.

This bill also prioritizes a full range of programs to ensure that we honor our commitment to our men and women in uniform and that we deliver the services our veterans have dutifully earned.

Let's talk for a moment about a growing public health threat facing us, and that is the Zika virus. We have all heard about it, and we have seen pictures of children who were born from mothers who were infected by Zika. It is very disheartening, sad, and difficult to see and to think about those young families starting out.

This conference report includes \$1.1 billion to tackle Zika. With every conversation I have and every statistic and article I have read, I grow more concerned. I think everybody does. I spoke to a group of young students just the other day. Young students are tuning in to this difficult problem.

After hearing testimony before the Appropriations Committee and meeting with the CDC Director, I understand the immediate need to provide funds for research, prevention, and treatment. We are all vulnerable to what the CDC Director told me is an unprecedented threat.

We must act to protect ourselves and prevent the spread of this deadly virus. We must do it smartly, efficiently, and without wasting our taxpayers' dollars. This conference report that is stalled,

that is stuck in this stunt, does just that. It takes the necessary and responsible actions to protect Americans from an outbreak.

The \$1.1 billion allocated in this conference report is the same amount the Democrats supported just last month when an amendment addressing Zika funding passed out of the Senate. It doesn't make sense. Their reasoning for opposing this funding lacks merit. The conference report does not prohibit access to any health service. In fact, it provides the same access to health services that was in the President's request. The conference report even expands access to services by boosting funding for our community health centers, public health departments, and hospitals in areas most directly affected by Zika. The safety and health of Americans should be our No. 1 priority. Sadly, the other side has chosen to prioritize politics over the American people.

We will have another opportunity to vote on this conference report, and I am hopeful that my Democratic colleagues will do the right thing. Rather than blocking critical funding for veterans and the Zika response, we need to join together to send this conference report to the President's desk as soon as possible.

Thank you.

The PRESIDING OFFICER. The Senator from South Dakota.

#### FIGHTING TERRORISM

Mr. THUNE. Mr. President, last week terrorists wearing suicide vests entered the Istanbul airport and opened fire on travelers before detonating their vests. Forty-five people were killed and more than 200 were injured. While no group has yet claimed responsibility, Turkish officials believe that ISIS was behind the attack.

The list of ISIS-related terrorist attacks in the United States and against our allies is steadily growing: Paris, San Bernardino, Brussels, Orlando, and Istanbul. Then, of course, there is the constant barrage of attacks in the Middle East, such as last week's deadly attack in Baghdad that resulted in the death of 250 people.

So far the attacks in the United States have been inspired by—rather than carried out by—ISIS, but that could change at any moment. In the wake of the Istanbul attacks, CIA Director John Brennan stated he would be “surprised” if ISIS isn't planning a similar attack in the United States.

Given the terrorist violence in recent months, it is no surprise that a recent FOX News poll found that an overwhelming majority of Americans, 84 percent, think that “most Americans today are feeling more nervous than confident about stopping terrorist attacks.”

Unfortunately, they have reason to be nervous because under President Obama we are not doing what we need to be doing to stop ISIS. For proof of that, we have President Obama's own CIA chief, who has made it clear that

the measures the administration has taken to stop ISIS have failed to reduce the group's ability to carry out attacks.

Testifying before Congress 3 weeks ago, Director Brennan stated: “Unfortunately, despite all our progress against ISIL on the battlefield and in the financial realm, our efforts have not reduced the group's terrorism capability and global reach.”

Let me repeat that: “. . . our efforts have not reduced the group's terrorism capability and global reach,” said CIA Director Brennan.

That is a pretty serious indictment of the Obama administration's ISIS strategy or the lack thereof. If our efforts have not reduced ISIS's terrorism capability and global reach, then our efforts are failing and we need a new plan, but that is something that President Obama seems unlikely to produce. Despite a halfhearted campaign against ISIS, the President has never laid out a comprehensive strategy to defeat the terrorist group. As a result, ISIS's terrorism capability and global reach are thriving.

Keeping Americans safe from ISIS requires a comprehensive approach. It requires not just containing but decisively defeating ISIS abroad. It requires controlling our borders and strengthening our immigration system. It requires us to give law enforcement and intelligence agencies the tools and funding they need to monitor threats abroad and here at home. It requires us to secure the homeland by addressing security weaknesses that would give terrorists an opening to attack. Unfortunately, President Obama has failed to adequately address these priorities, and at this late date, the President is unlikely to change his approach.

The Republican-led Senate cannot force the President to take the threat posed by ISIS seriously, but we are committed to doing everything we can to increase our Nation's security. A key part of defeating ISIS abroad is making sure the men and women of our military have the equipment, the training, and the resources they need to win battles.

This month, the Senate will take up the annual appropriations bill to fund our troops. This year's bill focuses on eliminating wasteful spending and redirecting those funds to modernize our military and increase troop pay. It rejects President Obama's plan to close Guantanamo Bay and bring suspected terrorists to our shores, and it funds our efforts to defeat ISIS abroad.

The bill received unanimous bipartisan support in the Appropriations Committee. I am hoping the outcome will be the same on the Senate floor.

Last year, the Democrats chose to play politics with this appropriations bill and voted to block essential funding for our troops no fewer than three times, even though they had no real objections to the actual substance of the bill.

Playing politics with funding for our troops is never acceptable, but it is

particularly unacceptable at a time when our Nation is facing so many threats to our security. I hope this time around Senate Democrats will work with us to quickly pass this legislation.

In addition to funding our military, another key aspect to protecting our Nation from terrorist threats is controlling our borders. We have to know who is coming into our country so that we can keep out terrorists and anyone else who wants to harm us. If criminals and suspected terrorists do make it across our borders, we need to apprehend them immediately.

One thing we can do right now to improve our ability to keep criminals and suspected terrorists off our streets is to eliminate so-called sanctuary cities. Right now, more than 300 cities across the United States have policies in place that discourage local law enforcement from cooperating with immigration officials. That means that when a Homeland Security official asks local authorities to detain a dangerous felon or suspected terrorist until Federal authorities can come collect the individual, these jurisdictions may refuse to help. Sanctuary city policies have resulted in the release of thousands of criminals who could otherwise have been picked up by the Department of Homeland Security and deported.

Senator TOOMEY has offered a bill to discourage these policies by withholding certain Federal funds from jurisdictions that refuse to help Federal officials keep dangerous individuals off the streets. I have to say that I am deeply disappointed that this afternoon the Senate Democrats chose to block this important legislation. By opposing this bill, Democrats are complicit in making it easier for felons and suspected terrorists to threaten our communities.

Giving our intelligence and law enforcement agencies the tools they need to track terrorists is one of the most important ways we can prevent future attacks.

In June, the Senate took up an amendment to give the FBI authority to obtain records of suspected terrorists' electronic transactions, such as what Web sites they visited and how long they spent on those sites. The FBI has stated that obtaining this authority is one of its top legislative priorities.

The agency already has authority to obtain similar telephone and financial records, but what the FBI Director described as "essentially a typo in the law" has so far prevented the FBI from easily obtaining the same records for Web sites. Fixing this intelligence gap would significantly improve the FBI's ability to track suspected terrorists and to prevent attacks. Unfortunately, again, the majority of Senate Democrats inexplicably voted against this amendment, which I hope will be reconsidered in the Senate in the near future.

On top of that, Democrats are threatening to block this year's Commerce-Justice-Science appropriations bill, which provides funding that the FBI and other key law enforcement agencies need to operate.

When the President's CIA Director testified before Congress in June, he told Members: "I have never seen a time when our country faced such a wide variety of threats to our national security."

Given these threats, and especially given the recent ISIS-inspired attack on our own soil, it is both puzzling and deeply troubling that Democrats would block the FBI's No. 1 priority and then play politics with the funding that will help the agency track suspected terrorists in our country.

As I mentioned above, the final essential element to protecting Americans from terrorist attacks is addressing our vulnerabilities here at home. The recent terrorist attacks in Istanbul and Brussels highlighted vulnerabilities at airports we need to address to prevent similar attacks in the United States.

This afternoon, the House and Senate announced they had reached agreement on a final version of aviation legislation. In addition to aviation safety measures and new consumer protections—such as guaranteed refunds of baggage fees for lost or seriously delayed luggage—this legislation provides one of the largest, most comprehensive airport security packages in years.

This legislation improves vetting of airport employees to address the insider terrorist threat, the risk that an airport employee would give a terrorist access to secure areas of an airport. It includes provisions to get more Americans enrolled in Precheck to reduce the size of crowds waiting in unsecured areas of our airports, and it contains measures to add more K-9 and other security personnel at airports so we are better able to deter attacks. In addition, the bill requires the TSA to look at ways to improve security checkpoints to make the passenger screening process more efficient and effective.

I look forward to sending this legislation to the President by July 15. As the President's own CIA Director made clear, President Obama's halfhearted approach to countering ISIS has failed to reduce the threat this terrorist organization poses.

While I would like to think the President will develop a greater seriousness about ISIS in the last 6 months of his Presidency, I am not holding out a lot of hope. But whatever the President does or fails to do, Republicans in the Senate will continue to do everything we can to protect our country and to keep Americans safe from terrorist attacks.

I hope that Democrats in Congress will join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### ALZHEIMER'S CAREGIVER SUPPORT ACT

Ms. KLOBUCHAR. Mr. President, today I rise with my colleague from Maine, Senator SUSAN COLLINS, to bring attention to the millions of Americans living with Alzheimer's disease and related dementias and the loving caregivers who take care of them.

One in three seniors who die each year has Alzheimer's or related dementia. The cost is incredible. In 2016, we will spend \$236 billion caring for individuals with Alzheimer's. By 2050, these costs will reach \$1.1 trillion.

The one thing we know is we are seeing more and more people with Alzheimer's. We are working diligently—all of our doctors and medical professionals—for a cure, but we know that, in the meantime, we will have many family members involved in taking care of them.

Senator COLLINS and I have introduced the Alzheimer's Caregiver Support Act, which authorizes grants to public and nonprofit organizations to expand training and support services for families and caregivers of patients with Alzheimer's disease or related dementias. We think that these sisters and brothers, sons and daughters, and husbands and wives who are doing this caregiving all want to have the best quality of life possible for their loved one who has this devastating disease—and they want to be trained. If they don't have that ability to learn what tools they can use when someone around them just starts forgetting what they said 10 minutes before, they need to learn how to take care of them, and many of them want to do that. Our bill simply gives them the tools to do that.

I thank Senator COLLINS for her long-time leadership.

I thank Senator CARPER, who moved the schedule around a bit so we could talk about this important bill.

I know Senator COLLINS wishes to speak about this as well.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I speak, I also extend my appreciation to the Senator from Delaware.

I rise today with my friend and colleague from Minnesota, Senator KLOBUCHAR, to briefly talk about the bill that we have introduced, the Alzheimer's Caregiver Support Act, which would provide training and support services for the families and caregivers of people living with Alzheimer's and other dementias.

As many caregivers can attest, Alzheimer's is a devastating disease that exacts a tremendous personal and economic toll on individuals, families, and our health care system. For example, it is our Nation's most costly disease. It is one that affects more than 5.4 million Americans, including 37,000 Mainers living with Alzheimer's today. That number is soaring as our older population grows older and lives longer.

Last year and this year, we have done a good job in increasing the investment

in biomedical research that someday will lead to effective treatments, a means of prevention, or even a cure for Alzheimer's. But often forgotten when we discuss this disease are the caregivers. There are many families across this Nation who know all too well the compassion, commitment, and endurance it takes to be a caregiver of a loved one with Alzheimer's disease.

When I was in Maine recently, I saw an 89-year-old woman taking care of her 90-year-old husband with Alzheimer's. I met a woman in her fifties who, with her sisters, was juggling care of their mother along with demanding work schedules. I discussed with an elderly husband his own health problems as he tries to cope with taking care of his wife's dementia. Most important, these caregivers allow many with Alzheimer's to remain in the safety and the comfort of their own homes.

Last year, caregivers of people living with Alzheimer's shouldered \$10.2 billion in health care costs related to the physical and emotional effects of caregiving. And that is why the bill Senator KLOBUCHAR and I have introduced is so important. It would help us do more to care for our caregivers. It would award grants to public and nonprofit organizations like Area Agencies on Aging and senior centers to expand training and support services for caregivers of people living with Alzheimer's.

Mr. President, it has been estimated that nearly one out of two of the baby boomer generation—our generation—reaching 85 will develop Alzheimer's if we are not successful with biomedical research. As a result, chances are that members of our generation will either be spending their golden years with Alzheimer's or caring for someone who has it. It is therefore imperative that we give our family caregivers the support they need to provide high-quality care.

Our legislation has been endorsed by the Alzheimer's Association, the Alzheimer's Foundation of America, and UsAgainstAlzheimer's. I urge all our colleagues to support it.

Mr. President, to reiterate I rise today to speak in support of the Alzheimer's Caregiver Support Act that I have been pleased to join my friend and colleague from Minnesota, Senator KLOBUCHAR, in introducing. Our bill would provide training and support services for the families and caregivers of people living with Alzheimer's disease or related dementias. As many caregivers can attest, Alzheimer's is a devastating disease that exacts a tremendous personal and economic toll on individuals, families, and our health care system.

It is our Nation's most costly disease. Approximately 5.4 million Americans are living with Alzheimer's disease today, including 37,000 in Maine, and that number is soaring as our overall population grows older and lives longer. If current trends continue, Alzheimer's disease could affect as many as 16 million Americans by 2050.

There are many families across our Nation who know all too well the compassion, commitment, and endurance that it takes to be a caregiver of a loved one with Alzheimer's disease. Our caregivers devote enormous time and attention, and they frequently must make many personal and financial sacrifices to ensure that their loved ones have the care they need day in and day out. When I was in Maine recently, I saw an 89-year-old woman taking care of her 90-year-old husband with Alzheimer's; a woman in her fifties who with her sisters was juggling care of their mother with their work schedules; and an elderly husband trying to cope with his own health problems as well as his wife's dementia. Most important, however, these caregivers enable many with Alzheimer's to remain in the safety and comfort of their own homes.

According to the Alzheimer's Association, nearly 16 million unpaid caregivers provided 18 billion hours of care valued at more than \$221 billion in 2015. These caregivers provide tremendous value, but they also face many challenges. Many are employed and struggle to balance their work and caregiving responsibilities. They may also be putting their own health at risk, since caregivers experience high levels of stress and have a greater incidence of chronic conditions like heart disease, cancer, and depression. Last year, caregivers of people living with Alzheimer's or related dementias shouldered \$10.2 billion in health care costs related to the physical and emotional effects of caregiving.

The bipartisan legislation we introduced on the last day of June—which was Alzheimer's and Brain Awareness month—would help us do more to care for our caregivers. It would award grants to public and nonprofit organizations, like Area Agencies on Aging and senior centers, to expand training and support services for the families and caregivers of people living with Alzheimer's disease.

The bill would require these organizations to provide public outreach on the services they offer, and ensure that services are provided in a culturally appropriate manner. It would also require the Secretary of Health and Human Services to coordinate with the Office of Women's Health and Office of Minority Health to ensure that women, minorities, and medically underserved communities benefit from the program.

It has been estimated that nearly one in two of the baby boomers reaching 85 will develop Alzheimer's. As a result, chances are that members of the baby boom generation will either be spending their golden years with Alzheimer's or caring for someone who has it. It is imperative that we give our family caregivers the support they need to provide high quality care to their loved ones. Our legislation has been endorsed by the Alzheimer's Association, Alzheimer's Foundation of America, and UsAgainstAlzheimer's, and I urge all of our colleagues to support it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before they leave the floor, I want to say a special thanks to Senators KLOBUCHAR and COLLINS for their leadership on this issue. This is one that hits close to home for me and my sister and my family. Our mother had Alzheimer's disease, dementia, and her mother and grandmother. So this is one I care a lot about, and I applaud their efforts to work together on a hugely important issue on a personal level as well as a financial one.

For a long time, I thought Medicaid was a health care program for mostly moms and kids. As it turns out, most of the money we spend in Medicaid is to enable elderly people, many with dementia, Alzheimer's disease, to stay in nursing homes. The lion's share of the money is actually for seniors, many of them with dementia and Alzheimer's disease. So there is a fiscal component and a personal human component.

I thank the Senators for this. I have written down the information about their bill, and I will be researching it through the night to see if I can join them as a cosponsor. I thank them both, and I really appreciate what they are doing.

ISIS

Mr. President, just before Senators COLLINS and KLOBUCHAR took to the floor, one of our colleagues—one of my three favorite Republican colleagues—spoke about ISIS and suggested that we are not doing too well in the battle against ISIS.

I have a friend, and when you ask him how he is doing, he says: Compared to what? I want to compare now with where we were with ISIS about 2 years ago.

Two years ago, ISIS was on the march. They were almost knocking on the door of Baghdad. They stormed through Syria, through much of Iraq, headed toward Baghdad, and were stopped almost on the outskirts of Baghdad. The question was, Can anybody stop them?

The United States, under the leadership of our President, and other countries said: Let's put together the kind of coalition that George Herbert Walker Bush put together when the Iraqis invaded Kuwait many years ago.

Some of us may recall that under the leadership of former President Bush, we put together a coalition of I think more than 40 nations. Everybody in the coalition brought something to the fight. Among other things, we brought some airpower and some troops on the ground. Other countries, like the Japanese, didn't send any military forces, but they provided money to help support the fight. We had Sunni nations, we had Shia nations, and we had nations from NATO. It was a very broad coalition, and we were ultimately very successful in pushing Saddam Hussein and the Iraqis out of Kuwait and enabling the Kuwaitis—even today—to live as a free people.

So when we hear people talk about how things are going with respect to ISIS, let me say this: Compared to what? Compared to 2 years ago, a heck of a lot better—a whole lot better.

You may remember that 2 years ago, ISIS had the Iraqis on the run. The Iraqi soldiers were running away, leaving all kinds of equipment behind for the ISIS folks to take over. ISIS came in and took control of the oilfields and took over banks and looted them.

Two years ago, they were attracting 2,000 fighters per month from around the world. Every month, 2,000 fighters were going to Iraq and Syria to fight with ISIS. How about last month? Two hundred.

Two years ago, the ISIS folks were attracting 10 Americans per month to the fight in Iraq and Syria—10 Americans per month 2 years ago. Last month? One American.

The land mass that the ISIS folks took over to create their caliphate was about half of Iraq—not that much, not half of Iraq, but they had taken over large parts of Iraq. Today, with the alliance, we have retaken I think at least half of that. With American airpower and American intelligence, with some support on the ground—but mostly Iraqis and Kurds and other components of our coalition have enabled the Iraqis to retake what we call the Sunni Triangle, which includes Ramadi, Tikrit, and Fallujah. That is the triangle in western Baghdad where a whole lot of the Sunnis live. And a lot of the boots on the ground were not ours. The boots on the ground were those of the Iraqi Army, which is starting to show a sense of cohesiveness and a sense of fight we didn't see 2 years ago.

Up in the northern part of Iraq, there is a big city called Mosul which is being surrounded by forces of the alliance that include not so much U.S. troops on the ground—we have some support troops on the ground. We certainly have airpower there. We are providing a fair amount of help in intelligence, and we will have elements of the Kurds, their forces, the Iraqi Army, and some other forces, too, surrounding Mosul. My hope and expectation—we are not going to rush into it—is that we are getting ready to gradually go into that city, try to do it in a way the civilians there do not get killed unnecessarily. It is something we are going to do right, and I think ultimately we will be successful.

If you go almost due west from Mosul toward Syria, you come to a big city called Raqqa, and that is essentially the capital—almost like the spiritual capital of the caliphate the ISIS folks are trying to establish. Raqqa is now being approached from the southwest by Syrian Army forces, some Russian airpower, and for us from the northeast—not American ground forces but Kurds and others and US airpower. It is almost like a pincer move, if you will. Two forces that are not ours but seen as allies—one led by the United States and the other by the Russians—are

moving in against a common target, and that is Raqqa.

So how are we doing? Compared to what? Compared to 2 years ago, we are doing a heck of a lot better. And it is not just the United States. We don't want to have boots on the ground, but there are a lot of ways we can help. As it turns out, there are a lot of other nations in our coalition that are helping as well.

So far in this fight in the last 18 months or so, we have killed I think over 25,000 ISIS fighters. We have taken out roughly 120 key ISIS leaders. We have reduced the funds of ISIS by at least a third. I am told that we have cut in half the amount of money they are getting from oil reserves, from oil wells and so forth that they had taken over.

It is not time to spike the football, but I think anybody who wanted to be evenhanded in terms of making progress toward degrading and destroying ISIS would say it is not time to spike the football but it is time to inflate the football.

We are on the march. We are on the march—and not just us but a lot of others. We have two carriers groups, one in the Mediterranean and another in the Persian Gulf. I understand that F-16s and F-18s are flying off those aircraft in support of these operations. We have B-52s still flying. They are operating out of Qatar. We have A-10s operating out of someplace. We have to operate flights, I believe, out of Iraq and maybe even out of Turkey, maybe even out of Jordan—not necessarily all—maybe even out of Kuwait. So there are a lot of assets involved—a lot of their assets involved—and I think to good effect.

I am a retired Navy captain. I served three tours in Southeast Asia during the Vietnam war. I am not a hero like JOHN MCCAIN and some of our other colleagues, but I know a little bit about doing military operations with units of other branches of the service or even in the Navy—naval air, working with submarines, working with service ships. It is difficult and complicated. Try to do that with other countries speaking different languages and having different kinds of military traditions and operating norms, and it is not easy to put together a 16-nation alliance and be an effective fighting machine all at once. But we are getting there. We are getting there. We are making progress, and I am encouraged.

But I would say, if I could add one more thing—and then I want to talk about what I really wanted to talk about, Mr. President—there is a fellow named Peter Bergen who is one of the foremost experts in the country and in the world maybe on jihadi terrorism. He points out that if you go back to the number of Americans who have been killed since 9/11 by jihadi terrorists in our country, they have all been killed by American citizens or people who are legally residing in this country.

Part of what we need to do is to make sure folks in this country don't get further radicalized. I think one of the best ways to make sure they are not going to get radicalized is to not have one of our candidates for President saying we ought to throw all the Muslims out of this country, send them all home. If that doesn't play into the hands of ISIS, I don't know what does. That is not the way to make sure we reduce the threat of jihadism in this country; it actually incentivizes and is like putting gasoline on the fire.

What the administration, what the Department of Homeland Security is trying to do, and what I am trying to do in our Committee on Homeland Security is to make sure we reach out to the Muslim community not with a fist and saying “You are out of here,” but in the spirit of partnership. They do not want their young people to be radicalized and go around killing people. That is not what they want. We need to work with people of faith, people in the Muslim community, with families, and with nonprofit organizations and others to make sure it is clear that we see them as an important part of our country. We are not interested in throwing them out of this country. There are a lot of them making great contributions to this country. We want them to work with us and we want to be a partner with them to reduce the incidence of terrorism by Muslims and, frankly, any other faith that might be radicalized here.

That isn't why I came to the floor, Mr. President, but I was inspired by one of my colleagues whom I greatly admire.

#### FEDERAL RECORDS ACT

What I want to talk about, Mr. President, is something that, when you mention it, people really light up. It really excites them; and that is the Federal Records Act. It will likely lead the news tonight on all the networks. It is actually topical and I think important. Maybe when I finish, folks—the pages who are sitting here dutifully listening to my remarks—will say: That wasn't so bad. That was pretty interesting.

So here we go.

Mr. President, I rise this evening to address the importance of the Federal Records Act and the recent attention that has been given to the Federal Government's recordkeeping practices during investigations into former Secretary of State Hillary Clinton's use of a personal email server.

Yesterday, as we all know, FBI Director James Comey announced that the FBI had completed its investigation into Secretary Clinton's use of a personal email server. After an independent and professional review that lasted months, the FBI recommended to the Justice Department that based on the facts, charges are not appropriate and that “no reasonable prosecutor” would pursue a case.

In addition, the State Department's inspector general recently concluded

its review of the recordkeeping practices of several former Secretaries of State, including those of Secretary Clinton.

While these investigations have been the subject of much discussion in the media and here in the Senate, I just want to put into context the findings and their relation to Federal recordkeeping.

The truth is, for decades, and across Republican and Democratic administrations, the Federal Government has done an abysmal job when it comes to preserving electronic records. When Congress passed the Federal Records Act over 60 years ago, the goal was to help preserve our Nation's history and to ensure that Americans have access to public records. As we know, a lot has changed in our country since that time due to the evolution of information technology. Today, billions of documents that shape the decisions our government makes are never written down with pen and paper. Instead, these records are created digitally. They are not stored in a filing cabinet, they are not stored in a library or an archive somewhere but in computers and in bytes of data.

Because of a slow response to technological change and a lack of management attention, agencies have struggled to manage an increasing volume of electronic records and in particular email. In fact, the National Archives and Records Administration, the agency charged with preserving our Nation's records, reported that 80 percent—think about this, 80 percent—of agencies are at an elevated risk for the improper management of electronic records. As the inspector general's recent report showed, the State Department is no exception to this governmentwide problem.

The report found systemic weaknesses at the State Department, which has not done a good job for years now when it comes to overseeing recordkeeping policies and ensuring that employees not just understand what the rules are but actually follow those policies. The report of the inspector general and the report of the FBI also found that several former Secretaries of State, or their senior advisers, used personal emails to conduct official business. Notably, Secretary Kerry is the first Secretary of State—I believe in the history of our country—to use a state.gov email address, the very first one.

The fact that recordkeeping has not been a priority at the State Department does not come as a surprise, I am sure. In a previous report, the inspector general of the State Department found that of the roughly 1 billion State Department emails sent in 1 year alone, 2011, only .0001 percent of them were saved in an electronic records management system. Think about that. How many is that? That means 1 out of every roughly 16,000 was saved, if you are keeping score.

To this day, it remains the policy of the State Department that in most

cases, each employee must manually choose which emails are work-related and should be archived and then they print out and file them in hard-copy form. Imagine that. We can do better and frankly we must.

Fortunately, better laws have helped spur action and push the agencies to catch up with the changing technologies. In 2014, Congress took long-overdue steps to modernize the laws that govern our Federal recordkeeping requirements. We did so by adopting amendments to the Federal Records Act that were authored by our House colleague ELIJAH CUMMINGS and approved unanimously both by the House of Representatives, where he serves, and right here in the United States Senate. Today, employees at executive agencies may no longer conduct official business over personal emails without ensuring that any records they create in their personal accounts are properly archived in an official electronic messaging account within 20 days. Had these commonsense measures been in place or required when Secretary Clinton and her predecessors were in office, the practices identified in the inspector general's report would not have persisted over many years and multiple administrations, Democratic and Republican. Secretary Clinton, her team, and her predecessors would have gotten better guidance from Congress on how the Federal Records Act applies to technology that did not exist when the law was first passed over 60 years ago.

Let's move forward. Moving forward, it is important we continue to implement the 2014 reforms of the Federal Records Act and improve recordkeeping practices throughout the Federal Government in order to tackle these longstanding weaknesses. While doing so, it is also imperative for us to keep pace as communications technologies continue to evolve. While it is not quick or glamorous work, Congress should support broad deployment of the National Archives' new record management approach called Capstone. Capstone helps agencies automatically preserve the email records of its senior officials.

Now, I understand Secretary Clinton is running for President, and some of our friends in Congress have chosen to single her out on these issues I think largely for that reason—because she is a candidate—but it is important to point out that in past statements, Secretary Clinton has repeatedly taken responsibility for her mistakes. She has also taken steps to satisfy her obligations under the Federal Records Act. The inspector general and the National Archives and Records Administration have also acknowledged she mitigated any problems stemming from her past email practices by providing 55,000 pages of work-related emails to the State Department in December of 2014.

The vast majority of these emails has now been released publicly through the Freedom of Information Act. This is an

unprecedented level of transparency. Never before have so many emails from a former Cabinet Secretary been made public—never. I would encourage the American people to read them. What they will show is, among other things, someone working late at night, working on weekends, working on holidays to help protect American interests. The more you read, the more you will understand her service as Secretary of State. She called a dozen foreign leaders on Thanksgiving in 2009. What were the rest of us doing that day? She discussed the nuclear arms treaty with the Russian Ambassador on Christmas Eve. What are most of us doing on Christmas Eve? She responded quickly to humanitarian crises like the earthquake in Haiti.

Finally, I should point out that the issue of poor recordkeeping practices and personal email use are not unique to this administration or to the executive branch. Many in Congress were upset when poor recordkeeping practices of President George W. Bush's administration resulted in the loss of White House documents and records. I remember that. At times, Members of Congress have also used personal email to conduct official business, including some who are criticizing Secretary Clinton today, despite it being discouraged.

Now that the FBI has concluded its review, I think it is time to move on. Instead of focusing on emails, the American people expect us in Congress to fix problems, not to use our time and resources to score political points. As I often say, we lead by our example. It is not do as I say, but do as I do. All of us should keep this in mind and focus on fixing real problems like the American people sent us to do.

Before I yield, I was privileged to spend some time, as the Presiding Officer knows, as Governor of my State for 8 years. After I was elected Governor, but before I became Governor, all of us who were newly elected and our spouses were invited to new Governors school for new Governors and spouses hosted by the National Governors Association. That would have been in November of 1993. The new Governors school, for new Governors and spouses, was hosted by the NGA, the chairman of the National Governors Association, and by the other Governors and their spouses within the NGA. They were our faculty, and the rest of us who were newbies, newly elected, we were the students. We were the ones there to learn. We spent 3 days with veteran Governors and spouses, and those of us who were newly elected learned a lot from the folks who had been in those chairs for a while as Governors and spouses. One of the best lessons I learned during new Governors school that year in November of 1992, as a Governor-elect to Delaware, was this—and I don't recall whether it was a Republican or Democratic Governor at the time, but he said: When you make

a mistake, don't make it a 1-day problem, a 1-week problem, a 1-month problem, or a 1-year problem. When you make a mistake, admit it. That is what he said. When you make a mistake, admit it. When you make a mistake, apologize. Take the blame. When you have made a mistake, fix it, and then move on. I think that is pretty good advice. It helped me a whole lot as Governor and has helped me in the United States Senate, in my work in Washington with our Presiding Officer on a number of issues.

The other thing I want to say a word about is James Comey. I have been privileged to know him for a number of years, when he was nominated by our President to head up the FBI and today as he has served in this capacity for a number of years. We are lucky. I don't know if he is a Democrat, Republican, or Independent, but I know he is a great leader. He is about as straight an arrow as they come. He works hard—very hard—and provides enlightened leadership, principled leadership, for the men and women of the FBI. I want to publicly thank him for taking on a tough job and doing it well.

I hope we will take the time to sift through what he and the FBI have found, but in the end, one of the things they found is that after all these months and the time and effort that has gone into reviewing the email records and practices of Secretary Clinton—which she says she regrets. She has apologized for doing it. She said if she had to do it all over, she certainly wouldn't do it again, even though it wasn't in contravention of the laws we had of email recordkeeping at the time. We changed the law in 2014. She has taken the blame. At some point in time—we do have some big problems we face, big challenges we face, and we need to get to work on those as well.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant 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.

#### STANDARDS FOR PROTECTING CLASSIFIED INFORMATION

Mr. SASSE. Mr. President, I sprinted to the floor when I saw the Senator from Delaware speaking. I have high regard for the Senator from Delaware. I think he is a man of integrity who has served his country well, both in the Navy and in this body. I have traveled with the man. We have explored the Texas-Mexico border before. I think very highly of him.

I wanted to come to the floor and ask, in light of the comments he just made about Secretary Clinton, if he has any view about what should happen the next time, when a career intelligence or military officer leaks classi-

fied information. I am curious as to what should happen next. And I welcome a conversation with any of the defenders of the Secretary of State who want to come to the floor and engage in this issue.

As I see it, one of two things happens the next time a classified document is leaked in our intelligence community. Either we are going to not prosecute or not pursue the individual who leaks a document that compromises national security and compromises potentially the life of one of the spies who is out there serving in defense of freedom—and we are potentially not going to pursue or prosecute that individual because yesterday a decision was made inside the executive branch of the United States Government to lower the standards that govern how we protect classified information in this country.

That will be a sad day because it will mean we are a weaker nation because we decided to lower those standards, not in this body, not by debate, not by passing a law, but a decision will have been made to lower the standards by which the U.S. national security secrets are protected. Or conversely, a decision will have been made to prosecute and pursue that individual for having leaked secrets, at which point that individual, his or her spouse and their family and his or her peers are going to ask the question, which is, Why is there a different standard for me, the career military officer or the career intelligence officer, than there is for the politically connected in this country?

As I see it, we are in danger of doing one of two things: We are either going to make the United States less secure by lowering the standards that are written in statute about how we govern classified information in this country, or we are going to create a two-tier system of justice by which the powerful and the politically connected are held to a different bar than the people who serve us in the military and the intelligence community.

Again, I have great respect for the senior Senator from Delaware, but I listened to his comments. I was in a different meeting, and I saw that he was speaking. I muted my TV and listened to his comments, and I would welcome him to come back to the floor and engage me and explain which way he thinks we should go next because one of those two things is going to happen the next time a classified document is leaked. Either we are going to not pursue that person and we are going to have lowered the standards for protecting our Nation's secrets, or we are going to pursue that person, which means they will be held to a different standard, a higher standard, than the Secretary of State. I don't understand that. I don't understand why anybody in this body would think either of those two outcomes is a good thing.

We do many, many things around here. A small subset of them are really important. Lots of them aren't very

important. This is a critically important matter. This body and this Congress exist for the purpose of fulfilling our article I obligations under the Constitution. The American system of government is about limited government because we know, as Madison said, that we need government in the world because men aren't angels, and we need divided government; we need checks and balances in our government. We need three branches of government because those of us who govern are not angels.

We distinguish in our Constitution between a legislative, executive, and a judicial branch, and this body—the legislative branch—is supposed to be the body that passes the laws because the people are supposed to be in charge, and they can hire and fire those of us who serve here. Laws should be made in this body, not in the executive branch. The executive branch's obligations are to faithfully execute the laws that are passed in this body.

If we are going to change the standards by which our Nation's secrets are protected, by which classified information is governed, we should do that in a deliberative process here. We should pass a law in the House and in the Senate so that if the voters—if the 320 million Americans, the “we the people” who are supposed to be in charge, disagree about the decisions that are made in this body, they are supposed to be able to fire us.

The people of America don't have any way to fire somebody inside an executive branch agency. Deliberation about the laws and the standards that govern our national security should be done here, and the laws should be made here.

For those who want to defend Secretary Clinton, I am very curious if they would explain to us which way they want it to go the next time a classified secret is leaked because either we are going to have standards or we are not going to have standards. If we are not going to have standards, that is going to make our Nation weaker. If we are going to have standards, they should apply equally to everyone because we believe in equality under the law in this country.

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. Without objection, it is so ordered.

Mr. RUBIO. I ask unanimous consent that I be allowed to speak as in morning business.

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

#### CENTRAL EVERGLADES PLANNING PROJECT

Mr. RUBIO. Mr. President, as you and others are well aware, Florida is often associated with its crystal blue waters, sport and commercial fishing,

and pristine vacation destinations. This summer, a thick and putrid algal bloom known as the blue-green algae is threatening all of that and much more along large stretches of the St. Lucie River and the Indian River Lagoon.

On Friday, I visited the area, and I can tell you this is an economic disaster in addition to an ecological crisis. I met many of the people whose lives have been thrown into turmoil. The algae has forced the closure of several beaches. Even this morning we were hearing reports of a surf camp where kids go out and learn how to surf and paddle board and so forth. They sign up in the summer to do this, and they are having parents canceling, and in some cases having to cancel themselves because of this.

There were beaches closed during the Fourth of July, which is the peak season for many of these resorts, hotels, and local businesses. That is why I say they have been thrown into turmoil. Beyond that, this algae bloom is killing fish and oysters. It is hurting tourism. It is harming local businesses. It is sinking property values.

Imagine if you just bought a home on the water there—the values are largely tied to access to water and the boat dock—and now you step outside, and sitting right there on your porch, basically, there is a thick green slime that some have compared to guacamole sitting on the surface of the ocean. You can imagine what that is doing to property values. Parents, of course, are viewing all of this and are concerned for the health of their children. There are a number of things we can do to address this immediately, and I have been working to make these things happen.

First of all, let me describe how this is happening. This is happening because nutrient-rich water—water that has things in it like fertilizer—is running into Lake Okeechobee, which is at the center of the State. It is the largest inland body of water in the State. Historically, the water that sat in Lake Okeechobee would run southward into the Everglades. With development, canal systems, and so forth, that all stopped.

Now this water is held back by a dike, which is put in place to prevent flooding. When the waters need to be released, they are released east and west. These waters are already rich in nutrients in Lake Okeechobee, and then they are released into the estuaries and canals, which also have nutrients in them because of runoff from faulty and old septic tanks. When these things reach the ocean, when they reach the estuaries, when they reach the lagoon or the lake or the river and they get into this heat, the result is what we are seeing now.

Last week I wrote the Army Corps of Engineers, and I urged them to stop the discharges from Lake Okeechobee until the balance and health of the ecosystem in the area can recover. By the way, these discharges have been ongoing since January of this year, which

has lowered salinity levels, and it caused the algae to bloom. I also invited the Assistant Secretary of the Army Corps to visit the area so they can witness the conditions firsthand.

I was pleased that after my request the Army Corps announced it would decrease the discharges but, of course, much more needs to be done. My office has also been working with the Small Business Administration for months now on the harmful impact of these discharges. In April, we were able to ensure disaster loans were made available to businesses suffering from the discharges. Just yesterday, we were able to confirm that the disaster loans will apply to those currently affected by the current algal blooms.

Perhaps the most important long-term solution that we can put in place is for the Senate and the House to pass and the President to sign the authorization for the Central Everglades Planning Project. The Central Everglades Planning Project will divert these harmful discharges away from the coastlines and send more water south through the Everglades.

This is a project I had hoped would have been authorized in the last water resources bill in 2014, but delays by the administration in releasing the final Chiefs report prevented that from happening in 2014. Thanks to the leadership of Chairman INHOFE, the Central Everglades Planning Project is included in the EPW committee-reported Water Resources Development Act of 2016.

Last week, I joined 29 of my colleagues in urging our leaders to bring this important bill before the full Senate. I plan to continue this support, and I hope we are able to get the Central Everglades Planning Project signed into law as soon as possible.

Finally, we also need to know the long-term health risks posed by this algal bloom. I mentioned a moment ago that many parents are concerned about the safety of their kids as they play outside this summer. Let me tell you why they are concerned. The algae I saw lining the shores and in the coves and inlets will literally make you sick. There are already people complaining of headaches, rashes, and respiratory issues.

At Central Marine in Stuart, you could not stand outside near the water and breathe the air without literally feeling sick. The smell is indescribable. The best thing I can use to describe it is if you opened up a septic tank or opened sewage in a third world country—that is how nasty this stuff is.

By the way, when it dies, it turns this dark green-blue color, and then it becomes even more toxic. No one knows how to remove it. No one knows what is going to happen to it after it dies, except it is going to sit there. That is why we have been in contact with the Centers for Disease Control and Prevention, which has been working with State officials, and I requested that they keep me informed and that

they remain vigilant in their efforts to assist those impacted by the algae.

This is truly a crisis for the State of Florida, but we are fortunate that Florida is well equipped to handle this issue. I have spoken to the Governor and to key officials on the ground about this. This should continue to be a joint effort by the Federal and State governments. Should the government decide this warrants a Federal disaster declaration, I will urge the President to approve it. That means that more resources could flow to those who have been negatively impacted by this, especially small businesses that have seen themselves in the peak season truly hurt by this event.

In the meantime, Florida continues to face this serious problem, and unfortunately there simply is no silver bullet. Its effects will linger for quite some time. For people who are suffering through this right now, that is not a promising thing for me to say. If that were my house facing this algae, if that were my business wiped out with the cancellations, I would be angry too.

It is important to remember this is not just an ecological crisis; it is a tragedy for the people on the Treasure Coast who have had to watch this algae threaten their communities and their livelihoods. This is a heated issue, as you can imagine, because we are talking about people's homes. We are talking about a way of life. Many people came up to me and said they grew up in the area, they remember the days where their whole summers were spent near that water, and now they can't even go in it. When we see a place as naturally beautiful as the Treasure Coast looking and smelling like an open sewer, you have a visceral and angry reaction to it. I know that I did.

Sadly, whenever there are emotional and heated issues like these, people on both sides are willing to exploit them. Anyone who tells you they have the silver bullet answer to this problem is simply not telling the truth. They are lying. I have talked to experts, dozens of them. I visited with people across the spectrum on this issue, and the reality is that solving this issue will take time, persistence, and a number of things. There is no single thing we can do. There are a number of things, and they all have to happen in order for this to get better.

These problems have existed for decades. This didn't happen overnight. This isn't something that started 2 weeks ago. This has been going on for decades. I have now been a Senator for a little less than 6 years, and in my time here, we have made steady progress on this issue. But it is not coming as fast as I would like, and it is not coming as fast as the people of the Treasure Coast need. The worst thing we could do right now is to divert critical resources from a plan that will work, from a plan designed by scientists, from a plan designed by experts that will work, but we have to put that plan in place.

That is why I once again urge my colleagues to move forward on the Central Everglades Planning Project. It will allow us to begin the process of authorizing these important projects that will not only retain more water but will result in cleaner water going into Lake Okeechobee, cleaner water flowing out of Lake Okeechobee, and cleaner water moving south into the Everglades, the way it should be flowing and not east and west into these impacted communities.

I am calling the Presiding Officer's attention to this because, as I have detailed, this is far from being merely a State issue. We do have our work cut out for us on the Federal level to help get this solved, but I am committed to this task. I ask my colleagues for their assistance so we can ensure that 5 and 10 years from now we are not still here talking about this happening all over again.

With that, 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. 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.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes, although I don't think I will use it all.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 143rd time now to urge Congress to wake up to the damage that carbon pollution is inflicting on our atmosphere and oceans and to make a record for when people look back at this time and at this place and wonder why Congress was so unresponsive in the face of all of the information.

What are we up against that has prevented progress? What we are up against is a many-tentacled, industry-controlled apparatus that is deliberately polluting our discourse in this Nation with phony climate denial. That apparatus runs in parallel with a multi-hundred million dollar electioneering effort that tells politicians: If you don't buy what the apparatus is selling, you will be in political peril.

As we look at the apparatus that is propagating this phony climate denial, there is a growing body of scholarship that helps us that is examining this apparatus, how it is funded, how it communicates, and how it propagates the denial message. It includes work by Harvard University's Naomi Oreskes, Michigan State's Aaron McCright, Oklahoma State's Riley Dunlap, Yale's Justin Farrell, and Drexel University's Robert Brulle, but it is not just them. There are a lot of academic folk working on this to the point where there are now more than 100 peer-reviewed sci-

entific articles examining this climate denial apparatus itself. These scientists are doing serious and groundbreaking work.

Dr. Brulle, for instance, has just been named the 2016 recipient of the American Sociological Association's Frederick Buttel Distinguished Contribution Award, the highest honor in American environmental sociology. Dr. Brulle has also won, along with Professor Dunlap, the American Sociological Association's Allan Schnaiberg Outstanding Publication Award for their book "Climate Change and Society." The work of all of these academic researchers maps out an intricate, interconnected propaganda web which encompasses over 100 organizations, including trade associations, conservative so-called think tanks, foundations, public relations firms, and plain old phony-balance polluter front groups. A complex flow of cash, now often hidden by donors' trusts and other such identity-laundering operations, support this apparatus. The apparatus is, in the words of Professor Farrell, "overtly producing and promoting skepticism and doubt about scientific consensus on climate change."

The climate denial apparatus illuminated by their scholarship is part of the untold story behind our obstructed American climate change politics.

This apparatus is huge. Phony-balance front organizations are set up by the score to obscure industry's hand. Phony messaging is honed by public relations experts to sow doubt about the real scientific consensus. Stables of payrolled scientists are trotted out on call to perform. Professor Brulle likens it to a stage production.

Like a play on Broadway, the counter-movement has stars in the spotlight—often prominent contrarian scientists or conservative politicians—but behind the stars is an organizational structure of directors, script writers, and producers, in the form of conservative foundations. If you want to understand what is driving this movement, you have to look at what is going on behind the scenes.

The whole apparatus is designed to be big and sophisticated enough that when you see its many parts, you can be fooled into thinking it is not all the same animal, but it is, just like the mythological Hydra—many heads, same beast.

The apparatus is huge because it has a lot to protect. The International Monetary Fund has pegged what it calls the effective subsidy to the fossil fuel industry every year in the United States alone at nearly \$700 billion. That is a lot to protect.

Here is one other measure. The Center for American Progress has tallied the carbon dioxide emissions from the power producers involved in the lawsuit to block implementation of President Obama's Clean Power Plan, either directly or through their trade groups. It turns out they have a lot of pollution to protect. The companies affiliated with that lawsuit were responsible for nearly 1.2 billion tons of carbon pol-

lution in 2013. That is one-fifth of the entire carbon output in our entire country, and 1.2 billion tons makes these polluters, if they were their own country, the sixth biggest CO<sub>2</sub> emitter in the world—more than Germany or Canada. Using the Office of Management and Budget's social cost of carbon, that is a polluter cost to the rest of us of \$50 billion every year. When this crowd comes to the court, they come with very dirty hands and for very high stakes.

Not only is this apparatus huge, it is also complex. It is organized into multiple levels. Rich Fink is the former President of the Charles G. Koch Charitable Foundation. He has outlined the model they use called the "Structure of Social Change" to structure what he called "the distinct roles of universities, think tanks, and activist groups in the transformation of ideas into action."

As a Koch-funded grantmaker out to pollute the public mind, the Koch Foundation realized that multiple levels were necessary for successful propaganda production. They went at it this way: The "intellectual raw materials" were to be produced by scholars funded at universities, giving the product some academic credibility. I think at this point, Koch funding reaches into as many as 300 college campuses to create this so-called intellectual raw material. Then think tanks and policy institutions mold these ideas and market them as "needed solutions for real-world problems." I guess they are using the technique of "think tank as disguised political weapon" described by Jane Mayer in her terrific book "Dark Money."

Then comes what we would call "astroturf"—citizen implementation groups "build diverse coalitions of individual citizens and special interest groups needed to press for the implementation of policy change" at the ground level. So the apparatus is organized not unlike a company would set up manufacturing, marketing, and sales.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Fink's "The Structure of Social Change."

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

[From libertyguide.com, Oct. 18, 2012]

#### THE STRUCTURE OF SOCIAL CHANGE

(By Rich Fink, President, Charles G. Koch Charitable Foundation)

#### WHY PUBLIC POLICY?

Universities, think tanks, and citizen activist groups all present competing claims for being the best place to invest resources. As grant-makers, we hear the pros and cons of the different kinds of institutions seeking funding.

The universities claim to be the real source of change. They give birth to the big ideas that provide the intellectual framework for social transformation. While this is true, critics contend that investing in universities produces no tangible results for many years or even decades. Also, since

many academics tend to talk mostly to their colleagues in the specialized languages of their respective disciplines, their research, even if relevant, usually needs to be adapted before it is useful in solving practical problems.

The think tanks and policy development organizations argue that they are most worthy of support because they work on real-world policy issues, not abstract concepts. They communicate not just among themselves, but are an immediate source of policy ideas for the White House, Congress, and the media. They claim to set the action agenda that leaders in government follow. Critics observe, however, that there is a surfeit of well-funded think tanks, producing more position papers and books than anyone could ever possibly read. Also, many policy proposals, written by “wonks” with little experience outside the policy arena, lack realistic implementation or transition plans. And all too often, think tanks gauge their success in terms of public relations victories measured in inches of press coverage, rather than more meaningful and concrete accomplishments.

Citizen activist or implementation groups claim to merit support because they are the most effective at really accomplishing things. They are fighting in the trenches, and this is where the war is either won or lost. They directly produce results by rallying support for policy change. Without them, the work of the universities and policy institutes would always remain just so many words on paper, instead of leading to real changes in people's lives.

Others point out, however, that their commitment to action comes at a price. Because activist groups are remote from the universities and their framework of ideas, they often lose sight of the big picture. Their necessary association with diverse coalitions and politicians may make them too willing to compromise to achieve narrow goals.

Many of the arguments advanced for and against investing at the various levels are valid. Each type of institute at each stage has its strengths and weaknesses. But more importantly, we see that institutions at all stages are crucial to success. While they may compete with one another for funding and often belittle each other's roles, we view them as complementary institutions, each critical for social transformation.

#### HAYEK'S MODEL OF PRODUCTION

Our understanding of how these institutions “fit together” is derived from a model put forward by the Nobel laureate economist Friedrich Hayek.

Hayek's model illustrates how a market economy is organized, and has proven useful to students of economics for decades. While Hayek's analysis is complicated, even a modified, simplistic version can yield useful insights.

Hayek described the “structure of production” as the means by which a greater output of “consumer goods” is generated through savings that are invested in the development of “producer goods”—goods not produced for final consumption.

The classic example in economics is how a stranded Robinson Crusoe is at first compelled to fish and hunt with his hands. He only transcends subsistence when he hoards enough food to sustain himself while he fashions a fishing net, a spear, or some other producer good that increases his production of consumer goods. This enhanced production allows even greater savings, hence greater investment and development of more complex and indirect production technologies.

In a developed economy, the “structure of production” becomes quite complicated, involving the discovery of knowledge and inte-

gration of diverse businesses whose success and sustainability depend on the value they add to the ultimate consumer. Hayek's model explains how investments in an integrated structure of production yield greater productivity over less developed or less integrated economies.

By analogy, the model can illustrate how investment in the structure of production of ideas can yield greater social and economic progress when the structure is well-developed and well-integrated. For simplicity's sake, I am using a snapshot of a developed economy, as Hayek did in parts of *Prices and Production*, and I am aggregating a complex set of businesses into three broad categories or stages of production. The higher stages represent investments and businesses involved in the enhanced production of some basic inputs we will call “raw materials.” The middle stages of production are involved in converting these raw materials into various types of products that add more value than these raw materials have if sold directly to consumers. In this model, the later stages of production are involved in the packaging, transformation, and distribution of the output of the middle stages to the ultimate consumers.

Hayek's theory of the structure of production can also help us understand how ideas are transformed into action in our society. Instead of the transformation of natural resources to intermediate goods to products that add value to consumers, the model, which I call the *Structure of Social Change*, deals with the discovery, adaptation, and implementation of ideas into change that increases the well-being of citizens. Although the model helps to explain many forms of social change, I will focus here on the type I know best—change that results from the formation of public policy.

#### APPLYING HAYEK'S MODEL

When we apply this model to the realm of ideas and social change, at the higher stages we have the investment in the intellectual raw materials, that is, the exploration and production of abstract concepts and theories. In the public policy arena, these still come primarily (though not exclusively) from the research done by scholars at our universities. At the higher stages in the *Structure of Social Change* model, ideas are often unintelligible to the layperson and seemingly unrelated to real-world problems. To have consequences, ideas need to be transformed into a more practical or useable form.

In the middle stages, ideas are applied to a relevant context and molded into needed solutions for real-world problems. This is the work of the think tanks and policy institutions. Without these organizations, theory or abstract thought would have less value and less impact on our society.

But while the think tanks excel at developing new policy and articulating its benefits, they are less able to implement change. Citizen activist or implementation groups are needed in the final stage to take the policy ideas from the think tanks and translate them into proposals that citizens can understand and act upon. These groups are also able to build diverse coalitions of individual citizens and special interest groups needed to press for the implementation of policy change.

We at the Koch Foundation find that the *Structure of Social Change* model helps us to understand the distinct roles of universities, think tanks, and activist groups in the transformation of ideas into action. We invite you to consider whether Hayek's model, on which ours is based, is useful in your philanthropy. Though I have confined my examples to the realm of public policy, the model clearly has much broader social relevance.

Mr. WHITEHOUSE. Mr. President, investigative books, journalists' reporting, and academic studies repeatedly compare the climate denial effort to the fraud scheme that was run by the tobacco industry to disguise the harms of smoking. When I was a U.S. attorney, the Justice Department pursued and ultimately won a civil lawsuit against tobacco companies for that fraud. When I was here in the Senate, I wrote an opinion piece about a possible DOJ investigation into the fossil fuel industry fraud on climate change. This gave me a new appreciation of the apparatus in action. In response came an eruption of dozens of rightwing editorials, most of which interestingly were virtually identical, with common misstatements of law and common omissions of facts. The eruption recurred some months later in response to me asking Attorney General Lynch about such an investigation when she was before us during a hearing of the Judiciary Committee.

Virtually every author or outlet in these eruptions was a persistent climate denier. Common markers in the published pieces seemed to point to a central script. When multiple authors all say something that is true, that is not necessarily noteworthy, but when multiple authors are all repeating the same falsehoods, that is a telling fingerprint. I happened to notice this because unlike most people, I get my news clips so I saw all these articles as they emerged in this eruption that took place. The articles regularly confused civil law with criminal law, suggesting that I wanted to “slap the cuffs” on people or “prosecute” people when the tobacco case was a civil case, and in a civil case there are no handcuffs. The articles almost always overlooked the fact that the government won the tobacco fraud lawsuit and won it big. The pieces usually said my target was something other than the big industry protagonist. My targets were described as “climate dissidents” or “independent thought” or “scientists” and “the scientific method” or even just “people who just disagree with me.” Nothing like that transpired in the tobacco fraud case, obviously.

Time and time again, the articles wrongly asserted that any investigation into potential fraud by this climate denial apparatus would be a violation of the First Amendment. This was a particularly telling marker because it is actually settled law—including from the tobacco case itself—that fraud is not protected under the First Amendment. So the legal arguments were utterly false, but nevertheless the apparatus was prolific. They cranked out over 100 articles in all in those two eruptions.

Now the State attorneys general who have stepped up to investigate whether the fossil fuel industry and its front groups engaged in a fraud have faced a similar backlash. First came the editorial barrage, often from the same outlets and authors as mine and usually with the same false arguments.

Then, Republicans on the U.S. House Science, Space, and Technology Committee sent the attorneys general letters with a barrage of demands to discourage and disrupt their inquiries. A group of Republican State attorneys general even issued a letter decrying the efforts of their investigating colleagues. All of them insisted the First Amendment should prevent any investigation.

In one ironic example, the Koch-backed front group Americans for Prosperity rode to the rescue of the Koch-backed Competitive Enterprise Institute, one of the climate denial mouthpieces under investigation. The Koch-backed front group Americans for Prosperity announced it was joining a coalition of 47 other groups to support what it called “a fight for free speech,” but according to [realkochfacts.org](http://realkochfacts.org), 43 of the 47 groups in that so-called coalition also have ties to the Kochs, and 28 of them are directly funded by the Kochs and their family foundations. Welcome to the apparatus.

The Koch brothers’ puppet groups claim to stand united against what Americans for Prosperity described as “an affront to the First Amendment rights of all Americans,” but scroll back, and the tobacco companies and their front groups and Republican allies made exactly the same argument against the Department of Justice’s civil racketeering lawsuit—the one the Department of Justice won.

Big Tobacco’s appeal in court argued that, quoting the appeal, “the First Amendment would not permit Congress to enact a law that so criminalized one side of an ongoing legislative and public debate because the industry’s opinions differed from the government or ‘consensus’ view.”

How did they do? They lost. They lost because the case was about fraud, not differences of opinion. Courts can tell the difference between fraud and differences of opinion. They do it all the time. Fraud has specific legal requirements. The courts in the tobacco case held firmly that the Constitution holds no protection for fraud—zero—and the tobacco industry had to stop the fraud. Now the fossil fuel industry says it is different from the tobacco industry while it uses the very same argument as the tobacco schemers.

To really appreciate how bogus the First Amendment argument is, think through what it would mean if fraudulent corporate speech were protected by the First Amendment. Out would go State and Federal laws protecting us from deceitful misrepresentations about products. Consumer protection offices around the country would shrivel or shut their doors, and it would be open season on the American consumer. That is a dark world to envision, but it is the world that results if corporate lies about the safety of their products or industrial processes are placed beyond the reach of the law. I say lies because you have to be lying for it to be fraud.

This begs the question of whether there is really a difference of opinion about climate change among scientists. Last week, 31 leading national scientific organizations, including the American Association for the Advancement of Science, the American Meteorological Society, the American Geophysical Union, and 28 others sent Members of Congress a no-nonsense message that human-caused climate change is real, that it poses serious risks to society, and that we need to substantially reduce greenhouse gas emissions. They told us this:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the 39 scientific organizations.

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

JUNE 28, 2016.

DEAR MEMBERS OF CONGRESS: We, as leaders of major scientific organizations, write to remind you of the consensus scientific view of climate change.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

There is strong evidence that ongoing climate change is having broad negative impacts on society, including the global economy, natural resources, and human health. For the United States, climate change impacts include greater threats of extreme weather events, sea level rise, and increased risk of regional water scarcity, heat waves, wildfires, and the disturbance of biological systems. The severity of climate change impacts is increasing and is expected to increase substantially in the coming decades.

To reduce the risk of the most severe impacts of climate change, greenhouse gas emissions must be substantially reduced. In addition, adaptation is necessary to address unavoidable consequences for human health and safety, food security, water availability, and national security, among others.

We, in the scientific community, are prepared to work with you on the scientific issues important to your deliberations as you seek to address the challenges of our changing climate.

American Association for the Advancement of Science  
American Chemical Society  
American Geophysical Union  
American Institute of Biological Sciences  
American Meteorological Society  
American Public Health Association  
American Society of Agronomy  
American Society of Ichthyologists and Herpetologists  
American Society of Naturalists  
American Society of Plant Biologists  
American Statistical Association  
Association for the Sciences of Limnology and Oceanography  
Association for Tropical Biology and Conservation

Association of Ecosystem Research Centers  
BioQUEST Curriculum Consortium  
Botanical Society of America  
Consortium for Ocean Leadership  
Crop Science Society of America  
Ecological Society of America  
Entomological Society of America  
Geological Society of America  
National Association of Marine Laboratories  
Natural Science Collections Alliance  
Organization of Biological Field Stations  
Society for Industrial and Applied Mathematics  
Society for Mathematical Biology  
Society for the Study of Amphibians and Reptiles  
Society of Nematologists  
Society of Systematic Biologists  
Soil Science Society of America  
University Corporation for Atmospheric Research

Mr. WHITEHOUSE. That letter is the voice of fact, of scientific analysis, and of reason.

Up against it is the apparatus. The apparatus has the money. The apparatus has the slick messaging. The apparatus has the political clout. It has that parallel election spending muscle, it has the lobbying armada, and it has that array of outlets willing to print falsehoods about climate change and, for that matter, about fraud and the First Amendment.

The scientists? Well, they have the expertise, the knowledge, and the facts. Whose side we choose to take says a lot about who we are.

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

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

## MORNING BUSINESS

Mr. TILLIS. 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.

## MILCON-VA AND ZIKA VIRUS FUNDING BILL

Mr. TESTER. Mr. President, it is the end of June and mosquitos are everywhere. That means the danger of the Zika virus is increasing. All but five States have at least one reported case of the Zika virus. Just today, a baby was born in the United States with microcephaly because of the Zika virus. This is a serious crisis that requires serious action.

That is why I was so disappointed to see the majority insert language that would limit access to contraception, a key component of a strategy to fight Zika, but this bill denies women the ability to get birth control services