

month. The House is gone. They are through for this session.

Failure to pass this legislation means delaying funding for our troops overseas. Failure to pass this means delaying funding for Flint, MI. I promised Senator STABENOW we would deal with that issue, and we have, in the WRDA bill and the CR that are here, having passed the House. Failure to pass this legislation means delaying funding for storm recovery in many of our States, and of course failure to pass this legislation means creating a shutdown of the government. Over what? We have funded health care for miners through the end of April. We have funding in here for the opioid crisis and a whole lot of other things that Senators say they care about. They want to shut the government down to stop this? Really. It hardly makes sense to me. In fact, passing this CR guarantees that health care will be there for miners through the end of April. It guarantees it. Failure to pass it guarantees it goes away at the end of the month.

I think it is time to get serious. I think we all don't want any of these consequences to come about. The thing to do is to pass this continuing resolution. After we pass that, we will turn to the water resources development bill. The House overwhelmingly passed the bipartisan water resources development bill as well, with more than three-fourths in its favor. It was overwhelming on both sides of the aisle.

Now it is our turn to act. Remember, this bill supports waterways, infrastructure, enhances commerce, and maintains American ecosystems. It also authorizes spending in the continuing resolution, which will help families in Flint. Flint is in both of these bills. These are the folks who have been impacted by the drinking water crisis. We will have a vote on WRDA after the CR has been approved.

I encourage my colleagues to work together now so we can pass both of these as soon as possible. It strikes me that delay is not a solution to any of these problems I have outlined.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### REMEMBERING JOHN GLENN

Mr. REID. Madam President, our Nation and the world lost a historic figure yesterday, a legend, John Glenn.

As a relatively new Senator, I had the good fortune to take a trip with him. He led the trip with Ted Stevens of Alaska. It was a wonderful trip. We were in Austria. The Iron Curtain was down. We went into Czechoslovakia and had all the Russian soldiers checking the train. They had dogs.

But around the world, everyone knew that John Glenn was leading that trip, and a number—three, to be exact—of the soldiers, when none of the others

were looking, asked if he would autograph for them just a piece of paper they had, and he did that. Everyplace we went, in Poland—we were all Senators, but there was only one John Glenn. Everyplace we went, he was beloved. He really was an icon.

In reading the morning newspaper, I was disappointed it had a headline, John Glenn known for his space exploits. John Glenn was known for far more than that. Of course, he was our first to circumvent the globe. He told all of us he wore that space capsule, it was so small. In all the news last night, it showed him climbing into that. If you were claustrophobic, you could not get in that, it was so tight. He could reach out and touch both sides of it.

Here this great aviator told me and whoever else was listening that when that came down in the ocean, if they had waited another minute to pick him up, he would have had to throw up. Here was a guy who never got sick any time, but he was getting sick then.

I have so many fond memories of John Glenn. He was so nice to me, as he was nice to everyone. He was an ace in World War II, a fighter pilot. He was an ace in the Korean conflict. I think he had 90 missions there. This may upset some people, but it is a fact of war—war is tough. We were having a debate here on napalm, and someone asked John Glenn: Did you ever use that in World War II?

He said: Yes, we did.

When would you decide to drop your load?

He said: When we could see the whites of the eyes on the people on the ground.

That was John Glenn. He was so thoughtful of everyone else—but a soldier, a marine, a pilot. He held that record for flying across the United States faster than anyone else. He was known by far more than his space exploits. He served in the Senate for 24 years. In all the years I have been here, no one in the Senate had more respect than John Glenn.

His story is legendary. He and Annie, who is a wonderful woman, knew each other when they were little kids, first and second graders. That was a love affair that was ongoing forever. To show the strength of this woman, we only had to look at what happened yesterday after John passed away. She is 96 years old, and she was worried about people coming to her home—with John having died and well-wishers coming—so she went grocery shopping so she would have food in her home when people came to visit.

As a child, Annie was stricken with an inability to speak. She stammered so that no one could hear her—they could hear her, but they couldn't understand her. As she was growing up, John Glenn was her mouthpiece. He would take her phone calls because she couldn't talk on the phone, but she overcame that and became the Annie Glenn we all know who speaks very well.

I am not going to go over the list of his many awards. The Distinguished Flying Cross is really a big deal in the military. He was awarded one six times.

Madam President, I ask unanimous consent that a listing of the many awards he received, including the Congressional Gold Medal, be printed in the RECORD.

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

Distinguished Flying Cross, six different times,  
Navy Unit Commendation for service in Korea,  
The Asiatic-Pacific Campaign Medal,  
The American Campaign Medal,  
The World War II Victory Medal,  
The China Service Medal,  
The National Defense Service Medal,  
The Korean Service Medal,  
The United Nations Service Medal,  
The Korean Presidential Unit Citation,  
The Navy's Astronaut Wings,  
The Marine Corps' Astronaut Medal,  
The NASA Distinguished Service Medal,  
The Congressional Space Medal of Honor,  
The Congressional Gold Medal,  
and the Presidential Medal of Freedom.

Mr. REID. Madam President, after a quarter of a century, Senator Glenn left the Senate, and here is what he said: "Yeah, I'll miss it, sure. But you move on to other things. That's it."

That was John Glenn. He moved on to other things.

Until a couple of years ago, he flew his own airplane. When he was a Member of the Senate, he flew back to Columbus, OH. I think that is where he went. Every time he wanted to go, he didn't take commercial; he flew his own airplane.

So I express my condolences to Annie. I admire the inspiration she has been to everybody who has ever known her. Of course, John Glenn, I repeat, is an icon of the Senate, an icon of the military, an icon of the space program, an icon in life, and a wonderful human being.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

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

The senior assistant legislative clerk read as follows:

House Message to accompany H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 5139, to change the enactment date.

McConnell amendment No. 5140 (to amendment No. 5139), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 5141, to change the enactment date.

McConnell amendment No. 5142 (the instructions (amendment No. 5141) of the motion to refer), of a perfecting nature.

McConnell amendment No. 5143 (to amendment No. 5142), of a perfecting nature.

The PRESIDING OFFICER. The assistant Democratic leader.

#### REMEMBERING JOHN GLENN

Mr. DURBIN. Madam President, I wish to join in and echo the comments of the Democratic leader, Senator REID, about the passing of John Glenn. I was just in high school when he was the famous astronaut who risked his life to prove that we could move forward in the space program. It wasn't just an achievement that came to science. It was an achievement America was hungry for.

We were so afraid, after launching the Sputnik and two Russian cosmonauts, that we were falling behind in the space race. All of the astronauts, especially John Glenn, risked their lives to move us forward in the space program that ultimately landed a man on the Moon.

I read this morning in the obituary columns about the risk that was attendant to this launch after it was scrubbed over and over because of mechanical problems and weather and the fact that 40 percent of the time the efforts to use this rocket had failed. Yet John Glenn put his life on the line in Friendship 7, in that tiny little capsule that was only 7 feet across and was launched into space. He almost died on the reentry when the tiles that were to protect him started failing and, as he termed it, there was a fireball as he came back into Earth.

He made it. He was greeted with a hero's welcome all across the United States, and he addressed a joint session of Congress. That was the man I knew.

He was also the man who then volunteered to come to Springfield, IL, in 1982 and campaign for me when I ran for Congress. I was just awestruck that this great man, this American hero and then a U.S. Senator, would take the time to come to my hometown and campaign for me. He did, and he was beloved. A large crowd gathered, cheering him on, as they should have. I was just kind of background noise to the real arrival of the real American hero—John Glenn.

Many years later, when I was elected to the Senate, I was lucky enough to serve with John Glenn for 2 years and be on his committee. He was the ranking Democrat, and Fred Thompson was the Republican chairman of that Administration Committee.

We held some very controversial hearings under Chairman Thompson.

John Glenn would sit there very quietly, and I wondered if he was going to be outflanked by this trial lawyer, Fred Thompson, who was so gifted with his own oratory. But time and again, John Glenn rose to the occasion for our side of the aisle and did it in his own quiet, persuasive, Midwestern way.

At the end of that 2-year period that I served with him when I first came to the Senate, he was launched again into space at age 76 or 77. He was the oldest astronaut and went up into space and came back safely. He always wanted to fly, whether it was his own beloved airplane or whether it was a space capsule. He loved flight, and he made history with his flights around the country and, literally, around the Earth.

We should remember that he risked his life, too, in airplanes for us. In World War II, he had some 59 combat missions in the Pacific, earning the distinguished Flying Cross and many other decorations. But that wasn't the end of his service. When the Korean war started, he volunteered again and flew 90 combat missions there. Interesting footnote: His wingman in those Korean missions, at one point, was Ted Williams, the famous baseball player for the Boston Red Sox.

His is such a storied career of what John Glenn gave to America, including restoring our faith in our own space program, risking his life to prove that we can move forward into space, and serving the State of Ohio and the Nation as a Senator for four terms. He was just an extraordinary man.

We can't mention John without mentioning Annie, his wife of 73 years. They literally shared the same playpen when they were little toddlers. They grew up together in the same school. They got married at a very early age. It was a love affair that went on for decades. The two of them were inseparable.

I am honored to have served with John Glenn. He truly did have the right stuff, time and again, to make America proud.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3542 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Mr. DAINES pertaining to the introduction of S. 3539 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### WRDA

Mr. DAINES. Madam President, invasive mussels are wreaking havoc on our ecosystem in Montana. This is negatively impacting our economy, including our recreation and tourism industries.

Watercraft inspection stations are one of the most effective ways to stop the spread of these invasive species and to protect neighboring and distant bod-

ies of water. I am working to ensure that the needed resources are delivered.

It is time to act now.

#### TRIBUTE TO JESIKA WHITTLE

Madam President, behind every Senator is an extraordinary scheduler. Since 2012, I have had the privilege of having Jesika Whittle as my extraordinary scheduler.

As one of the very first staff members I hired, Jesika has literally been with me from my very first day, and I could not have asked for a better person for the job or one more willing and prepared to help me serve the people of Montana.

Jesika played a critical role in setting up our House freshman office, which is not an easy task, helping me to learn the ropes of where to go and sometimes where not to go.

Undoubtedly, there were times when it felt like a thankless job, but I can assure you that the countless meetings scheduled, emails sent at all hours of the day and night, and gentle reminders to wrap up a meeting did not go without notice or appreciation.

Her love for and dedication to her family shines through everything she does. It is this love and dedication that has propelled Jesika and her husband Zak to return to their native State of Washington. Knowing the joy this will bring Jesika and her family makes the bitter pill of losing her easier to swallow, but only slightly.

There isn't a member of my staff who has not benefited somehow from Jesika, whether it is a reassuring word, a baked good, or sage advice that perhaps she lifted from Star Wars. Speaking of Star Wars, I would say that Jesika has the wisdom of Yoda, the work ethic of Luke Skywalker, and the class of Princess Leia. Because of her, our staff is more than an odd assortment of public servants. We are a family, and this Senate family will sorely miss the extraordinary Jesika Whittle.

Jesika, thank you for everything.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### CUBA

Mr. LEAHY. Madam President, the election of Donald Trump as our next President has ignited a rash of speculation about the future of U.S. policy toward Cuba.

What we know is that the President-elect has said contradictory things about President Obama's decision to resume diplomatic relations with Cuba, as he has about some other issues. Among other things, he has tweeted that he plans to reverse the Obama administration's regulatory changes relaxing restrictions on U.S. engagement with Cuba unless the Cuban Government agrees to a "better deal."

Despite that, we don't actually know what he will do. I hope, before making a decision, he listens to advocates on both sides of the issue, including Cuban-Americans, a growing majority of whom support the resumption of diplomatic relations. As someone who has

traveled to Cuba many times and seen firsthand the benefits of the policy of engagement for both the Cuban people and the American people, I will do whatever I can to encourage the President-elect to continue that policy.

The decision to resume diplomatic relations has been enthusiastically supported here and around the world. One of our closest allies in South America—their Ambassador talked to my wife Marcelle and me the day our flag went up for the first time in over 50 years at our Embassy in Havana.

He said: You know, our country has always strongly supported the United States. But we are also friends of Cuba, and the relationship between the United States and Cuba was always like a stone in our shoe. Today, when your flag went up over your Embassy, the stone came out of our shoe.

The number of Americans who travel to Cuba has risen dramatically in the past two years. U.S. airline companies and cruise ships are carrying passengers there. Hotel deals have been signed.

But the same 5 Members of Congress—3 in the Senate, 2 in the House, of the 535 Members of the House and the Senate—these 5 Members have steadfastly opposed the new opening with Cuba. They continually say that the only Cubans who have benefited from the new opening are Raul Castro and the Cuban military.

Of course the Cuban Government has benefited. That is unavoidable. It happens in any country with state-owned enterprises with which we also have diplomatic and commercial relations. There are many like that. But it is false and misleading to say that they alone have benefited. In fact, the Cuban people, particularly Cuban entrepreneurs, have benefited. So have the American people, and they overwhelmingly want this opening to continue.

I have met many times with Cuban Government officials. I have also met with Cuban dissidents who have been persecuted and imprisoned. No one is a stronger defender of democracy and human rights there than I am. I raised the issue of dissidents being imprisoned, first face-to-face with Fidel Castro many years ago, and later with Raul Castro. Like President Obama, we all want the Cuban people to be able to express themselves freely and to choose their own leaders in a free and fair election. But I resent the assertions of those who remain wedded to the old, failed policy that to favor diplomatic relations is a form of appeasement to the Castro government.

I am as outraged as anyone when Cubans who peacefully advocate for human rights and democracy are harassed, threatened, arrested, and abused, just as I am when such violations of human rights occur in other countries, including countries by governments whose armed forces and police annually receive hundreds of millions of dollars in U.S. aid.

For 55 years we have tried the approach of isolating and pressuring Cuba that is still advocated by a dwindling, albeit passionate, minority in Congress. That approach has failed miserably. The Castro family and their shrinking circle of aging revolutionaries are still in power. Cuba is still a country where political dissent is not tolerated.

No one who knows the Castro government expected the resumption of diplomatic relations to quickly result in an end to oppression of free elections. Those who label the policy of engagement a failure after just 2 years because the Castro government continues to persecute its opponents are either naive or not to be taken seriously. Change in Cuba will happen incrementally, as it does in most countries. But I have no doubt that in a lot fewer than 55 years, the Cuban people have a lot more freedoms than they have had in the past 55 years.

The record is indisputable. Bullying the Cuban Government and making threats and ultimatums have achieved nothing in more than half a century. In fact, it isolated the United States and damaged our own interests.

Consider for a moment what it would mean if we did what these five Members of Congress advocate. Not only would we have no Embassy in Cuba, but to be consistent we would have to withdraw our Ambassadors and impose a unilateral embargo against China, Vietnam, Russia, Ethiopia, and many other countries where human rights are routinely violated, where political opponents and journalists and defenders of human rights are imprisoned and tortured, where there is no such thing as a fair trial, where civil society organizations are threatened and harassed, and where dissent is severely punished.

And when we withdraw, others will happily fill the vacuum, as they have in Cuba, which trades with countries around the world, including with many of our closest allies. In fact, I recall a meeting I had with the Ambassadors of at least a dozen European and Asian countries and with representatives of major companies from those countries. They told me: We love your embargo. Keep your embargo. Our companies can do business here and they don't have to compete with American businesses.

Is that what these isolationist Members of Congress want, or are they just concerned about human rights in Cuba? Would they rather have Cubans buy rice grown in China or in Louisiana? Would they rather have Cubans buy milk from New Zealand as they do now or from the United States? Would they prefer that China and Russia build ports and airports in Cuba while we lower the flag at our Embassy, pound our chest, and demand the Cuban Government to relinquish power? That argument is as illogical as it is inconsistent.

For 55 years, Americans have been free to travel anywhere—Iran, Russia, Vietnam, any country in the world—

but not to Cuba, which is only 90 miles away. One of my fellow Senators, a Republican Senator, who has traveled often to Cuba, said: It is one thing if a Communist country tells me I cannot come to their country, but I don't want my country telling me I can't go there.

Last year, more than half a million Americans visited Cuba. This year, the number is even higher. Even from my little State of Vermont, so many people just drive a few miles to the airport in Canada and fly down. These Members of Congress want to turn back the clock and make it a crime for Americans to travel to only one country in the world—Cuba. If North Korea will let you in, you can go there, but not to Cuba. If you go to Egypt, which is cracking down on dissent, that is fine, but not to Cuba. I could go on and on.

Fortunately, more Republicans and Democrats in both the House and Senate support the right of Americans to travel freely to Cuba, the right of U.S. farmers to sell their products on credit to Cuban buyers, and the rights of Cuban private entrepreneurs who are already benefiting directly from the new opening with the United States. They will benefit even more when the U.S. embargo—a failed, self-defeating, vindictive policy if there ever was one—has finally ended.

I have talked with the Cuban owners of these private businesses. They say they are now able to make far more money than before because as things have opened up, as more Americans travel there, these businesses have expanded to meet the growing demand. Those who continue to defend the embargo should listen to these people. I hope the President-elect will listen to them.

The purpose of a policy of engagement is to protect and defend the interests of the United States and the American people and to promote our values and our products. Diplomatic relations is not a reward to a foreign government; it is what we do to protect our own interests. Do the isolationists think our Embassy in Russia is a reward to President Putin, or that having an Ambassador in Moscow somehow conveys that we agree with President Putin's corrupt and repressive policies? Does anyone think that Russia's Embassy here in Washington is somehow a reward to the United States or to President Obama? Does anyone think the Cuban Government regards its Ambassador here as a reward to us?

The United States has interests in every country, even if it is just to stand up for the rights of Americans who travel and study or work overseas. But there are many other reasons, such as promoting trade and investment, protecting national security, law enforcement cooperation, and stopping the spread of contagious diseases. These are all in the interest of the United States but they are far harder to pursue without diplomatic relations.

We either believe in the benefits of diplomacy or we don't. We either empower our diplomats or we don't. Cuba,

after a year of difficult negotiations, agreed to reopen embassies. Americans are traveling to Cuba in record numbers, including representatives of American companies, chambers of commerce, and State and local government officials. Our two governments have signed new agreements paving the way for cooperation on a wide range of issues, from the resumption of regular postal and commercial airline service, to cooperation on law enforcement and search-and-rescue.

I urge Members of Congress to get briefed on the many ways our countries are cooperating, to our benefit. It might be an eye-opener.

I understand this is an emotional issue for some Cuban-American families, including some who are Members of Congress. I have met with a number of these families. But I have also met with many who have gone to Cuba even though their property was confiscated by the Cuban government, even though they thought they would never go back, but now they can go and visit old friends, and they have changed their views.

In fact, after 55 years, survey after survey, poll after poll shows that most Cuban-Americans support the new policy of engagement. They want the United States to have an embassy in Havana. They are not saying they agree with the Cuban government, but they are saying they want the United States to have an embassy in Havana.

There is a time for family politics, and there is a time for what is in the best interest of the Nation as a whole, all 50 States. Diplomatic relations serve the national interest.

I urge these Members of Congress to put what is in the interest of the American people above their personal interest. Listen to the overwhelming majority of the Cuban and American people. They want the policy of engagement to continue because they believe it is the best hope for a free and prosperous Cuba.

Marcelle and I had a delightful time in Vermont a few months ago when we went and cheered on a group of Little Leaguers from all over our State. They were going to Cuba to play with Little Leaguers in Cuba. Marcelle and I gave them an American flag that had been flown over the U.S. Capitol. Those kids were grinning from ear to ear while holding it, and they sent me pictures of them flying the American flag on the baseball fields in Cuba where they were playing ball and being photographed, the Cuban teams with their flag and the Vermont team with ours. Only a few years ago that would not have happened—the U.S. flag flying in Cuba with the Cuban people cheering.

One of the photographs I remember the most from that trip was taken by a member of my office, Lisa Brighenti. The picture was from the back, and one team wore red T-shirts and the other wore blue. There they were—so much like you see with Little Leaguers—walking off the field, their arms around

each other's shoulders, and they just played a game together. You don't have to see their faces or which T-shirt says "United States" and which one says "Cuba." You know it is one of each, and they are together because of their shared love of the game.

I think of the times during the worst part of the Cold War, and I have gone to countries behind what we then called the Iron Curtain. I would be talking to Foreign Ministers, Defense Ministers, people in key positions, and they would say "My niece went to Stanford" or "My son is studying at the University of Kentucky," and some would tell me about my own alma mater, Georgetown.

These were openings that everybody from our diplomatic corps to our intelligence community would tell me were very important because they would learn about us, and, just as importantly, we would learn about them.

So I urge President-Elect Trump to carefully weigh the pros and cons of this issue. I believe that if he follows his instincts, if he listens to Cuban private entrepreneurs, he, too, will conclude that it makes no sense to return to a failed policy of isolation. That policy has been used by the Castros as an excuse to justify their grip on power and their failed economic policies, it has divided the Cuban and American people, and no other country in this hemisphere supports it.

As that Ambassador said to Marcelle and me: When your flag went up, the stone came out of our shoe.

The Cuban and American people share much in common—our history, our cultures, our families, our ideals, our hopes for the future. We are neighbors. Our economies are increasingly intertwined. We should no longer be isolated from one another.

As the Castro era ends, our policy today is focused on the next generation of Cuban entrepreneurs, activists, students, and leaders. They are Cuba's future. We should endeavor to engage with them in every way we can. I met with some of them, as did a bipartisan group of House and Senate Members, earlier this week. They are bright, motivated young people. They are starting their own businesses. What a refreshing attitude they have toward life. Will everything change overnight? No. But Cuba is changing.

I want to yield the floor, but before I do, I will say that I will speak on this many more times. I think our relationship with Cuba is important not only for the United States but for the whole hemisphere. The stone has come out of the shoe; let's not put it back in. Let's work to help the Cuban people—not the Cuban Government but the Cuban people. By helping the Cuban people, we help ourselves.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UKRAINE

Ms. KLOBUCHAR. Madam President, I have several topics to talk about

today, but I will start with a very important letter that was sent to President-Elect Trump by members and friends of the Senate Ukraine Caucus. We had 27 Senators, including me, come together to advocate and make clear that we wanted to continue the strong United States-Ukrainian relationship that our two countries have enjoyed for many years and to convey our support for Ukraine and ask the President-elect and the new administration to support our ally Ukraine and help it secure a peaceful and democratic future.

Almost 3 years after Russia's illegal annexation of Crimea and military aggression in eastern Ukraine, daily cease-fires along the line of contact make a mockery of the Minsk agreement and demonstrate that this conflict in the heart of Europe is far from over. Russia has yet to withdraw its heavy weapons. It continues to engage in sabotage. It has not halted its disinformation war against Ukraine and the West nor stopped the economic and political pressure aimed at undermining the Ukrainian Government.

I was in Ukraine last year, and I saw firsthand the struggles that their government is having. They have their own internal issues with corruption and the like, but they are trying to make for a better country, and that is very difficult when you have an outside nation that is engaged in the kind of combat that we see from Russia and these kinds of interventions. According to conservative estimates from the United Nations, approximately 10,000 people have been killed, over 20,000 wounded, and more than 2 million internally displaced since the conflict began.

We said in our letter—27 Senators, Republicans and Democrats, led by Senators DURBIN and PORTMAN—that Russia has launched a military landgrab in Ukraine that is unprecedented in modern European history, and we asked the President-elect to work with us on this very important matter so that we may help the Ukrainian people secure their democracy.

My State has a very strong tradition of Ukrainians. I actually live only a few miles from the Ukrainian center in our State. We have a long tradition of opening our arms to people from every corner of the globe. The people in my own city and State are concerned about the situation in Ukraine. There are a lot of people worried about what is going on, especially with the new administration coming in, so I think a strong statement, followed, of course, by actions from the President-elect would be very helpful.

I have to mention one Ukrainian place that I adore, Kramarczuk, which is in my neighborhood. I actually held my first election celebration there when I was running for county attorney. Of course, it didn't end because we had to go into the next morning. The vote was a little close. We didn't know

the result until maybe noon, but that evening we were at Kramarczuk. They have a mural that is literally almost the size of the entire backdrop from door to door in the U.S. Senate, and it is a mural they have proudly hung of the Statue of Liberty. That mural is there because the Kramarczuk family has always believed in a country that brought them in as immigrants and refugees.

I am proud to represent that community and join the other 26 Senators in asking the President-elect to continue to support Ukrainians here at home but, most importantly, the sovereignty of the country of Ukraine and their democratic values.

#### CURES BILL

Next, I will turn to another issue that is of key importance to this body, and that is the passage of the CURES Act, which I know the President is going to sign into law. We are very excited about that bill. There are several things in that bill that the Presiding Officer and I have both worked on. The bill includes opioid funding. Both of our States, West Virginia and Minnesota, have seen way too many deaths and lives lost early, way too many people experiencing an overdose without the help they need for treatment.

The bill authorizes \$1 billion, \$500 million a year, to help the many families struggling with prescription drug addiction. Senators WHITEHOUSE, PORTMAN, AYOTTE, and I actually authored the original bill, the CARA bill, which set the national framework for dealing with opioid addiction. It didn't just include authorizing money for treatment; it also included some foundation steps for doing a better job of exchanging information among physicians in terms of who is getting opioids. I remember one guy I met—a rehab guy up in Moorhead, MN—who had a patient that had gotten opioid prescriptions from 85 different doctors and medical providers in Minnesota, North Dakota, South Dakota, and Wisconsin. As a State with many States on its borders, we see this going on all the time.

I have built on that with a bill I introduced for a national prescription drug monitoring program that I think is very important. Senator CORNYN and I did the original bill on a drug take-back program to make it easier to get drugs out of medicine cabinets. The CARA bill actually built on that, but what was missing from the CARA bill, because it was an authorization bill, was the funding. This effort at the end contained in the CURES Act is going to be very important in the form of grants to our States to get the money out there.

Second is the research money. Nearly \$5 billion will go to NIH to help them look for a cure for horrific diseases like cancer and Alzheimer's. That money will be critical. We are doing groundbreaking work in Minnesota at the Mayo Clinic and also at the University of Minnesota, which will be key to finding a cure to these diseases.

The third thing in the bill that maybe hasn't gotten as much attention is the Anna Westin Act. The Presiding Officer and I worked on that bill together along with Senator AYOTTE and Senator BALDWIN—four women leading the bill, and we got it done. That bill has been kicking around for over a decade. It is a bill that actually came out of Anna Westin's untimely death. She was a young girl who struggled with an eating disorder and eventually died due to the circumstances related to her eating disorder. Her mother, Kitty Westin, has carried her torch. She first gave it to Paul Wellstone, her Senator. Paul died way too young in that tragic plane crash, and then it was passed on to Senator Harkin of Iowa. I was on the bill with him, and when Senator Harkin left, I took the bill over and was able to reach across the aisle and get the support of the Presiding Officer, Senator CAPITO, as well as Senator AYOTTE and then Senator BALDWIN. This bill builds on the Wellstone-Domenici Mental Health Parity and Addiction Equity Act to clarify that insurance companies must cover residential treatment for eating disorders the same way they cover treatment for other mental and physical illnesses.

Over 30 million Americans struggle with eating disorders, including over 200,000 people in my State. It is actually the leading cause of death from mental illness. People don't realize that, but obviously anorexia is a very dangerous disease, as are other eating disorders. That one bill has a lot, but we know there is more work to do on prescription drugs.

I see Senator GRASSLEY here. He and I have worked very hard on what is called the pay-for-delay bill, which would tell the big pharmaceutical companies that they cannot pay the generic companies to keep their products off the market. That literally eliminates competition, and, from the estimates we have gotten, it would save billions of dollars over years. We think that is a really, really, really important bill and something we would like to get done.

I have worked with Senator MCCAIN on legislation that focuses on bringing in less expensive drugs from Canada, as well as a bill I have to allow for negotiations of prices under Medicare Part D.

#### TRIBUTES TO DEPARTING SENATORS

Madam President, I will close my remarks by turning to some of our retiring Senators and speaking briefly on each one of them.

#### HARRY REID

We had a beautiful portrait unveiling for Leader REID yesterday. He has been a leader who takes all ideas into consideration, even those of newer Members.

In January of 2007, I began working on ethics reform, and, in fact, I asked him if that would be an important priority when he took over as leader. It was S. 1, and one of the first bills we passed.

Senator REID didn't give new Members the opportunity to lead just on big bills. When a little girl in Minnesota named Abbey Taylor was maimed while swimming in a pool with a defective drain, Leader REID stood by my side and helped me work with Republicans to get a bill passed in honor of Abbey's memory and final wish.

I met this little girl in the hospital. She went on to live for a year. She had been swimming in a kiddie pool when her intestines were pulled out by a defective drain due to the way it was installed.

Her parents never gave up. Scott Taylor, her dad, called me every single week to see what was happening with the bill. Honestly, again, the bill was moving around and hadn't had any action for years. Ted Stevens, who at the time was a Senator from Alaska, helped me. In the end, it was Senator REID, working with others, including Senator Lott, and we were able to get that bill on another bill, and we were able to pass it.

To this day my proudest moment in the U.S. Senate was calling Scott Taylor and telling him that bill had passed, and then last year hearing from the head of the Consumer Product Safety Commission in the Commerce Committee that not one child has died because of a defective drain since that bill passed. That bill, by the way, was named after James Baker's granddaughter, who had also perished in a pool incident. That is an example. I don't think it would have happened if HARRY REID hadn't been one of our leaders.

Another example is when we were trying to build a bridge to Wisconsin, Senator JOHNSON and I were working on that issue along with House Representative Bachmann, Representative DUFFY, and Senator FRANKEN, and we had to get everyone signed off on an exemption to the Scenic Rivers Act. It was a Saturday, and no one was left in the Senate except two or three Members, and I had one Member I couldn't reach who had gotten on a plane, but we thought we could still reach him so I could get the last signoff to get the bill done. HARRY REID had just found out his wife had breast cancer and was waiting at home, but he wouldn't go home. He insisted on presiding for me. The leader of the Senate sat in the Presiding Officer's chair so I could be back in the Republican cloakroom trying to reach the Senator. That happened.

We didn't get the bill done that day, but the minute we got back in January, Senator REID worked with Senator MCCONNELL, and we were able to get that on the agenda and get that exemption. That bridge is going up as we speak. It is a massive bridge that had to be built because the other bridge was so bad it closed down all the time. People would literally cross their fingers when they went over it. That is Senator REID.

A lot has happened since he first came to work in Congress as a police

officer in the halls of the Capitol. But one thing has stayed the same about Leader REID—the true spirit of him. It is the considerate leader who will sit up at the presiding desk just to help a freshman pass a bill that is important to her and her constituents. It is the kind of person who takes the time to talk to a little boy with leukemia and show him his favorite pictures right in the middle of the budget debate. That happened to me with a kid I brought in his office from Minnesota. It is the humble Senator who never forgets that he came from Searchlight, NV, and always serves with his home in mind.

Thank you, Senator REID, for your service. You will be missed.

BARBARA MIKULSKI

So there are two other Senators who are retiring this week, and one of them is Senator BARBARA MIKULSKI. She has been, as the Presiding Officer knows, the dean of the women in the Senate for a very, very long time. She is the queen of one-liners, and one of my favorite ones is one she uses when she talks about women elected officials. She always says: We see things not just at the macro level but at the macaroni-and-cheese level.

After a few years when I had been in the Senate, she called us into the President's Room—a number of the women Senators—to gear up for a debate that mattered to the women of this country. She, literally—being short, as she is—stood on the couch in that room and said: Gear up. Square your shoulders. Put your lipstick on. Get ready for the revolution.

Now, at the time, I was not even sure what the revolution was. I was thinking all the time that she had probably used that line for maybe much weightier things. But that is her life. She is an advocate. She is a leader. She is someone who has championed the women of the Senate and all women in elected office. She is the one who was here first, of her own making. She is not someone who took over a seat after a husband or father had died. She ran, and she ran on her own merit, and she leaves on her own merit. She leaves on the merit of passing incredibly important bills for Maryland, incredibly important legislation for this country. I will miss her as a mentor, and we will always miss her dearly.

BARBARA BOXER

Finally, there is Senator BARBARA BOXER, who joined the Senate in 1993. When I got to the Senate, I was on the Environment Committee. She was the new chair. I got to see firsthand her advocacy—her advocacy on climate change, her advocacy on transportation and waterway infrastructure—and the way she would just never give up when she decided something was right for her State and right for the country.

But the one thing is that everyone talks about BARBARA BOXER's fiery advocacy and her incredible humor and tenacity. Sometimes, I think people forget how productive she has been

when she worked across the aisle. I saw firsthand how she was able to work with Senator INHOFE on the transportation bill and then later with Senator MCCONNELL on the last transportation bill.

She is someone who has credibility on our side of the aisle. When she says she is willing to make a compromise with the Republicans, people listen. She never gave up. She would have dinners at Italian restaurants. She would find ways, in kind of a mom's way, to get everyone together. She passed some really incredible legislation, including water infrastructure legislation with Senator VITTER over the last few years.

That is what she has done. I can't think of anyone whom we are going to miss more in terms of that presence and that kind of hardscrabble advocacy, which is always coupled with the pragmatic way of getting important bills done. So we are going to miss Senator REID, Senator MIKULSKI, and, also, Senator BOXER.

KELLY AYOTTE

I would also like to add that, of the Republican Senators who are leaving, I have enjoyed a very strong working relationship with Senator AYOTTE. She and I have worked together on opioids. We have worked together a lot on the issue of the eating disorder bill. I am glad that in her final weeks in the Senate, we have been able to pass that important legislation that embraced so many of her priorities.

DAN COATS

I also worked at length with Senator COATS. We both serve on the Joint Economic Committee. He has shown great leadership there, and also, again, an ability to work across the aisle. He believes strongly in civility and in getting to know your fellow Senators. We are going to miss him dearly for his pleasant way and his ability to cross over the aisle and work together. I also want to thank him for the work he did on an adoption bill that we worked on together.

There are many other Senators whom we wish well to. There is Senator KIRK and the work he has done on the Great Lakes priorities. We have worked on that together, as well as all of his leadership in the area of international relations.

Madam President, I see that the Senator from Iowa, Mr. GRASSLEY, is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EXECUTIVE ACTIONS

Mr. GRASSLEY. Madam President, for the last 8 years, we have seen President Obama's administration take action after action and do it without regard for concerns expressed by the American people or their elected representatives in Congress, which amount to a great deal of unconstitutional or at least contrary-to-statute Executive overreach.

The Obama administration used Executive fiat to push sweeping regula-

tions with little thought about damage to American jobs. The Obama administration has repeatedly stretched its authority beyond limits set by Congress in law. It has twisted the same laws and even the Constitution itself to justify this Executive overreach. Despite early promises of transparency, it has kept the American people and the Congress in the dark about many of its most significant decisions.

Americans are right, then, to be frustrated with what they see as more unnecessary burdens and unchecked abuses being handed down by an out-of-reach bureaucracy. In November, they made their voices heard. So now we are going to have a new President on January 20. President-Elect Trump has said that he intends to roll back the mess of harmful regulations and Executive power grabs of the last 8 years.

He is certainly going to have his hands full, as we all know. But there is plenty that we can do to begin the process on January 20. President Obama's tenure has brought about an unprecedented expansion of the regulatory state. By some estimates, bureaucratic redtape now places a \$2 trillion burden on the Nation's economy. You know who pays for that? The American people do.

I don't doubt that there are some good intentions behind every new rule. But the notion that so-called experts in Washington, DC, need to regulate every aspect of our lives does not make much sense to many of the Iowans I talk to. They are hoping that a President Trump will bring common sense to Washington, DC.

Take, for example, the Environmental Protection Agency's waters of the United States rule. It is often referred to by acronym WOTUS. This rule seeks to expand what the government can regulate under the Clean Water Act. Congress intentionally limited EPA's reach under the law to what is termed navigable waterways. But the WOTUS rule would subject 97 percent of the land in my State of Iowa to EPA bureaucratic burdens.

I assume it does the same in several other States. But I have only checked on Iowa. So 97 percent of the land to be regulated by the EPA bureaucracy is just an impossible situation. Think about that. Every homeowner, every contractor, and every farmer would need to seek a Federal permit for projects requiring the simple task of moving dirt, even if it is nowhere near an actual body of water. That, of course, means more paperwork, more time wasted, and, of course, more money spent to get Federal permits for activities that this Congress never intended the Federal Government to regulate.

A bipartisan majority of both Houses of Congress has voiced its disapproval of the WOTUS rule, and a Federal appeals court has placed a nationwide stay on its implementation. Yet I continue to hear concerns, regardless of the court case, that some in the EPA



are going to move forward with the rule's implementation, causing unnecessary fear and confusion among farmers and landowners.

So on day one, President Trump should direct his administration to stop defending the WOTUS rule in the Federal courts where it is now held up. He should also direct his EPA to immediately stop implementing or enforcing the rule while the Agency begins the rulemaking process to take it off the books once and for all. It is not just official regulations that have sparked concern over the last 8 years, the Obama administration has also used Executive actions, agency guidance documents, and legal interpretations to push its agenda, leaving Congress and the American people in the dark.

Often this has been done with disturbing results. In 2014, the Obama administration acted unilaterally to release five senior-level Taliban commanders who were being held at Guantanamo Bay in exchange for SGT Bowe Bergdahl. Now, that is contrary to law.

Despite the requirements of law, the administration never notified Congress, as the law requires, prior to this prisoner's transfer. The law required the administration to provide Congress with a detailed statement of the basis for the release, an explanation for why it is in our national security interests, and a plan to prevent the prisoners from returning to the battlefield.

Instead, Congress heard only crackles. The administration provided no notice to the Congress, no legal justification for the release, and no plan to prevent these Taliban commanders from reentering a fight that has already spilled so much blood of America's sons and daughters.

One reporter said the Taliban has been more transparent about this exchange than the Obama administration. Even the nonpartisan Government Accountability Office later concluded that the administration acted illegally. Well, it is pretty clear. The law says that you have to give Congress 30 days' notice. They didn't give any notice.

There were and still are, then, serious questions about whether releasing these detainees from Guantanamo was a good idea, even to the extent to which the law was violated. So I asked this administration to disclose the legal advice that the Department of Justice apparently provided that justified its failure to notify Congress in a timely way—in other words, a justification for ignoring the law.

But the Department of Justice refused to do that. The public deserves a full and transparent accounting of why the administration believed it could disregard the law. On day one, then, President Trump should order the Justice Department to produce any legal advice that it concocted to excuse the Obama administration from its obligation to notify Congress of this decision 30 days before the release, because that is what the law says.

Unfortunately, this isn't the only legal opinion the Obama administration has used to avoid scrutiny of its actions. The Justice Department also brewed up a ludicrous legal opinion to block government watchdogs from accessing Federal records needed in the course of congressional oversight. If this year has taught us anything, it is that the government needs more oversight, not less.

It is unbelievable that a handful of unelected bureaucrats would try to defy the Congress and the people it represents by ignoring that law. Unfortunately, it hasn't stopped with the case I just cited.

The Obama administration practically treats a congressional subpoena as if it were a freedom of information request rather than a constitutionally mandated inquiry from a coequal branch of government. This very issue is now being debated in the courts.

But it is not just Congress that can't get information; the press and private citizens have had their freedom of information requests regularly met with very long delays, if they get any response at all. You know it is bad when the New York Times calls this White House the most secretive in more than two decades.

President Trump should take steps to reverse this trend of more secrecy in government because more transparency in government will bring more accountability. On day one, he should direct his agency heads to cooperate with congressional inquiries, inspector general investigations, and FOIA requests, and he should empower government whistleblowers.

Whistleblowers expose facts about wrongdoing and incompetence inside the vast Federal bureaucracy, often at risk of their own career and their own reputations and, in some cases, I found out, even their health.

Without whistleblowers, Americans would be none the wiser that, for instance, the Justice Department walked guns that put law enforcement agents in jeopardy—that is the Fast and Furious investigation I did—or that the EB-5 investor visa program is riddled with fraud, or that agencies spend tens of millions of taxpayer dollars every year to pay employees under investigation for misconduct who simply sit at home on paid leave. Information provided by whistleblowers under the Securities and Exchange Commission Whistleblower Program has brought in more than \$584 million in financial sanctions. The Internal Revenue Service has collected more than \$3 billion in tax revenues since 2007 thanks to whistleblowers under a piece of legislation I got passed in 2006, I believe it was.

Since I pushed to empower and protect whistleblowers under the False Claims Act way back in 1986, the Federal Government has recovered more than \$48 billion in taxpayers' money lost to fraud. That simple, quantifiable information is a good deal. But these

brave employees often face retaliation from their own ranks. So I am going to suggest that if President Trump is going to be very serious about fixing the Federal bureaucracy, he should empower these patriotic citizens to help us identify fraud, abuse, and misconduct so that we can get this government working again.

I will propose to the President-elect, when I get a chance to talk to him, something I have proposed to every President since Reagan. And no President, of course, has done this, and maybe it is ridiculous for me to think President Trump will do it, but he is coming to Washington to shake things up. I will suggest to him, to empower whistleblowers, who know there is fraud and who are patriotic people who want fraud corrected, that he hold a Rose Garden ceremony honoring whistleblowers, and maybe do it once a year so that they know that the tone from the top—that the new Commander in Chief has the backs of these patriotic soldiers for good government whom we call whistleblowers.

Of course, what I have gone through in these remarks as I finish is far from an exhaustive list, but the common thread in all of this is that the Obama administration frequently failed to take care that the laws be faithfully executed as required by our Constitution. When that doesn't happen and Congress lets a President get away with it, then we are not upholding our oath to the Constitution, which basically says that Congress passes the law and they ought to be a check on the executive branch to see that the laws are faithfully executed. The person coming to town to drain the swamp—a person by the name of Trump—should prioritize these failures and begin to restore the executive branch to its proper place in government consistent with the checks and balances outlined in our Constitution. These actions will help the new President make good on his pledge to fix the Federal bureaucracy and do what he said last night on television in Des Moines, IA—put Americans first.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, before I begin my remarks on why I came down to the floor today, I would like to join with my colleague from Iowa in saying it is a very good idea to have a Rose Garden ceremony talking about whistleblowers, supporting people who want to do the right thing in the bureaucracy, and I am willing to work with him in any way that is appropriate to talk about what we need to do to make sure that whistleblowers in our bureaucracy have the protection and the appreciation. There are many great people in government who see things every day. We spend a lot of time in our Subcommittee on Homeland Security talking about what we can do to get those good ideas from the bureaucracy, those good ideas from

folks who actually work in the government percolated up to the Congress and implemented. So I applaud the work he has done on whistleblowers.

Senator GRASSLEY, I look forward to having another conversation about what we can do to put America first by making sure our public employees have an opportunity to feel pride in what they do every day, knowing that they are working for a cause in the most efficient, effective manner for the American people. I applaud your work.

COAL MINERS' HEALTH CARE AND PENSIONS AND THE EX-IM BANK

Madam President, I want to talk a little bit about this past election. There has been a lot of Monday night quarterbacking about what happened. I guess you can't say that anymore now that they play football on Monday nights, but there has been a lot of backseat driving over what happened.

For this Senator, the message of this election could not be clearer that people who go to work every day—particularly those people who shower when they come home at night or come home in the morning if they are working shift—feel like we left them behind. They feel like things happened to them that are unexplainable to them even though they are working as hard as they can. They think that the government and the people in Washington, DC, aren't working for them and they are getting left behind.

Now there is an important opportunity to work in a bipartisan way to learn the lessons of this past election and to stand up and fight for American workers, to listen to American workers and hear about the challenges they have and to respond to those challenges, especially when those challenges clearly represent injustice. Every person in America being told these stories would say that shouldn't happen. There is no clearer indication of a "that shouldn't happen" story today than in the dialogue and debate in Washington, DC, and what is happening to the coal miners in this country.

Last night, I stood with 20 to 30 coal miners from the Presiding Officer's State. These are good people who work hard—and I know the Presiding Officer has been fighting for them as well—who simply want what they have earned. They simply want the opportunity to take care of their families and the people in their communities. You know, it was pretty cold out when we were standing out there. A number of the reporters were giving me a hard time because, being from North Dakota, everybody assumes it is always 20 below zero there, even in July, and I had some choice words. I said: You know, we were only out there for about 20 minutes in the cold, but if we leave here without a clear message, without an opportunity for those miners to know not only that we care but know that we are making their concerns a top priority, then they will be left out in the cold for a lot longer than 20 minutes by this Congress.

I made the point that there is a coal miner on the flag in West Virginia but there is also a farmer on the flag in West Virginia. That farmer, for me, represents the people who I know built the country in my State. We don't have coal miners who went underground, but we have a lot of coal miners who helped build our region. This is a moment where we can say to people who go to work every day, people who believe and built this country, whose ancestors built this country, that they are going to get what they earned—not what they deserve but what they earned.

When you look at many of the miners in these communities, there isn't a lot of economic opportunity and there aren't a lot of other jobs available. They risked their health, but they took that risk knowing they were going to get something in return: financial stability for their families. Suddenly, they are told that all they bargained for and all they agreed to is gone. There is something wrong with that. There is something wrong when we don't learn the lessons of the last election.

The other reason I react personally to this is I see the string that goes back to what is happening with Central States Pension Fund in my State. My good friend from Minnesota has joined with me in many of the efforts that we had on Central States to hear the stories of people who worked hard at a time when people were lifting packages and delivering goods with much heavier weight requirements than we have today. They talk about the surgeries they had, the hip replacements and knee replacements, and they talk about why they did it—to put food on the table for their families. Will all of that go away because of an irresponsible financial sector that destroyed this economy and made it virtually impossible for these pension funds to cash flow?

I think it is time that we stand up for these workers. I think it is time that we take the right fight.

I came to the floor and listened as Presiding Officer when we were in the majority, and I wish I had a dollar for every time someone talked about the American people and the American worker and what they were going to do for them. We now have an opportunity to do a lot. We have an opportunity not only to give the people who earned financial security the financial security they earned, but we have an opportunity to make sure we have good American jobs.

There is another provision that got left behind despite a lot of people who support it, and that is the "Buy American" provision, which is in the WRDA bill. The "Buy American" provision has broad-based support throughout this country, but yet when we get into the Halls of Congress, we cannot negotiate and get it done.

Finally, I wish to talk about something on the floor that I have spent a lot of time talking about; that is, the

Ex-Im Bank. We started basically shutting down the Ex-Im to any new credit by not reauthorizing it. Guess what. We got it reauthorized by huge majorities, a huge majority in the Senate and over 70 percent in the House.

Victory, right? Well, guess what. We cannot make any deal over \$10 million at the Ex-Im Bank unless we have a quorum. We have singlehandedly seen this body hold up the quorum at the Ex-Im Bank. People want to say this is simply about: Well, why do you want to bail out or help out GE? Why do you stand for Caterpillar? Why do you stand for Westinghouse? Why do you stand for Boeing? Those are the big benefactors.

That is an argument that so misunderstands what happens in America. To give you an example, Boeing has 16 suppliers just in North Dakota. Boeing, with the ability to sell airplanes across the country and across the world, means we get good jobs in North Dakota, good jobs we will lose out on.

I have said it once, I have said it many times. I don't stand here and cry for the CEOs of GE or Boeing. That is not whom I am standing for. I am standing here begging this body to basically get the Ex-Im Bank approved once again. I will tell you why—because \$20 billion or \$30 billion of deals are waiting for us to get a quorum. What does that mean? That \$20 billion supports over 116,000 jobs in America. If those CEOs are forced, by a lack of export credit assistance, if they are forced to take those jobs overseas—which they already have, thousands have already left this country—that means workers in this country don't get those jobs. Once again, people say: Well, what kind of government subsidy is this?

In the face of the reality that the Ex-Im Bank actually returns dollars to the Treasury of this country, we are going to shut down the Ex-Im Bank and continue to keep it hobbled to the point where it cannot do its job, it cannot allow our manufacturing interests to be competitive.

As we leave this Congress and we open up the opportunity for further dialogue, I hope all the rhetoric we have heard over and over again about American jobs, American workers, and about American opportunity—I hope we live up to that rhetoric. I hope we take the steps we need to take to guarantee that American workers come first whenever we set our policies. There is no better place to address these pension concerns, there is no better place than the "Buy American" provisions, and there certainly is no easier way to get an immediate result than to get the Ex-Im Bank up and running. It is a tragedy that we are so unwilling to do this, not because it doesn't make huge common sense but because it doesn't fit in with an ideological position that was taken by the hard right against the vast majority of American interests and certainly the majority of people in this body.



With that, I turn to my colleague from the great State of Minnesota for her comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I stand here today with two incredibly strong women, Senator HEITKAMP of North Dakota and Senator SHAHEEN of New Hampshire—and of course the Presiding Officer as well from the great State of West Virginia. I think we all approach our jobs with a certain pragmatism about what matters. It is not about what is left or what is right, it is about what is right for the people of this country. The two issues the Senator from North Dakota has raised are both incredibly important for these workers. When people have felt nickel-and-dimed and pushed down by the system, they can't always put a bill number on what that means. They can always put a number on how things have changed and why they feel like, hey, my cable bill is eating me up or, hey, I can't get a mortgage or I can't send my kid to college, but we know that is happening now. We in this Chamber know what is going on.

The two things the Senator from North Dakota mentioned are both things we could do for the people of America. The first is to stand with the coal miners of West Virginia, promises made should be promises kept. It was Barbara Jordan of Texas, who once said: What the American people want is something quite simple—they want a country as good as its promise. These coal miners were promised things. Over 70 years ago, President Harry Truman brokered an agreement that provided health and pension benefits for coal miners in the United Mine Workers of America Health and Retirement Funds. The Coal Act and its 2006 amendments showed the continuing commitment to the health and retirement security of our Nation's miners and their families. Yet, in October, approximately 12,500 retired coal miners and widows received notices telling them their health care benefits would be cut off at the end of this year—retired miners and widows. Then, in November, another 3,600 notices went out. That is over 16,000 people who will lose their health care coverage. I know negotiations are going on as we speak, but we urge our colleagues and the leadership in the Senate to do all they can for these miners, many of whom are in the State of the Presiding Officer.

As Senator HEITKAMP mentioned, we have a similar situation with the Central States Pension Plan, 14,000 Minnesotans. I just met with 300 of them this weekend. The plan that was originally proposed was actually rejected by the Treasury Department because it was so unfair to these workers. They are continuing to look for a solution.

Lastly, I say about the coal miners, in Minnesota, we have iron ore miners. So while your miners might be covered in black soot, ours are covered in red iron ore.

My grandpa worked most of his life underground in the mines in Ely, MN. He had to quit school when he was in sixth grade because his parents were sick and he was the oldest boy of nine kids. He went to work pulling a wagon. When he was old enough as a teenager, he went to work in those iron ore mines. In sixth grade he quit school. He had dreamed of a career in the Navy. Instead, every single day he went down in a cage 1,500 feet underground with a little black lunch pail that my grandma packed for him every single day. His youngest sister had to go to an orphanage, and he promised we would go and get her. In a year and a half after he got the job and married my grandma, he went back, got his little sister Hannah, brought her back and raised her. That is our family story. It is a mining story.

I always think about what he thought when he went down in that cage every day—that career in the Navy, or out in the woods where he loved to hunt. Instead, he did that job. He did that job for his family, his two kids, and then the rest of his brothers and sisters because he knew if he worked hard, he would be able to support them because there would be a pension, because there would be health care, because he wouldn't die—like his own father—leaving behind kids, with the oldest one being 21 years old. That didn't happen. My grandpa raised two boys. One became an engineer. And my dad, the other boy, went to a 2-year college that was paid for at the time, went on to get a journalism degree, and became a reporter who interviewed everyone from Mike Ditka to Ronald Reagan, to Ginger Rogers. That is America, and these coal miners deserve that same support.

Another part of our State which believes if you work hard every day you should be able to get where you want to go are those who work in manufacturing, those who work in the rural parts of our State. I don't think they would ever put together the Ex-Im Bank—that Senator HEITKAMP has gathered us to talk about today—with their own livelihoods. That is a very complex matter about a guy getting confirmed on the Bank, but, in fact, it is true. Because while we have saved the Ex-Im Bank, which finances so many hundreds of small businesses in Minnesota that wouldn't be able to deal with going to a big major bank, we still haven't confirmed someone for that Board. Getting that person confirmed for that Board and through the Senate would mean the Ex-Im Bank could go back to its functional levels of financing major transactions.

That is why we are here, to ask the Senate to support the nomination of J. Mark McWatters to serve as a member of the Board of Directors. I join my colleagues to do that.

On January 11, the Senate Banking Committee received the nomination of McWatters to fill the Republican vacancy on the Board. This is a Repub-

lican candidate we are asking the Senate to confirm, but it is 333 days and counting since he has been nominated.

In 2015, I remember bringing together a group of small businesses from all over the country to talk about the importance of the Ex-Im Bank, to hear their stories of how they are going to go under if they are not allowed to continue their financing. Mostly, at a time when we are dealing with the winds of global competition being blown at us every single day, to be at such a disadvantage to other developed nations that have Ex-Im-type banks, that have financing authority—and it is not just China that is going to eat our lunch unless we can help businesses get over \$10 million in financing. They must be laughing at us over there. There are about 85 credit export agencies in over 60 other countries, including all major exporting countries. Why would we want to make it harder for our own companies to create jobs here at home and then allow these other countries to have financing agencies that compete with us. That is exactly what is going on right now. The Ex-Im Bank has supported \$17 billion in exports. Those are American jobs, 17 billion. It has a cap of \$135 billion. That sounds like a lot, but an article in the Financial Times showed that the China Development Bank and the Export-Import Bank of China combined had an estimated \$684 billion in total development finance. These two banks combined provide five times as much financing as the Ex-Im Bank, with its cap of \$135 billion.

As Senator HEITKAMP explained, this is about jobs, and it is as simple as that. In FY2015, Ex-Im financing supported 109,000 U.S. jobs. Since we reauthorized the Ex-Im Bank, nearly 650 transactions have been approved. Now it is about time that we put the person on the Board—the Republican nominee—so the Bank can go back to fully functioning and be able to make transactions that are worth over \$10 million. Without a quorum and Board approval, Ex-Im is not able to adopt any of the accountability measures or update the loan limits so American businesses have access to the financing they need to compete globally.

Here we are, three Democratic Senators on the floor simply asking the Senate to move ahead to confirm a Republican nominee. That may be irony, but it is irony that is on the backs of the American people and we need to get it done.

Madam President, I yield the floor to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues Senator HEITKAMP of North Dakota and Senator KLOBUCHAR of Minnesota. I represent New Hampshire so I think we have three major regions of the country represented to talk about why we need to make the appointments to allow the Ex-Im Bank to continue to do their transactions.

As my colleagues have said, Ex-Im has a five-member Board of Directors. In order to consider transactions that exceed \$10 million, they have to have a quorum—three people. Right now, again, as Senator KLOBUCHAR and Senator HEITKAMP explained, there isn't a quorum so they cannot continue to do transactions worth over \$10 million. That is having a real impact on companies across this country.

After a period where Ex-Im was not reauthorized in 2016, where they were not able to do business, we finally got that legislation through. They were able to begin operating again.

In 2016, they were able to support about 52,000 U.S. jobs by authorizing more than \$5 billion in transactions—2,000, almost 3,000 export transactions.

At the same time, Ex-Im returned \$283.9 million to the U.S. Treasury and maintained a default rate of 0.266 percent. That is a pretty good record, but, by comparison, the last year that Ex-Im was fully operational, they authorized more than \$20 billion in almost 4,000 transactions in 2014 when they were fully operational. Those transactions supported 164,000 U.S. jobs and returned \$674 million to the Treasury.

So one might ask: What is wrong with this picture? Why is the Senate Banking Committee holding up the person who would allow Ex-Im to continue to operate at its full capacity and allow it to continue to help with job creation?

We have seen this very directly in New Hampshire. New Hampshire is a small State. We are a small business State. Yet we are the State that Ex-Im chose when they rolled out their small business program to help small businesses with the financing they needed to export. One of those first people to take advantage of that program was Boyle Energy Services & Technology. Their CEO, Michael Boyle, says that without Ex-Im, he would have to consider offshoring production in order to continue to grow his business.

Now, BEST does 90 percent of its business overseas, and it relies on Ex-Im for working capital guarantees. They are not doing a lot of transactions over \$10 million, but we have a lot of companies in New Hampshire that are doing transactions over \$10 million and that are subcontractors to big companies that are doing those transactions. So in New Hampshire, we have General Electric, which is very dependent and needs those exports and that financing. We have a growing aerospace industry that includes companies like New Hampshire Ball Bearings, and it includes companies like Albany Engineered Composites, which worked on the Dreamliner with Boeing.

I talked to the CEO of Albany after he came back from the Paris Air Show a couple of years ago. He said: The people who are getting the jobs, getting the accounts, are the companies that can provide financing around the world.

We make a lot of things in New Hampshire. We have a robust manufac-

turing industry because we have companies such as Boyle Energy Services & Technology, New Hampshire Ball Bearings, GE, and BAE. Yet we are hamstringing those businesses and their ability to continue to grow jobs, to continue to grow their business because we are not willing to make one appointment to the Ex-Im Bank that would allow us to create jobs in this country and that sends money back to the Treasury.

For all of my colleagues on the other side of the aisle who are so concerned about the fiscal health of this Nation—and I think we share that concern on the Democratic side—why would you not reauthorize and make sure that an agency like the Ex-Im Bank is fully operational, can create jobs, and can return money to the Treasury? It boggles my mind that, because of this ideological battle, we are not willing to do what is practical, what is in the interests of our businesses, of job creation, of making sure that we can compete around the world with other companies that are making things.

So I share the concern we heard from Senator HEITKAMP and from Senator KLOBUCHAR, which is that the longer we delay in approving the nomination of Mark McWatters, the longer we delay in making sure that Ex-Im is fully operational, the more jobs will be lost, the more difficult it will be for companies to compete, and the more money that will be lost to the U.S. Treasury.

So I hope that under the new administration there is more of a willingness on the part of my colleagues to actually approve these nominations and to move government forward so that we can create jobs and we can address the economic challenges that too many people in this country are facing.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REMEMBERING JOHN GLENN

Mr. PORTMAN. Mr. President, I rise today to talk about the heroin and prescription drug epidemic that has gripped our country and my State of Ohio. But first, let me just say a word about John Glenn.

I spoke on the floor yesterday about his passing. We lost him yesterday afternoon, at age 95. A true icon, his life was really the life of our country, over the time period from when he joined his fellow Mercury astronauts and was the first person to orbit the Earth to the time that he served here in the Senate and went on to found the Glenn College at Ohio State University—an amazing life.

Later today we are going to ask the full Senate to vote on a resolution that

Senator SHERROD BROWN, my colleague from Ohio, and I are working on. We hope to have that resolution voted on successfully and allow the entire Senate to pay tribute to a remarkable American life—a former colleague of ours and one whose seat I am very humbled and honored to hold today—and that is John Glenn. We will be bringing that up later during the day.

#### OPIOID ADDICTION EPIDEMIC

Mr. PORTMAN. Mr. President, today I wish to talk about an issue that this Congress has focused on more in the last few months and to commend the Congress on that but also to continue to raise awareness of it and allow all of us the opportunity to figure out how we can do more—in our own way, in our own communities, in our own homes—to be able to address it. It is now to the point where we have somebody in our great country dying of an overdose every 12 minutes. One American is losing his or her life every 12 minutes. In my own State of Ohio, we have been particularly hard hit by this. We lose one Ohioan every few hours.

The statistics are overwhelming. It is now the No. 1 cause of accidental death in our country. It has been the case in Ohio since 2007. But behind those statistics are faces, families, and communities.

A 4-year-old boy recently came into his bedroom in Cleveland, OH, in the Old Brooklyn neighborhood, and he found his dad dead of an overdose—30 years old. That was just in the news this week.

A few weeks ago, there were two men in Sandusky, OH, who were found unconscious in a parking lot. Somebody was there and recorded both their overdose and the first responders coming. The Sandusky first responders found them barely breathing and brought them back to life with this miracle drug called Narcan, or naloxone. These first responders saved their lives, as they saved 16,000 lives last year in Ohio. This year it will be an even larger number, as we find out after the year closes. But this video is not for the faint of heart. It is now out on the Internet. Some have probably seen it. It has gone viral. But it shows what these first responders and our communities are dealing with every single day.

I have talked to firefighters around the State, and the Sandusky firefighters are no exception. They tell me that they have responded to more overdoses than they have fires over the past year—more overdoses than they have fires. These are firefighters who are, again, saving lives every day.

When I was in Canton, OH, last week, I was told there had been twice as many overdose deaths this year already as last year. Again, the firefighters and other first responders tell me it is their No. 1 focus and concern.

When I talk to county prosecutors and sheriffs around Ohio, they also tell me it is the No. 1 cause of crime in each of their counties in Ohio, whether

it is a rural county, an urban county, or a suburban county. It is everywhere. It knows no ZIP Code. This problem is one that, unfortunately, has gripped our country like no other.

I started off working on this issue over 20 years ago, when cocaine, marijuana, and, later, methamphetamines were an issue. Certainly, all those drugs are horrible. Our prevention efforts led to what was called the Drug Free Communities Act, which was passed to be able to help address this issue. Over 2,000 community coalitions have now been formed as a result of that. But this new wave of addiction, in my view, is worse. It is worse in terms of the number of overdoses and deaths. It is worse in terms of the impact on families, tearing them apart. It is worse than the crimes it creates, mostly with people creating more and more crime to be able to feed their habit. It is worse in terms of the ability to get people back on track, to help them with treatment and recovery. It is a very difficult addiction.

The Congress, including this body, has taken action, and I appreciate that. Let me tell you why we need to take action.

I talked about these two men in Sandusky, OH, who were found unconscious and had overdosed. This was something where someone video-recorded the first responders coming and saving their lives. When one of these men was revived, Michael Williams, this is what he said:

I have a problem. If I could get help I would. I need it and I want it.

I believe that if someone needs treatment for addiction and they are willing to get it, we ought to be able to provide it. That is why it is important that Congress be involved, that State legislatures be involved, that we be involved in our communities to ensure that when someone is ready to get that treatment, it is accessible.

I have met with addicts and their families all over our State. I have probably met with several hundred addicts or recovering addicts just in the last couple years alone as we have put together this legislation and tried to work on something that is actually evidence-based and will help. So many of them tell me they are ready.

One grieving father told me his daughter had been in and out of treatment centers. Finally, after several years of trying to deal with her addiction, she acknowledged that she was ready. He personally took her to a treatment center in Ohio. They told him and told her that they would love to help, but they were fully booked. They didn't have a bed available. They would hope to have one within a couple of weeks. During those 14 days, he found his daughter in her bedroom having overdosed, and she died.

Those stories are heart-wrenching, yet they are stories from every one of our States. So access to treatment is important and access to longer term recovery is important so people can get

back on track to lead healthy, productive lives once again.

It is also really important that we do a better job on prevention and education. Ultimately, to keep people out of the funnel of addiction is the most effective way to deal with this issue. We need to redouble our efforts there and to raise awareness, among other things, of the connection between prescription drugs and heroin and these other synthetic heroins, these opioids, because four out of five heroin addicts in your State—you are representing a State here in this body—probably started with prescription drugs and then shifted over to heroin.

There is an opportunity for us to do more about that by raising that awareness, because when people learn more about that connection, they are smarter about the danger that is inherent in taking these often-narcotic painkillers that are sometimes overprescribed.

To raise awareness about this issue, I have come to the floor every week we have been in session since February. This is now our 29th speech about this issue—the opportunity to talk about it, to raise awareness about it. I will say again that over the course of those 29 weeks, a lot of things have happened by raising awareness.

One is, this body passed legislation called the Comprehensive Addiction and Recovery Act, otherwise known as CARA. We passed it in this Chamber after taking it through committee after 3 years of work—conferences, bringing people in from around the country, experts. The legislation focuses on how to come up with a better way to do prevention, education, treatment, recovery, and to help our first responders with naloxone—this Narcan miracle drug—provide training, help get the prescription drugs off the shelves, drug take-back programs.

All of this resulted in CARA passing this body by a vote of 92 to 2. That never happens around here. It was overwhelming bipartisan support for legislation that is needed. This past summer, late this summer, President Obama signed that legislation into law, and it is now being implemented. I commend the administration for moving as quickly as possible.

There are a couple of programs that are already up and running. We have now provided, for instance, for nurse practitioners and physicians assistants to be able to help with regard to medication-assisted treatment. That is something that was urgent in my home State of Ohio and other places, the need to have more people able to help recovering addicts get back on track. That is happening right now. That is already being implemented.

Other aspects of the legislation, including some of the prevention programs and the national awareness campaign on connecting prescription drugs to heroin, are still being put into effect. Today, I again urge the administration to move as quickly as possible and for the administration-elect, the

new administration, to be prepared to step in to ensure that this legislation moves quickly.

I think the legislation, CARA, is probably the most important anti-drug legislation we have passed in this body in at least two decades. It is evidence-based. It will improve prevention and treatment. It is the first time ever we have put long-term recovery into any legislation, which is incredibly important for success. We talked earlier about the difficulty of getting people out of the grip of addiction and having that longer term recovery aspect. Think of recovery housing and being supported by a supportive group rather than going back to the old neighbor or going back to a family who is suffering from this issue. That longer term recovery really helps to improve the rates of success. That is in our legislation.

It also begins to remove this stigma of addiction. In some respects, I think that may be the most important part of the legislation. It acknowledges that addiction is a disease, and as a disease, it needs to be treated as such. When people come forward to be able to get treatment—and probably 8 out of 10 heroin addicts are not—you obviously see much better results for the person, for the family, and for the community.

For example, think about Ashley from Dayton, OH. At just 32 years old, she died of a heroin overdose recently, leaving her three small children without a mom. After Ashley died, her mom went back and looked at her diary to see what she had said during her last several weeks. She found it, she read it, and what Ashley wrote in her diary will break your heart. It details her daily struggle with addiction. It talks about the pain and the suffering. Here is one passage:

I am so ashamed. . . . I am an addict. I will always be an addict. . . . I know I need help [but] I'm afraid to get it . . . because I know I'll need to go away for it. . . . I'll be away from my kids.

CARA was designed to help women like Ashley. It not only helps erase the stigma of addiction and get women like her to come forward, acknowledge their illness, and get the help they need, but it allows women in recovery to bring their kids with them. You have family treatment centers and funding available for those kinds of treatment centers and for longer term recovery so we can keep families together.

It authorizes \$181 million in investments in opioid programs every year going forward, and it ensures that taxpayer dollars are spent more wisely and effectively by channeling them to programs that have been tested and that we know, based on evidence, actually work.

Even with these new policies in place under CARA, we are going to have to fight every year for the funding as part of the appropriations process, and we are doing that today. In the most recent continuing resolution, which

funds the government until tonight, we were able to get \$37 million in short-term funding to be sure CARA was fully funded during that 4-month period of time.

We will soon be voting on the next 4 months or so of a continuing resolution, and once again, we have fought the good fight on both sides of the aisle. We have asked the Appropriations Committee to include the funding for CARA. We have been successful in doing that. There is full funding in the continuing resolution that will be voted on shortly that provides for the implementation of this legislation. That is very important because if that funding had not been provided for this short term, it would have been difficult to get the programs up and going on prevention, treatment, recovery, and helping first responders with regard to Narcan training and supply. That is important. If we fully fund it and we support getting more people into treatment, we will save lives, there is no question about it. If we fully fund the prevention, we will save lives.

In addition to that funding, under the 21st Century Cures Act, which was just passed by the House and Senate over the past few days, there is additional funding, and it is immediate funding that goes to the States. It allows the States to use their own programs that they have through block grants to help address this crisis we face. I strongly support that. I think this epidemic is such that we need to do both—have the longer term, evidence-based programs in place year after year for the future, but also immediately give our States an infusion of funds to be able to help with their existing programs.

I believe that legislation is critical to my home State of Ohio, and I know how it is going to be used; it will be used well. Our Department of Mental Health & Addiction Services needs it.

That legislation was an authorization in the 21st Century Cures Act. It was 2 years of funding—\$500 million next year, \$500 million the next year—to fund dealing with this crisis immediately. That funding is now shifted into the continuing resolution. So for this year, under this appropriations bill we are about to vote on, we now have that additional funding of \$500 million. So we had to do the authorization and then the appropriation, and that is part of the CR.

That is something people should think about as they look at this continuing resolution. We know this funding will help because we know prevention keeps people out of this funnel of addiction the most effective way, and the treatment can work. I have met so many people across Ohio who have taken advantage of treatment, of a supportive environment that comes with recovery programs, and have been successful.

There are so many stories of hope. One is the story of Rachel Motil from Columbus, OH. As a teenager, Rachel

abused alcohol. She then turned to pills, and then once the pills were too expensive—as we said, all too common—she switched to heroin. She stole from her family, even selling her mother's arthritis medication. She stole jewelry from her boyfriend's parents. She wrote herself checks from her mom's checkbook.

For those who are watching and listening who have members of their family who are suffering from this illness, you know what I am talking about.

She received help, finally. Her help came from Netcare crisis services initially—detoxing and getting into treatment—and then Maryhaven Treatment Center.

I visited Maryhaven in October. I had a chance to meet with some of the recovering addicts who were there and talk to them about what they had been through.

Rachel is an example of a success story. She is now 2 years sober and studying finance at Columbus State Community College. She is a success. If we fully fund CARA and if we get this legislation in place with regard to these Cures appropriations, we will see more success stories like that. We will save lives across our country. For all those who are suffering from the disease of addiction—like Ashley from Dayton, Michael from Sandusky, or Rachel from Northland—let's do the right thing. Let's fight for them. Let's implement CARA quickly. Let's build on this commonsense law. Let's support additional funding now so we can help as many Americans as possible. By doing so, I believe we can begin to turn the tide on this addiction and not only save lives but help some of our constituents lead more productive and full lives.

I yield back my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed, but before I begin, I ask unanimous consent that the Senator from California, Mrs. BOXER, be recognized following my remarks.

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

Mr. COCHRAN. Mr. President, this resolution will provide government funding through April 28 at the level prescribed in last year's budget agreement.

I urge the Senate to support the resolution.

It provides funding to continue counterterrorism operations in Iraq, Afghanistan, and Syria. It supports our allies through the European Reassurance Initiative. It includes funding for humanitarian assistance and to protect American diplomats.

The resolution also funds important priorities here at home. It appropriates \$872 million to fight opioid abuse and support innovative cancer research. These funds will begin to implement the CURES Act, which the Senate passed earlier this week by a vote of 94 to 5.

The resolution also contains funding to respond to Hurricane Matthew, severe flooding in Louisiana and other recent natural disasters. In total, \$4 billion is available under this bill and will be allocated to recovery programs that benefit 45 of our States.

The resolution also provides funding to help Flint, MI, respond to the contamination of its water supply and to help communities around the country provide safe drinking water.

Mr. President, I urge the adoption of this resolution.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank Senator COCHRAN for his courtesy in getting the time for me.

COAL MINER HEALTH CARE BENEFITS AND WRDA

Mr. President, some people may wonder why on a Friday we are still here and we are still arguing and we are still debating. There are several issues that are troubling to many people in the Senate and in the country, and a couple of them have a focus on them today. How this all ends remains to be seen, but I feel it is important for the American people to understand that there are some people here who are willing to take the time to explain why we can't just go home right now. We are no different from any other American. We don't want to have to work on the weekend. We don't want to have to be here when we don't have to be, giving speeches that we don't have to give.

I also want to give a shout-out to my friends who are calling attention to the plight of widows of miners—miners who went into the coal mines knowing full well they risked their lives every day. They knew that if something happened to them, their widows would be taken care of. If we can't take care of widows and children who are left behind because a coal miner risked his or her life, who are we fighting for and what are we doing here?

Senator MANCHIN, Senator HEITKAMP, Senator CASEY, Senator SCHUMER, Senator WARNER—several of my colleagues—have been very clear. They have been taking to this floor warning the majority, the Republicans, that we want to take care of these widows. The money is there. It is there for them. Instead, my Republican friends want to take it away. You know what? That is not happening without a fight. That is not happening without a fight. If we can't defend widows and orphans, I have news for you, we don't deserve to be here.

Two days ago, I gave what was to be my final major speech on the floor of the Senate. Believe me, I don't want to be here. I don't want to talk on the floor. I wanted to go out with a great big smile on my face after working in politics for 40 years, but instead I am here to explain an issue that is very troubling.

If you asked the average person what troubles them about Congress—they hate Congress. I think we get a 17-, 18-

maybe 12-percent rating. It is bad. It is hurtful. One of the things they hate about Congress is when we have a special interest rider dropped on a bill. No one has looked at it, there have been no hearings, and it has nothing to do with the bill. People are then forced into a situation where either they swallow that garbage or they can't vote for the underlying bill, which may be very important to their State, their constituents, and their country. That is what is happening on the continuing resolution to keep the government open. There is a paltry 4-month extension on the health care for the widows of coal miners. What good does that do? They are going to be frightened to death. What if they go to the doctor in that first month and the doctor says: I am watching a lump. It may be cancerous. Come back in 3 months. They don't know if they will even have health care. It is a disgrace. The widows are not protected in the continuing resolution.

What are we facing? Either we shut down the government or fight for the widows. OK. This is what people hate about Congress, and we don't have to do it—not at all. If you believe you have great legislation, then go through the channels, introduce the bill, and have a hearing. If you think the miners' widows deserve only 4 months, let's have a discussion about it.

We have another situation on another bill. The bill is called WRDA. You may have heard about it. What does it stand for? It stands for the Water Resources Development Act. This WRDA bill is a beautiful bill. My committee has worked on it for more than a year. I am proud to be the ranking member on that committee. I was the chairman, but when Republicans took the Senate back, Senator INHOFE became the chairman. We worked hand in glove. We set aside our differences, we set aside poison pills, and we said we are going to put together a great bill, and we did. It is a great bill. It deals with flood control, ensures there is environmental restoration and that our ports are dredged and can, in fact, support the kind of commerce we need in the greatest country in the world. We have authorization for funding in there for desalination because we know we have droughts in the western States, and we need to work on that. We have authorization for ways to use technology to ensure we can increase our water supply, so we have authorization in there for water recharging and water recycling. It is quite a bill. It has authorization in there to move forward with all of the Army Corps projects that have been looked at up and down and inside out.

What we have in there for my State is incredible. I don't think I have ever had a bill that did more for my State. We have projects in Sacramento, Los Angeles, and the San Francisco area. We have projects from north to south, east to west. We have levee fixes and the Lake Tahoe restoration that Sen-

ator FEINSTEIN and I worked on. We have very important ecosystem restoration. We have projects in Orange County and all over the State.

Why do I say this? I say this to make the following point: If Senator BOXER has all of those great things for her State in the WRDA bill, why is she standing here saying, "Vote no"? It isn't easy. It breaks my heart, but I will tell you why. In the middle of the night, coming from the ceiling and airdropped into this bill was a dangerous 98-page rider which will become law with the WRDA bill. What does it do? It attacks the Endangered Species Act head-on. It gives operational instructions on how to move water in my State away from the salmon fisheries and to big agribusiness, regardless of what the science says. If somebody says "Oh, my God, this is terrible; we will lose the salmon fishery," it will take a very long time to have that study, and it will be too late to save the fishery. This isn't just about the salmon; it is about the people who fish. They are distressed about this issue. They represent tens of thousands of families who rely on having enough water for the fishery.

Mr. President, I ask unanimous consent that the letter signed by this vast array of fishermen and some letters from all of those who rely on salmon fishery be printed in the RECORD.

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

GOLDENGATE SALMON ASSOCIATION,  
December 6, 2016.

Re OPPOSE—Anti-Salmon Provisions in WRDA

DEAR CONGRESSIONAL LEADERS: I write from the Golden Gate Salmon Association asking that you oppose the California drought language in the Water Resources Development Act (WRDA) bill.

This language calls for severe weakening of existing protections for salmon in California's Central Valley. Although those protections are designed primarily to aid ESA-listed winter and spring run salmon and steelhead, they also provide great benefit to unlisted fall run salmon which supplies the west coast fishery.

Tens of thousands of fishing jobs in both California, and Oregon hang in the balance.

The existing protections are based on the best available science, which has been affirmed in multiple court cases up to the Ninth US Court of Appeals as well as through an outside scientific review by the National Research Council requested by Senator Feinstein. The proposed language orders science-based measures to balance water for agriculture, municipal, industrial and fishing industry be tossed out and replaced with a political prescription aimed at rewarding a small group in the western San Joaquin Valley and points south.

California salmon fishermen, both sport and commercial, have suffered from very poor fishing seasons over the last two years. This is primarily due to the effects of drought and poor water management, which have undercut the ability of salmon to reproduce and survive in Central Valley rivers. Now is the time to help these salmon runs recover, not tear them down more.

The economic value of salmon derives not only from commercially caught fish, but also from the hundreds of millions of dollars

sport fishermen spend annually to pursue salmon. These dollars breathe life into the not only the California coastal economy, but also inland river communities where recreational salmon fishing is big.

Commercial fishermen have suffered after not only back to back poor salmon seasons but also disruption in their other main income source, the Dungeness crab fishery. Adding more injury is not right especially when there are other, more sustainable ways to address California's water future. The drought bill language would allow far more diversion of northern California water to the massive pumps that send it south, especially at the sensitive time of year when baby salmon are trying to migrate to the ocean. As water is diverted from its natural course, so too are baby salmon which mostly die along the way to the pumps. Those that survive to the pumps usually die shortly thereafter.

The National Marine Fisheries Service, which authored the salmon protections currently in place, has tacitly acknowledged the need to strengthen, not weaken them, by calling for both amending the existing biological opinion as well as formally reinitiating consultation on the opinion. The last thing we need now is political interference in a process best left to fishery scientists and biologists.

Adoption of the Feinstein/McCarthy drought bill language into law would undo some of the progress we've made restoring our salmon runs since 2009, when the existing biop replaced a prior one found to be illegally un-protective of salmon. Under that prior, weak set of regulations, we saw our salmon runs decline to the point where the ocean fishery was shut for the first time in history in 2008 and 2009. The language being considered now would send us back to a similar desperate situation rapidly. It would almost certainly lead to another steep collapse of Central Valley salmon runs.

Please do what you can to stop this drought proposal from becoming law, including opposing cloture in the Senate. We have new and much better ways to address our water future in California that some old thinkers simply refuse to consider.

Sincerely,

JOHN MCMANUS,  
Executive Director,  
Golden Gate Salmon Association.

DECEMBER 6, 2016.

SALMON FISHING INDUSTRY OPPOSES  
CALIFORNIA DROUGHT RIDER IN WRDA

DEAR HONORABLE MEMBERS: The undersigned commercial fishing industry groups strongly oppose Mr. McCarthy's California water language inserted in the House version of the Water Resources Development Act. King salmon was once the West's most important fishery. It now hangs in the balance, as what should be an infinitely renewable resource has consistently lost political battles in the war over California's water. This last-minute rider is a knife in the gut of the thousands of commercial fishermen and fishery-dependent businesses that harvest and supply local, wild-caught seafood to millions of American consumers.

The language purports to offer drought relief, but in so doing, it picks drought winners and drought losers in California and beyond. The winners are the handful of industrial irrigators of the San Joaquin Valley that stand to benefit from rollbacks of the Endangered Species Act and other salmon protections, and the politically (not scientifically) mandated operation of the federal water system in California. The losers are the fishery-dependent businesses, such as commercial and charter-for-hire fishermen, seafood

wholesalers, ice docks, fuel docks, shipwrights, manufacturers, restaurants, hotels and direct-to-consumer seafood purveyors that make a living on the availability of salmon. It's a policy choice to sacrifice a naturally sustainable food system for a food system that requires government subsidies, massive publicly-funded infrastructure projects, and continual litigation. It is the wrong choice for the small businesses and families that harvest this resource on the West Coast.

West Coast salmon fisheries are in crisis. The salmon fishing communities in all three states have requested or are considering the need for fishery disaster declarations for the 2016 due to extremely low productivity. We are a proud community that wants to work, not resort to government handouts. We ask that you do everything in your power to prevent this language from becoming law.

Thank you for your consideration.

Mike McCorkle for Southern California Trawlers Association (Santa Barbara), Stephanie Mutz for Commercial Fishermen of Santa Barbara, Bill Ward for Port San Luis Fishermen's Marketing Association, Lori French for Morro Bay Commercial Fishermen's Organization, Mike Ricketts for Monterey Fishermen's Marketing Association, Tom McCray for Moss Landing Commercial Fishermen's Association, Joe Stoops for Santa Cruz Fishermen's Marketing Association, Lisa Damrosch for Half Moon Bay Seafood Marketing Association, Larry Collins for San Francisco Crab Boat Owners Association, Don Marshall for Small Boat Commercial Salmon Fishermen's Association (at-large), Lorne Edwards for Bodega Bay Fishermen's Marketing Association, Bill Forkner for Salmon Trollers Marketing Association (Ft. Bragg), Dave Bitts for Humboldt Fishermen's Marketing Association, Tim Sloane for Pacific Coast Federation of Fishermen's Associations, Joel Kawahara for Coastal Trollers Association (Washington).

DECEMBER 6, 2016.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to urge you to strip the anti-environmental rider regarding California water from the Water Resources Development Act (WRDA) (Subtitle J of Title III of S. 612). This poison pill rider would gut environmental protection in California's Bay-Delta, threatening thousands of salmon fishing jobs and worsening water quality conditions. These provisions are inconsistent with California law and expressly violate the requirements of biological opinions under the Endangered Species Act, and as a result are likely to lead to extensive litigation and undermine progress on long-term solutions. The White House announced today that the Administration opposes this language in WRDA. The broad opposition to this rider demonstrates that its inclusion threatens to scuttle enactment of WRDA.

This rider would not only affect California, but also threatens the thousands of fishing jobs across the West Coast that depend on salmon from California's Bay-Delta watershed. Moreover, the rider would authorize construction of new dams across the 17 Reclamation states, without Congressional review and authorization for these new projects.

Drought, not environmental laws, is the primary cause of low water supplies in California. The state of California is working to protect the environment and the economy by investing in sustainable water supply solutions including water use efficiency, water recycling, urban stormwater capture, and improved groundwater recharge and management. The Federal government should not undermine environmental protections under the guise of drought relief, but should in-

stead complement state investments in sustainable water solutions.

Adding a poison pill rider undermining the Endangered Species Act and threatening thousands of fishing jobs sets up a false choice between clean water in Flint and healthy waterways in California. This is outrageous and unacceptable. The people of Flint have waited too long for safe drinking water to be victimized again by this kind of political backroom dealing.

We urge you to strike this anti-environmental rider from the bill. If this language remains in the bill, we urge you to vote to oppose cloture.

Sincerely,

Natural Resources Defense Council, League of Conservation Voters, Defenders of Wildlife, Earthjustice, Sierra Club, National Audubon Society, Clean Water Action, Greenpeace.

E2,

December 6, 2016.

DEAR MEMBERS OF CONGRESS: As business leaders focused on policies that promote a growing economy and healthy environment, we ask that you oppose cloture on the Water Resources Development Act (WRDA) if it contains the recently added language regarding California water.

Environmental Entrepreneurs (E2) is a national, nonpartisan group of business leaders who advocate for smart policies that drive innovation in business while protecting the environment. Our members have founded or funded more than 2,500 companies, created more than 600,000 jobs, and manage more than \$100 billion in venture and private equity capital. In California, E2 has more than 500 members who belong to three regional E2 chapters and who do business across the state.

WRDA is critical legislation that supports dozens of badly needed water infrastructure projects in just as many communities, including emergency funds to help alleviate the crisis in Flint, MI. Moreover, it is unacceptable that this controversial language, which undermines environmental protections for wildlife and threatens the tens of thousands of fishing and recreation jobs that depend on them, was added to the legislation at the eleventh hour.

Water shortages in California are due to a sustained drought, overutilization of resources and a low groundwater table. Unfortunately this newly-added language will not solve any of those issues. What these short-sighted provisions could do, however, is damage the large salmon fishing industry that is fed from the Central Valley, and hurt thousands of fishing and recreational jobs up and down the West Coast.

Though we agree there is an urgent need to address California drought and competing needs in the state, we think that should be done through a comprehensive process in stand-alone legislation that factors in the importance of the fishing industry and other economic issues.

E2 urges you to aid a consensus WRDA bill that solves problems without putting jobs at risk.

Sincerely,

BOB KEEFE,  
Executive Director,  
Environmental Entrepreneurs (E2).

TROUT UNLIMITED,  
December 8, 2016.

DEAR MEMBERS OF THE HOUSE AND SENATE: Trout Unlimited is opposed to the drought provision that has been added to the WRDA bill being considered by the House, as it undermines an otherwise salutary Water Resources Development Act (WRDA) bill developed in a bipartisan manner by the House

and Senate authorizing committees. We urge Congress to strip this drought provision (Subtitle J—California Water, §§4001–4014) and pass the WRDA bill before it adjourns this month. We urge Congress to renew its efforts to address California and western drought through an open and collaborative process to arrive at solutions which work for all stakeholders.

Trout Unlimited works with agricultural producers, states, counties, communities and other stakeholders throughout the West to find solutions to pernicious drought. Durable and fair drought solutions are best developed through open and collaborative processes with all stakeholders. The Yakima and Klamath pieces of legislation in the Energy bill are two excellent regional examples, but in fact on the ground throughout the West, there are many more local examples of drought solutions which help rivers and fish, producers and communities.

Right now drought is most severe in California. Thus, we understand and appreciate the hard work that Senator Feinstein, Representatives McCarthy, Valadao and others have invested in trying to help interests in California deal with the drought. But, the drought provision added to the House WRDA bill in recent days is not the result of an open and collaborative legislative process.

Though California is the drought hardship epicenter, drought is prevalent in other areas of the West, and may well be coming soon to many others areas of the country. Congress should reward open and collaborative processes for dealing with drought. All of our interests must face drought challenges together. All of our interests must be included in fair and balanced solutions. Congress should not reward legislation not developed in an open and collaborative process—in California or any other state—that adversely impacts so many stakeholders.

Some sections of the "Subtitle J—California Water" drought provision extend west-wide, and risk upending years of local, watershed-based investment by stakeholders to arrive at water scarcity solutions that meet agricultural, environmental and municipal needs. Section 4007, for example, authorizes the "design, study, and construction or expansion" of new federal dams across the seventeen western states without Congressional oversight. §4007(b)(1). Section 4007(h)(1) also authorizes \$335 million for new dam building. Allowing the Interior Department to authorize federal dams without Congressional oversight breaks with decades of longstanding law and practice.

Even more significantly, unilaterally favoring and underwriting a federal dam sets back local, watershed-based, collaborative efforts to find multi-pronged solutions to drought and water scarcity that benefit all stakeholders: agricultural, environmental, and municipal.

The legislation would directly harm Trout Unlimited members, fishing-related businesses, and the communities that depend on them. Central Valley salmon, when healthy, contribute \$1.4 billion to the economy and support 23,000 jobs. This fishery constitutes 60 percent of Oregon's coastal salmon catch and part of Washington's as well. It would be a tragedy to have salmon disappear from the Sacramento and San Joaquin rivers. The drought has been hard on everyone, but nobody has been harder hit than commercial and recreational fishing businesses.

Finally, Congress should consider that the bill would undermine actions taken under California water law. This will lead to needless litigation, igniting more controversy and threatening the progress that California and the Interior Department has made toward finding sustainable drought solutions. Federal policies should support rather than undermine state water law.



It is never too late in a Congress to renew efforts to find lasting, fair, solutions to drought problems. Many members have worked hard on important provisions of the WRDA bill that deserve passage, including several provisions which will restore watersheds and provide clean drinking water. We hope Congress will not hold those meritorious provisions hostage to an unworkable and unrelated drought measure. We urge the House and the Senate to work together to find a better solution to the California drought, eliminate Subtitle J—California Water, §§4001-4014, from the House WRDA bill, and approve the WRDA bill before adjourning this Congress.

Sincerely,

STEVE MOYER,  
Vice President, Government Affairs,  
*Trout Unlimited.*

Mrs. BOXER. I know it is a holiday. God knows I know that. This year Hanukkah and Christmas come at the same time, and my grandkids celebrate both. I want to go home, but the people who depend on the water to support the salmon fishing industry may not be able to celebrate this year because someone over there named KEVIN MCCARTHY dropped—in the dead of night—a rider on a beautiful bill called WRDA and wrecked it. He never once thought about the people who rely on fishing. It is a disgrace. Who is signing the letter, saying, “Don’t do this, don’t do this, don’t do this”? The Pacific Coast Federation of Fishermen’s Associations, the Golden Gate Salmon Association, the Southern California Trawlers Association of Santa Barbara, the Commercial Fishermen of Santa Barbara, the Port San Luis Fishermen’s Marketing Association, the Morro Bay Commercial Fishermen’s Organization, the Monterey Fishermen’s Marketing Association, the Moss Landing Commercial Fishermen’s Association, the Santa Cruz Fishermen’s Marketing Association, the Half Moon Bay Fishermen’s Marketing Association, the San Francisco Crab Boat Owner’s Association, the Small Boat Salmon Fishermen’s Association, the Fishermen’s Marketing Association of Bodega Bay, the Salmon Trollers Marketing Association, the Humboldt Fishermen’s Marketing Association, the Coastal Trollers Association. I am putting those in the RECORD.

In all of my lifetime serving, I have never seen such an outcry from one industry. There is no disagreement. The water will be taken away for agribusiness regardless of what the scientists think.

You may say: Senator, what was controlling this before this power grab? It is a law. It is a law called the Endangered Species Act.

You may then ask: What liberal politician or President signed that? Let me give you the answer. It was a Republican named Richard Nixon. What breaks my heart more than anything else—and I have said it before—is how the environment has become such a hot-button issue.

I want to talk about the Endangered Species Act. We have landmark laws in our Nation. It makes our Nation great.

We have the Clean Water Act, Safe Drinking Water Act, Endangered Species Act, the Toxic Control Substances Act, and the Brownfields Law. These are landmark laws beloved by the people.

If you went out on the street or if I asked up in the gallery how many people think we should protect our endangered species, I would be surprised if more than a few disagreed with that. Let me show you why. What has been saved by the Endangered Species Act? How about nothing less than the American bald eagle. This species was on its way to extinction, but because of the Endangered Species Act, we learned that there were only enough left for a few years, and so the endangered species law said: No, no, no, no. We have to change what we do and protect this species. The American eagle was protected because Richard Nixon, as well as Democrats and Republicans, believed we needed an Endangered Species Act. That was in the 1960s. Now we have a frontal assault on the Endangered Species Act.

Let me show you what else we have saved under the Endangered Species Act. This is the California condor. It is a magnificent species. It is God’s creation. We talk about our faith here, and I never ever doubt anybody’s faith, but I am saying if you are truly a believer, then you work to protect God’s creations. It is part of our responsibility. Here it is. What would have happened if this Endangered Species Act had been changed to say, “Don’t worry about the science, do whatever you want, and if it is bothering the hunters or fishermen, just throw it out the window”? We wouldn’t have saved these creatures.

I will show some others. This is the Peregrine falcon. Just looking at this magnificent thing makes you smile. Again, it is endangered. If there had been legislation like what was dropped at midnight from KEVIN MCCARTHY on the Endangered Species Act, we might have lost this magnificent creature. So to say that we should just go home to our families, children, and grandchildren without calling attention to what is on the WRDA bill that I love—let me be clear. Personally, I win either way. One way I win is if we stop this bill and take off this horrible rider and pass it clean. That would be the most amazing thing. And if we don’t, I bring home 26 incredible projects to my people. It is not about me.

We have one more to show you. This is the great sea turtle. This beautiful creature was saved by the Endangered Species Act. If we had similar legislation about this magnificent creature and it said that 7 out of 10 people believe it is harming their business, let’s just forget about it, we don’t really need it, we would not have saved this. So when you drop this—I call it a midnight rider—on a beautiful bill and say we are going to violate the Endangered Species Act unless somebody can prove it is really bad, you are destroying the

Endangered Species Act. What right does anybody have to do that in the middle of the night, in the darkness, before Christmas, days before government funding runs out?

I say nobody should have the right to do it. Since they did it, I am going to make noise about it. Believe me, I am on the way out the door. Did I want to do this? No. I did my speech. I was so thrilled to do it. My family was up there. I am in the middle of a battle now. Well, I guess that is how it is. You come in fighting, you go out fighting. That is just the way it goes.

A lot of people say: Oh, BARBARA, why do you want to do this? You had such a beautiful speech. It was a high note. I can’t. I am alive. I know what is going on. I am going to tell the truth. The truth is, KEVIN MCCARTHY has been trying to get more water for big agribusiness in his—water in my State is very contentious.

My view about water is that everybody comes to the table. We work it out together. I don’t like the water war. He has launched another water war battle for big agribusiness against the salmon fishery. It is ugly. It is wrong. It is going to wind up at the courthouse door anyway. Why are we doing this? It is not right. We don’t need to fight about water. All the stakeholders just have to sit down and work together.

I love the fact that my State produces more fruit and vegetables and nuts—it is the breadbasket of the world. Under most measurements, farmers use 80 percent of the water—80 percent of the water. In a drought situation, why would you then hurt the other stakeholders because an almond grower wants to do more almond growing? It takes 1 gallon to produce one almond. I love almonds. Believe me, they are a fabulous food. There is a recent study that they are really healthy for you. I want everyone to eat almonds. But they export a ton of them. We have to preserve the environment in our State and not run these fishermen out.

What has really been interesting is the editorials that have come about as a result of this midnight rider.

I would like to highlight an editorial by the Sacramento Bee on December 7, 2016, titled “Feinstein, McCarthy strike water deal, but war goes on.”

This is it. This is what I am reading from.

“The Federal legislation almost surely will result in increased water exports, its basic point, and contains unfortunate language that would allow Federal authorities to override scientists and order water exports that could further damage the delta and fisheries.”

What is the delta? The delta is a series of islands through which the natural rainwater runs. The water gets purified. It runs into our rivers and streams. It supports the salmon fishery, and it supports clean drinking water, but if you rip away that water, you are going to have more salt in the

water that remains. It is going to be more expensive for the people to get it to drinking quality.

So what you have is a circumstance where you are not only running the salmon fishery out, but you are also destroying the water quality—the drinking water quality—for many users in the area who rely on the delta water and making it far more expensive to clean up the water because it has so much salt in it.

Here is the Sacramento Bee saying that “the unfortunate language would allow Federal authorities to override scientists and order water exports that could further damage the Delta and fisheries.”

I think I have explained to you what that means. It destroys and harms not only the salmon fishery, but it also destroys and harms drinking water. Now, the bill, it says—this is the rider that is on my beautiful WRDA bill that I love so much, that I wrote with JIM INHOFE.

“The bill authorizes additional pumping unless fishery scientists can prove there will be damage to fish, virtually an impossible standard.”

So when those who support this say: Oh, don’t worry, BARBARA, yes, they will pump at the maximum ability constantly, but there has to be a report. Well, by the time they finish their report, there will be a lot of dead fish or no fish.

It goes on to say: “But no one should kid themselves. This bill will result in damage to the environment. And it won’t end California’s water wars.”

Let me say that again. This is the Sacramento Bee. This is not known for any type of liberal editorializing.

“But no one should kid themselves. This bill will result in damage to the environment. And it won’t end California’s water wars.”

So we put that in the RECORD along with all of the different fishing groups that strongly oppose this. So we are here, and everyone is calling me: Oh, let’s go home. Let’s go home. I want to go home. I really want to go home because this is the end of my last term, but I can’t. Let the clock go. It will run out. But the fact remains, we have to take a stand against these midnight riders that drop from the ceiling that attack Richard Nixon’s Endangered Species Act that we all supported forever until now. I guess it is easy to say, I support the Endangered Species Act until someone says: Oh, there is an endangered species. Then you say: Oh, never mind. No. No. No.

You support it because you want to protect God’s creatures, and then you keep supporting it. You don’t attack it on a rider that was dropped at midnight, never had a hearing on a bill that has nothing to do with the subject matter. What they did belongs in the Energy bill, but they did not want to put it in there. They wanted to put it in WRDA because WRDA is so popular. WRDA is a beautiful bill, a beautiful bill that I worked on that is going to be my legacy bill.

So here I am standing up making a big fuss on my own bill and saying vote no on it. That is really hard. I hope no one in this body ever has to do this. It is a very difficult thing. Now, you may ask: Who really cares about the salmon fishery? Who really cares about the Endangered Species Act?

Well, how about every environmental organization that I know of in the country.

So who are they? They are the Natural Resources Defense Council, that has clearly stated this is a violation of the Endangered Species Act; the League of Conservation Voters, an organization that follows this. They are scoring this vote. They are scoring this vote; Defenders of Wildlife, who are committed to protecting God’s creatures; Earth Justice; the Sierra Club; National Audubon Society; Clean Water Action; Greenpeace; Trout Unlimited—that has a huge participation of fishermen, recreational fishermen; Environmental Entrepreneurs.

These are actually business leaders in this country who care about what we do. I will read a little bit of the Trout Unlimited letter.

Trout Unlimited is opposed to the drought provision that has been added to the WRDA bill being considered by the House as it undermines an otherwise salutary Water Resources Development Act bill developed in a bipartisan manner by the House and Senate.

What a beautiful opening sentence. They get it. Trout Unlimited—they are not liberals or conservatives. They just like to go and have a good time with recreational fishing. There will not be a fishery left because of the bill that was dropped from the ceiling at midnight, because someone wanted to take water away from the salmon fishery and give it to agribusiness, disgraceful.

Why don’t we work together on getting more water? This is not a drought bill. It is called the California drought bill. It is ridiculous. It has nothing to do with increasing the water. All it does is move water from one place to another, and the additional authorizations on it—on the rider—are already in the underlying WRDA bill.

We don’t need this. It calls for desal. It calls for water recharging. It calls for recycling. So this is a phony name of the bill, California drought bill. It does zero, zero, zero to help with the drought. All it does is it attacks the fishing industry. That is it.

Thousands of jobs, because one Congressman over there represents a little district, and he is delivering to agribusiness. It is shameful. We stand here and we decry the fact that the widows of the miners are getting the shaft—and they are. I stand with them. I ask my colleagues to vote no on a bill that contains language that will undo the salmon fisheries on the entire West Coast.

I speak for MARIA CANTWELL, who will also be down here to speak, I speak for RON WYDEN, I speak for JEFF MERKLEY, I speak for PATTY MURRAY. We are apoplectic about this. You want

to do in the salmon fishery, have the guts to have a hearing on it. Have the guts to look in the faces of those salmon fishery people, have the guts to tell it to their faces. Don’t drop this thing at the last minute, Christmastime, and we are all going to be good little girls and boys and say: Oh, we are going to go home. No, we are not. We are not. It is not right. You know, I grew up, there was right and there was wrong. You can’t turn away from wrong, even if it is inconvenient. It is inconvenient.

I have stood alone on this floor. I am not standing alone on this, but I would if I had to.

Let’s see what some of these environmentalists have said. How about E2, the environmental business leaders—what do they say?

“As business leaders focused on policies that promote a growing economy and healthy environment, we ask that you vote no on the cloture on Water Resources Development Act if it contains the added language regarding California water.”

They say they are a nonpartisan group of business leaders, and they have funded venture capital and companies. They said that WRDA is critical and that this language will not solve any drought issues. Its shortsighted provisions could damage the large salmon industry that is fed from the Central Valley and hurt thousands of fishing and recreational jobs up and down the west coast.

What I am telling you is the truth.

Here is a bill that is called the California drought bill, and it does nothing—nothing at all—to bring water in because all of the language that would deal with desalinization and high technology is already in the WRDA bill. That is a phony bill, and there is no mandatory funding in it for those purposes. But what is mandatory is that, regardless of the situation, water will be pumped away from the salmon fisheries and toward big agribusiness. There are some who say: Oh, why don’t we do this? It will be worse next year. Really? The agribusiness people have already said that this is just a start. So if we allow this to go on without people paying attention, we are opening up the door to more and more attacks.

Mr. President, I would like to discuss an editorial in the San Jose Mercury News on December 8, 2016, titled, “As Boxer retires, Feinstein sells out the Delta.”

This editorial is very strong in favor of the salmon fisheries. They say that this rider sells out to Central Valley water interests. It guts environmental protections. We will have devastating long-term effects on the Sacramento-San Joaquin Delta ecosystem. They talk about my stand on this, and they note that I will not be here, and that I am taking a stand on this.

They call this rider, the one that takes the water away from the salmon fisheries and gives it to agribusiness, an “80-page document negotiated behind closed doors [which] allows maximum pumping of water from the Delta

to the Central Valley and eliminates"—I am going to talk about this—"important congressional oversight over building dams."

I am going to take a minute on this. I forgot to mention this. This bill—this rider that was added is called the California drought bill. It is way more than that; it is how to kill the salmon fisheries in the west coast bill because it doesn't only kill them in California, it kills them in Oregon and Washington. It kills thousands and thousands of jobs. That is why we put in the RECORD all the people in the salmon industry who oppose this rider.

It also says—and this is amazing—that in 11 Western States over the next 5 years, the administration coming in will be able to singlehandedly authorize the building of dams, which, as you know, wreak havoc with the natural environment in our rivers and are very expensive.

Congress has always been involved in the authorization of dams because we hold hearings. We ask questions. Why should we do it? Why shouldn't we do it? We bring together all the parties, and we make a decision. This rider takes away the authority from Congress to authorize dams in the 11 Western States.

So I say rhetorically to Mr. MCCARTHY: Do you really distrust your colleagues so much that you no longer trust them to have anything to say about whether a dam should be built or not? Do you really want to take away the authority from your colleagues to call experts together to ask why this dam is needed? What would the pluses be if this is built? What would the minuses be? What would happen to wildlife? What would happen to the environment if it is being built on an earthquake fault? You may laugh at that, but there was a proposal in Northern California to build enormous dams on earthquake faults. The only reason it was stopped was congressional hearings.

Now President-Elect Trump will be able to determine in the 11 Western States that have BLM land whether or not dams can be built, and Congress will have no say.

But the answer to that is: Oh, but they still have to fund it. Well, I have been in that dance before, and I know how that works. Allow just a few dollars in it, and it is on the books. This bill is awful. It is awful, and I am so grateful to these newspapers in California that have called them out on it.

Mr. President, I have a Republican Senator complaining that I am talking too long. What is the situation on the floor? Can Senators speak as long as they wish?

The PRESIDING OFFICER. There are no limitations.

Mrs. BOXER. So I will continue to speak, and when I am done, I am done. It may be soon because I am getting a little tired, but I will keep talking for a while. I say to everybody that I am sorry, but don't drop a midnight rider

on a beautiful bill that I worked on for 2 years with my colleague Senator INHOFE, and then say: I am really annoyed because she is talking too much.

I am sorry. I apologize, but I am going to talk until I am done, and the Senator from Washington is going to talk until she is done.

Don't drop a midnight rider and destroy the fishing industry and say that Congress will no longer have the ability to authorize the building of dams.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, will the Senator from California yield for a question?

Mrs. BOXER. Of course I will.

Ms. CANTWELL. Mr. President, to the Senator from California, I thank her for being here in this discussion today about a very important public policy issue.

It is December and most people know that high jinks happen in December around here. People want to go home. People are doing last-minute deals.

I don't know if the Senator from California knows, but the whole deregulation of Enron and the energy markets—that whole thing was a December midnight rider kind of activity.

All of these things happen because they know that Members want to go home. They think it is the last deal and they can throw something in and everybody will go along with it and blame it on, oh, I didn't read the fine print.

There are a couple of things in here that I just wanted to ask the Senator from California about. I am going to talk later. I wanted to get over here and ask her because she is a knowledgeable person on this.

First, this rider that was placed in the WRDA bill—is that in the jurisdiction of your committee?

Mrs. BOXER. Absolutely not, my friend. As you know, it is in the jurisdiction of your committee. It has absolutely nothing to do with mine. I would say there are two pieces added that we have a little jurisdiction on, funding for desal, but that is already in the base WRDA bill. So I can honestly say to my friend that this is a horrible rider in and of itself. One of the other problems with it is it has gone through the wrong committee. That is right. It belongs in the jurisdiction of the committee which is yours and Senator MURKOWSKI'S.

Ms. CANTWELL. Mr. President, I would ask unanimous consent to have printed in the RECORD an article from the San Francisco Chronicle that says, "Stop Feinstein's water-bill rider." This is a great article about how it isn't the jurisdiction of this committee and how it is a rider, which is one of the most objectionable parts for our colleagues because regular order wasn't followed and it sets a bad precedent.

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

[From San Francisco Chronicle, Dec. 7, 2016]

STOP FEINSTEIN'S WATER-BILL RIDER

(Editorial)

Sen. Dianne Feinstein calls her rider to a bipartisan water appropriations bill a way to improve efficiencies and capture more supply from "wasted" river flows for California cities, agriculture and the environment. Sen. Barbara Boxer, the author of the bill the rider amends, calls it a "poison pill" and vows to filibuster it to death.

A more temperate read from President Obama's Department of the Interior: Feinstein's drought rider would further complicate already very, very complicated federal water operations in California with no clear gains. The department, and the White House, are opposed, and rightly so.

California's two senators, both Democrats, are expected to battle it out in the Senate after the Water Resources Development Act (S612) with Feinstein's California drought rider sails through the House Thursday. The Senate fight may be Boxer's last salvo before she retires, and it is unclear she can marshal enough votes to block her own bill. The 700-page bill authorizes funding for dozens of water infrastructure projects around the country and emergency aid for Flint, Mich., which has lead-contaminated water.

Feinstein defended her 90-page California drought resolution as a needed defense against an anticipated Republican effort to open up the Environmental Species Act for major revisions next year. This might include allowing water contractors to increase pumping to levels that would benefit agriculture but devastate already threatened native fish and essentially strip away hard-won protections for the environment. She teamed up with House Majority Leader Kevin McCarthy, R-Bakersfield, to squeeze the package which authorizes \$558 million for desalination, water recycling, and storage (both dams and groundwater) projects, into an end-of-the year bill. "If California is going to grow, we must be able to provide prudent amounts of water to our people, and we can't do that right now," she said in a telephone interview.

Feinstein said she has drafted 28 versions during the three years she has tried to pass such legislation.

But is the rider a shield against worse legislation action or a blueprint to gut the Environmental Species Act? McCarthy described the rider as a modest package of provisions to ameliorate the effects of California's drought, now in its sixth year.

Feinstein said the rider allows maximum diversions within the legal protections of the Environmental Species Act and the biological opinions (scientific findings) that guide federal water policy. The environmental community and Boxer see it as the first and immediate step of a larger plan to divert more water to San Joaquin Valley farmers and Los Angeles area water users.

Drought and warming temperatures, one of the effects of climate change, are tipping off mass extinction of the species in the San Francisco Bay and its estuary. We have to work to share water among people, farms and the environment of California—not try to benefit one interest with a midnight rider.

Ms. CANTWELL. I would also like to ask the Senator from California if she is aware that in this legislation there is also language—and I am not sure this is in the jurisdiction of your committee either—giving the ability to have dams built in 17 States without initial overview by the U.S. Congress, without any other discussions. There would be blanket authority given to

build dams in 17 States without the input of cities, counties, constituents, interest groups, river constituents, fishermen.

We have several projects we have been discussing in the Pacific Northwest that I have been involved with and have visited with many people to talk about. People go methodically through these issues and discuss them in a collaborative way because there are tradeoffs and every community has a different opinion. So the notion that we would forgo our own State's ability to raise questions here in the U.S. Senate about somebody building a dam in our State—why would any Member want to forgo their ability as a Member of the U.S. Senate or House of Representatives to provide their input on a dam being built on a river in their State? Is the Senator aware of this provision?

Mrs. BOXER. Senator, I was just talking about it briefly, and I actually misstated it, so I am glad I was corrected. This rider, dropped at midnight, going on a bill that is a beautiful bill that I worked on for so long and that the Senator from Washington has worked on—and there are a lot of wonderful things in there. This rider went through the wrong committee. The issue you talk about, the ability of the President of the United States to, by himself, authorize dams in the Western States for the next 5 years anywhere in those States is unheard of, and it is in your committee's jurisdiction. It is in the jurisdiction of the Energy Committee. I hope Senator MURKOWSKI is outraged as well.

The fact is, the Senator is absolutely right. We have a Senator and a Congressman getting together and saying that the Congress should be bypassed and have no say in where dams should be put, whether dams should be built at all, and it is in the jurisdiction of the Energy Committee. It is not in the jurisdiction of Environment and Public Works.

Ms. CANTWELL. Mr. President, I thank the Senator from California for that explanation.

I also ask unanimous consent to have printed in the RECORD another San Francisco story from just yesterday where an attorney, Doug Obegi, basically says, to my colleague's point about the midnight darkness of this, that the densely technical text "explicitly authorize[s] the Trump administration to violate the biological opinions under the Endangered Species Act."

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

[From sfgate.com, Dec. 8, 2016]

HOUSE OKS BILL TO INCREASE PUMPING FROM STATE RIVERS; FISH AT RISK

(By Carolyn Lochhead)

WASHINGTON.—With the help of Sen. Dianne Feinstein, D-Calif., House Republicans moved closer Thursday to achieving their long-sought goal of undermining the Endangered Species Act to deliver more

water to California farmers, with the overwhelming passage of a popular water infrastructure bill.

The bill, which moves to the Senate, contains a legislative rider inserted by Feinstein and House Majority Leader Kevin McCarthy, R-Bakersfield, that would allow the incoming Trump administration to increase pumping from the state's rivers by overruling biological opinions from fish and wildlife agencies that protect salmon, smelt and other native fish that are nearing extinction for lack of flowing rivers.

The nearly 100-page rider, filled with dense, technical language dictating operation of California's water system, blindsided retiring Sen. Barbara Boxer, who plans a last-ditch effort in the Senate to block the entire Water Infrastructure Improvements for the Nation Act, which she co-authored.

Boxer has rounded up support from Sen. Maria Cantwell, D-Wash., and other West Coast senators but will need 41 votes to prevent the bill from getting beyond the Senate.

Killing the popular infrastructure bill is an uphill climb, but Boxer said the vote will be close.

On Thursday, the House passed the bill 360-61, with Bay Area Democrats powerless to stop it. It authorizes billions of dollars in water projects across the nation, including a few for lead poisoning for the municipal water system in Flint, Mich., and elsewhere. It also contains a raft of California projects, including rebuilding levees to protect Sacramento from flooding, restoring wetlands to reduce flood risk around San Francisco Bay, and reducing pollution of Lake Tahoe.

House Speaker Paul Ryan, R-Wis., specifically hailed the rider for delivering "much-needed water relief to Californians." McCarthy said the rider would prevent water from being "sent out to sea" by being left to flow in rivers, and "will increase pumping."

Feinstein said she introduced the rider to forestall worse legislation under the Trump administration. But McCarthy and other San Joaquin Valley Republicans promised that more such legislation can be expected next year, when it will no longer face a veto from President Obama. President-elect Donald Trump has promised to turn on the taps for the state's farmers.

The rider came out of years of closed-door negotiations between Feinstein and powerful San Joaquin Valley Republicans to address California's five-year drought. These efforts have repeatedly foundered over GOP insistence on weakening protections for endangered salmon, smelt and other fish.

Feinstein and House Republicans insisted that the rider does not violate the Endangered Species Act, because it contains language saying that nothing within the legislation shall violate existing environmental law.

But Boxer and Bay Area Democrats said that such general clauses will not override the bill's direct authorizations that mandate higher water deliveries.

"When an act of Congress specifically supersedes peer-reviewed biological opinions that are the very mechanism of how the Endangered Species Act gets implemented, that is a grave undermining of the act," said Rep. Jared Huffman, D-San Rafael.

Doug Obegi, a water lawyer with the Natural Resources Defense Council, an environmental group, pointed to three sections of densely technical text that he said "explicitly authorize the Trump administration to violate the biological opinions under the Endangered Species Act." He said there is no question that if the bill is enacted, "it is going to be headed to court. It is wholly inconsistent with state law."

Ms. CANTWELL. So in the dark of night—I think that is the part where

the States are going to be told: You are just going to have to build a dam. That is it. We decided.

Then everybody calls us and says: Wait a minute, wait a minute, I don't want to dam the river or I want that stream to produce fish or I want that to flow downstream for people further downstream, not right here. All of that has basically now been given over to someone else.

I would also like to ask the Senator from California if she is aware of provisions of the bill, as people are referring to it, that jilt the taxpayers? I know there are a bunch of groups, Taxpayers for Common Sense and even the Heritage Foundation—all of these people are basically calling out the ridiculous spending aspect of this California provision.

I wonder if the Senator from California is aware that this basically authorizes prepayment on construction obligations that basically are going to take millions of dollars out of the U.S. Treasury. Just by passing this legislation, we would be taking money out of the Treasury, resulting in basically \$1.2 billion in receipts that we would have, but giving us a loss of \$807 million.

This is a provision in the bill that I think has had little discussion, and this sweetheart deal for people is going to rip off the taxpayers, in addition to all of this authorization that is in the legislation.

Is my colleague from California aware of this provision?

Mrs. BOXER. I wish to say to my friend that I was aware of the provision, but I did not know the details of what you just said. My staff confirms that you are absolutely right. Are you saying to me that water contractors will be relieved of certain payments and the Federal Government will be on the hook—Federal taxpayers? Is that what you were saying?

Ms. CANTWELL. What is happening here is that people who are under current contracts on water payments, they would be given a sweetheart deal in deduction of their interest, which would allow them to shortchange our Treasury on revenues we are expecting.

That is a big discussion and if everybody wants to take that kind of money out of the Treasury and basically give a sweetheart deal to people, then we should have that discussion. We should have that discussion and understand that this is what we are doing, bless that, and hear from our appropriators that this is a worthy thing to do for some reason. I can't imagine what that reason would be, given that we are shortchanged here, and every day we are talking about how to make ends meet with so little revenue. So I don't know why we would give a bunch of contractors this ability to cost the Treasury so much money by giving them a sweetheart deal. I will enter something into the RECORD about this. As someone said, it would really cause very substantial headaches for Treasury, OMB, and various agencies.

Again, I think, in the event of somebody thinking it is December and people want to go home for the Christmas holidays, people aren't going to read the details of this legislation. I hope our colleagues will read this detail because I don't think we can afford to cost the Treasury this much money.

Mr. President, I also ask my colleague from California: I assume you have had a lot of discussion with our House colleagues about their earmark rules. I think one of the reasons the WRDA bill is something people support is that it is a list of projects that have been approved by various agencies and organizations.

Mrs. BOXER. That is right.

Ms. CANTWELL. Has this project been approved by any of those agencies or organizations?

Mrs. BOXER. Well, not only is it this whole notion of moving water from one interest. I would call the salmon fishery a critical interest—not only in my State. That is why I hate that it is called the California drought. It impacts not only California's fishing industry, but it impacts Washington's and Oregon's. This is why—save one—all of our Senators on the west coast are strongly opposed to this. Don't call it California water.

But the fact of the matter is that this has not been looked at in any way. Whether it is the money, whether it is what it does to the fishery, no one has really looked. There hasn't even been a hearing about this specific bill. I know your committee has looked at a lot of ways to help with the drought.

I compliment my friend from Washington, Senator CANTWELL, and Senator MURKOWSKI. You have come up with real ways to work with every stakeholder and not continue these absurd water wars where we take money away from a fishing industry—that is a noble, historic fishing industry and tens of thousands of fishermen who support their families—and giving it over to big agribusiness. That is not the way you want to approach the drought, I say to the Senator. It is not the way I want to approach the drought.

I would never be party to picking a winner and a loser. That is not our job. Our job is A, to make sure there are ways through technology to get more water to the State that needs it—mostly California at this point—and for all of us to work together to preserve that salmon fishery. The salmon doesn't know when it is in California, when it is in Washington, when it is in Oregon. Let's be clear. We need to protect it.

I am just so grateful to you for being on this floor today because your reasons for being here, first and foremost, are that you are protecting jobs in your State. Second, you are protecting the environment in your State. Third, you are protecting the rights of the States, the tribes, and the municipalities to have something to say over this. You are protecting the Endangered Species Act, which—as I pointed out

before you came—was signed by President Richard Nixon, for God's sake. This is not a partisan thing. These are God's creatures. I will quickly show you this and then take another question. I showed the bald eagle and several other species. If there had been shenanigans like this, Senator CANTWELL—oh, well, we are not going to listen to the science; we are just going to do what we want to do—we wouldn't have the bald eagle. We wouldn't have these creatures I showed.

Senator, the fact is that what you are fighting for is not only your State, not only for jobs, but you are fighting for the larger point—that in the dead of night, you don't do a sneak attack on one of the landmark laws that you and I so strongly support.

Ms. CANTWELL. Mr. President, I wish to ask the Senator from California—because there is another element she is alluding to—about how to resolve water issues. While my understanding is your committee is very involved in basically the Federal Government programs that help communities around our country deal with water infrastructure and clean water, the larger issues of how a community settles these disputes about water on Federal land has really been the jurisdiction of the Energy and Natural Resources Committee.

But my understanding is that this bill is also trying to weigh in on disputes as it relates to the larger Colorado basin. I know my colleague from Arizona is very concerned because his views weren't heard. I know this is a big fight as a result of the language that is in here on the southern part of our country, where there is also a water dispute, and various States are debating this.

I remember when our former colleague Tom Daschle was here, and there was a whole big fight on a river issue that the Upper Midwest was concerned about. If my understanding is correct, basically what we are trying to do in this legislation is, instead of having the collaborative discussion among these various States to work together to resolve it, they are basically saying: No, no, no, we can just put an earmark rider in and instead make all the decisions for everybody and choose winners and losers. So it is not just a Pacific Northwest issue—of San Francisco, Oregon, and Washington—but also relates to challenges we have on the Colorado River and challenges in the southeast part of our country.

Basically, it sets up a discussion in the future of why would you ever regionally get together to discuss anything if you could just jam it through in the legislation by, basically—as our colleague ELIZABETH WARREN said—putting a little cherry on top and getting people to say: Oh, this must really be good. Then the consequences of this are that the thorny, thorny issues of water collaboration aren't going to be about the current rules of the road or collaboration. It is going to be about

earmarks and riders that Taxpayers for Common Sense, the Heritage Foundation, and all of these people object to as the worst of the worst of Congress.

Mrs. BOXER. Right. I would say this: I did hear, along with my colleague, ELIZABETH WARREN describe it. She described it a little bit like this. You take a beautiful bill like WRDA. For the most part, it is not perfect, but it is a pretty darn good bill. Then you put a pile of dirt on top of it, which I call the McCarthy rider, and then you stick a little Maraschino cherry on top, which is Flint, and a couple of other good things, and you say: OK, eat the dirt. That is another way of explaining it.

My friend is right. What is the message if we don't fight this darn thing, perhaps defeat it, and get it stripped out. We have an amendment to strip it out if we could get to it.

What we are essentially saying to all the people, the stakeholders in the water wars, is this: You know, what is important is to your clout. Give enough money to this person, agribusiness and maybe you can control him, or give enough money to this person and maybe you control her.

The bottom line is we need to bring everybody to the table because my friend and I understand a couple of things. The water wars are not going to be solved unless everyone buys in. There are ways we can do this. We have done this work before. We can reach agreement, because if we don't, what happens? Lawsuits. Let me just be clear. There are going to be lawsuits and lawsuits and lawsuits because this is a clear violation of the Endangered Species Act. Some colleagues say: Oh, no, it isn't. It says in there it is not.

Well, very good, let's say we loaded a weapon and we dropped it on another country, and they said: This is war; you just dropped a bomb on us. We said: No, it isn't. We said we weren't declaring war on you. It is the action that counts, not what you say. A rose is a rose, as William Shakespeare once said—call it any other name.

This is an earmark. This is wrong. This is painful. This violates the Endangered Species Act. This is going to lead to the courthouse door. That is why my friend and I are not very popular right now around this joint because we are standing here and people want to go home. They are annoyed. Why is she still talking?

Well, I am still talking. I don't want to.

I say to my colleague, I ask her a question on my time, which is this: Does she think it is really painful for me to have to filibuster my own bill?

Ms. CANTWELL. I thank you for your steadfast leadership in the Senate. As to the fact that you are retiring, you are certainly going to be missed. I am sure you would like to have legislation on the water resources pass. I think you brought up a very important point: Strip out language for which there is bipartisan support asking for it to be stripped out. And there

is bipartisan support asking for it to be stripped out because people with true water interests have not been allowed to have their say.

We could get this done today—be done with this and be on our way.

I think, for our colleagues who want us to be done, there is an easy path forward—a very easy path. Just strip out the language on California and send it back.

Mrs. BOXER. Mr. President, since we are kind of reversing things, I ask unanimous consent that my friend control the time right now.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. OK, I will just hold the floor forever. That is fine.

I say to my friend, you have been through these kinds of wars before when you were standing alone trying to stop drilling in the Arctic. I remember all of our colleagues saying: Oh, my God, this is terrible. This drilling in the Arctic is on the military bill. Imagine—drilling in the Arctic. They put it on the national defense bill.

My friend was approached, and she was told: Senator, you are going to bring down the entire defense of this country if you don't back off.

My friend said: I don't think so. All you have to do is strip this Arctic rider, and we are done.

Am I right in my recollection of that?

Ms. CANTWELL. The Senator is correct. It was December and the same kind of scenario. Basically, jamming something onto a must-pass bill was a way that somebody thought this body would just roll over. In the end we didn't. We sent it back to the House, and the Defense bill was passed in very short order.

In fact, it is the exact same scenario. The House had already gone home, and I think they basically opened up for business again and passed it with two people in the Chamber. So it can be done. It has been done. If people want to resolve this issue and go home, then strip out this earmark rider language and we can be done with it and we can have the WRDA bill and we can be done.

So I think that what my colleague is suggesting—because it isn't really even the authority of the WRDA committee—is that she probably would be glad to get language that is not her jurisdiction off of this bill and communicate to our House colleagues that this is the approach that we should be taking.

So I would like to ask through the Chair if, in fact, the Senator from California understands that that kind of approach on earmarks is something that she has heard a lot about from our House colleagues, about how opposed they are.

Mrs. BOXER. Yes, I have. I wish to say, since our friend is here—I am not

doing anything, an attack on anything, and I never would. It is not my way.

I am going to ask unanimous consent right now, Senator CANTWELL, without losing my right to the floor and making sure I get the floor back; is that correct? After I make a unanimous consent request, I assume I would still have the floor under the rules.

The PRESIDING OFFICER. It depends on what the unanimous consent request is.

Mrs. BOXER. The request would be to strip the rider out. My colleagues look perplexed. We have been talking about a 98-page rider that was added to the WRDA bill, and we have filed an amendment to do that.

The PRESIDING OFFICER. It is not in order.

Mrs. BOXER. Excuse me?

The PRESIDING OFFICER. This request is not in order.

Mrs. BOXER. A unanimous consent request is not in order?

The PRESIDING OFFICER. It is not in order to strip out House language by unanimous consent.

Mrs. BOXER. Then I would ask through the Chair, what would the appropriate language be to get unanimous consent? Is it to allow an amendment to do that? Would that be the right way to go?

The PRESIDING OFFICER. A motion to concur with an amendment.

Mrs. BOXER. So we could ask for that by unanimous consent—to have such an amendment, and I want to make sure that after I make that, I would not lose the right to the floor.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Thank you.

#### UNANIMOUS CONSENT REQUEST

So on behalf of my friend from Washington and myself, I ask unanimous consent that we be allowed to offer an amendment to strip a rider that was placed on the bill by KEVIN MCCARTHY in the House, and it is 98 pages, and it is in the House bill. It is called the California draft provision. I ask unanimous consent that we be allowed to have an amendment to strip out that language.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. That was a good test.

We can see where this is coming from, I say to my friend from Washington. All we are asking for is to go back to a bill that we worked on for almost 2 years, and now we are looking at a situation where we will be harmed in many ways by this rider.

When I say "we," I mean our States. We have thousands of salmon fishery jobs that will be lost. We have a frontal attack on the Endangered Species Act, which has been called out by every major environmental group in the country. We have letters from every salmon fishery organization saying

that this is dangerous. Yet all we are asking for is a simple amendment to strip out a midnight rider, and the Republicans object.

In that rider, it takes away the right of Congress to approve dams. So whether it is in Colorado or Wyoming or California or Washington or Oregon or Montana—and there are many other Western States—the President-elect will have the right to determine where to put a dam. He will have the ability, for the first time in history, to authorize the building of dams. And the answer comes back from those who support the rider: But Congress has to appropriate.

Well, we know where that goes. I have been here a long time. All you need is a little appropriation every year, and the deal continues.

So we have a circumstance on our hands. I know people in the Senate are really mad at me right now. What a perfect way for me to go out. I was a pain in the neck when I came, and I am a pain in the neck when I go.

Ms. CANTWELL. Mr. President, I have a question for the Senator from California.

The irony of this situation—first of all, I appreciate the Senator from California, because she is such a stalwart in so many different ways on so many different issues. What people may not know about the colleague we love dearly is that she is greatly theatrical. She has a beautiful voice. She writes music. She obviously lives in L.A. and probably hobnobs with all sorts of people in the entertainment industry. She sang beautifully the other night at our goodbye dinner for the retiring Members.

This reminds me of that movie "Chinatown." There was a famous movie that Jack Nicholson was in that was all about the corruption behind water—

Mrs. BOXER. And Faye Dunaway, just so you know.

Ms. CANTWELL. Yes, and Faye Dunaway. So Jack Nicholson and Faye Dunaway did a movie a long time ago about the water wars in California; am I correct?

Mrs. BOXER. Yes.

Ms. CANTWELL. So it was a movie about the fight between Southern and Northern California about who gets water, and then people found out that there was so much corruption behind the deal that basically people were trying to do a fast one.

So the subject, if I am correct—that is what the subject of the movie is about. This is not a new subject; it is a very old subject. The question is, are people trying to supersede a due process here that consumers—in fact, I would ask—I hope the ratepayers and constituents of the utilities in Los Angeles would be asking the utility: What are they doing lobbying against the Endangered Species Act? My guess is there are a lot of people in Southern California that have no idea that a utility would lobby, spend their public



dollars lobbying against a Federal statute by undermining it with a rider in the dark of night.

But I wanted to ask my colleague: This issue is a historic issue in California, correct? And when it is done in the dark of night, as that movie depicts, what happens is that the issues of public interests are ignored and consequently people are shortchanged. Is that the Senator's understanding?

Mrs. BOXER. Yes. I wish to yield my time to my friend. But here is what I am going to say right now. The Senator from Washington is absolutely right that this issue has been around California for a very long time. So I will yield my time to the Senator from Washington—I yield for a question. I can't yield the full time; I can yield for a question.

But the answer to the other question is of course the Senator is right. She talks about the movie "Chinatown." Do you know what year? I think it was the 1980s, a long time ago. I remember it well. It was about the water wars, and it resulted in people dying. It was corruption. It was about who gets the water rights.

Here is the deal: Here we have our beautiful State and, as my friend knows, because of the miracle of nature, Northern California gets the water; Southern California—it has been called a desert. So we have always had a problem.

When I came to the Senate, we had 18 million people, and now we have 40 million people. So we have urban users, suburban users, rural users, farmers, and fishermen. We have to learn to work together. Do we do that? Not the way KEVIN MCCARTHY did it, which is a grab for big agriculture, which destroys the salmon fishery and is going to bring pain on the people who drink the water from the delta because it is going to have a huge salt content that has to be taken out before they can drink it. So this is the opposite of what ought to happen.

I yield back to my friend for another question.

Ms. CANTWELL. On that point, in the process for discussing these water agreements, the Senator from California is saying they don't belong in her committee, and they have been controversial over a long period of time, and the best way to do this is not through an earmark, which this is—the notion that the House of Representatives is jamming the U.S. Senate on a half-billion-dollar earmark is just amazing to me because of the water agreements that people have negotiated and that have passed through these committees and that have been agreed to. They are not letting those go, but they are letting this particular earmark go, and sending this over. But the normal process would be for these Federal agencies and communities to work together on a resolution, and then if resources were asked for, they would come through, I believe, the Energy and Natural Resources Committee

for authorization because we are the ones who deal with the Bureau of Reclamation and the public land issues. Is that the understanding of the Senator from California as well?

Mrs. BOXER. Absolutely. What is such a joke is that my Republican friends, who were just objecting to our having an amendment to take this earmark off, always give big speeches about how Congress is putting all of these earmarks in. Well, this is a clear earmark because it is directing a project to run in a certain way and diverting water to a special interest and taking it away from the fishery. Therefore, by its very nature, it is giving a gift of water to big agribusiness and letting the salmon fishery just go under.

I would say to my friend that the reason she is down here is that this is not just about California. The provision is called California drought. It is not about the drought. It doesn't cure the drought.

Yes, my friend is right. Every provision, including the one about giving President-Elect Trump the right to decide where a dam will be built and taking it away from Congress, that all belongs in the jurisdiction of the Senator's committee. I am surprised Senator MURKOWSKI isn't here because this is a direct run at her as well as the Senator from Washington.

Ms. CANTWELL. Mr. President, I would ask the Senator from California then, the question is on this process of deciding the authorization. I notice we had a few colleagues here who were—I don't know if they were coming to speak—but in the Senator's region, there is a lot of discussion among the Western States on how to balance issues on water; is that correct? There are a lot of meetings and discussions?

Mrs. BOXER. Well, we have no choice, because, as the Senator from Washington knows, my State gets a lot of water out of the Colorado River. It is under a lot of stress. We have a lot of problems. My heart goes out to every single stakeholder in my State. That is why I am so chagrined at this, because we all have to work together, I say to my friend, in our State.

We are all suffering because we don't have the water we need. But the way to deal with it is not to slam one complete industry called the salmon fishery, which not only impacts my State but the Senator's State of Washington and Oregon was well.

Ms. CANTWELL. I have a question for the Senator from California because some of our colleagues that were here—my understanding is if you can get water from Northern California by just agreeing to kill fish and not meeting those obligations, then Southern California can take some of that water as well. Then, the consequence is these Western States, which might be supporting this bill, have less obligation to make more conservation efforts.

So, in reality, if you are talking about the Colorado River and all the

various resources that have to be negotiated, if somebody can be let off the hook because you are just going to kill fish instead, then you have more water. Sure, if you just want to kill fish in streams and give all the money to farmers, of course you have more water. Then, no one in the Colorado discussion has to keep talking about what are we going to do about drought.

I think the Senator from California is going to tell me that drought is not going away; it is a growing issue of concern, and so we actually need more people to discuss this in a collaborative way than in an end-run way.

Am I correct about the partners and all of that discussion?

Mrs. BOXER. My friend is very knowledgeable and very smart. People tend to look at a provision, I say to my friend, in a very narrow way. They say: Oh, what is the difference? It doesn't matter. But my friend is right on the bigger picture. If all the fishery dies and all of the jobs with the fishery die and there is no demand for the water for the fish anymore, my friend is right. That relieves the discussion.

So, yes, you know what it reminds me of, I say to my friend. I don't know if she agrees with this analogy. But I remember once when they said: Let's raise the retirement age for social security because people are working longer and it will help the Social Security trust fund.

Well, if you take that, my friend, to the ultimate, why don't we say people should work until they are 90? Then there won't be any Social Security problem because everyone will die before it kicks in. It is the same analogy here: You kill off all the fish and the entire salmon fishery, then all you have is agriculture demanding water, and then they will try to step on the urban users and suburban users and the rural users and say: We are the only thing that matters. And they are already using, under most analyses, 80 percent of the water in my State.

So you are right. You kill off the fishery, then that is one less stakeholder to care about. You tell people "Don't retire until you are 90," the Social Security trust fund will be very vibrant.

Ms. CANTWELL. Mr. President, as the Senator from California knows, one of the States concerned about this is Arizona because they have kind of been left out of that discussion. It also says to people: You don't have to have these discussions amongst everybody together; you can just write it into law. My understanding is that our colleagues from Florida and Alabama also have a similar concern. People are trying to use the legislative process to unbalance the negotiations so they can legislate instead of negotiate. Not only are they trying to legislate instead of negotiate, they are trying to use earmarks to do it and overrule existing law.

So am I correct, to the Senator from California—are we going to get anywhere with getting California more

water if, in fact, this ends up in courts and it is stayed, and you really won't get any water in the next few years?

I should make a footnote for my colleague from California. Thank you for your compliment.

I had to chair a 3-hour hearing once on the San Joaquin River settlement. It was about 18 years of dispute on what to do about the San Joaquin water. Because of that, I learned a lot about the fights in California and all of the problems that California had then. This was at the time my colleague Tim Johnson was the chair of that subcommittee and had been stricken ill, and they asked me if I could step in. I had no idea I was going to spend 3 hours hearing about 18 years of litigation. That is right—18 years of litigation on the San Joaquin River. Basically, people came to that hearing that day—which is now probably 10 years ago—to tell me it was not worth the 18 years of litigation. They had determined that while they could sue each other all they wanted, that getting to a resolution about how to move forward on water had to be a much more collaborative solution to the process.

Secondly, I would mention to my colleague from California and see if she knows about this—the same happened on the Klamath Basin, which is legislation we passed out of committee and tried to pass here. The Klamath Basin basically said: Let's negotiate.

The various people in that dispute had a dispute and actually went to court, and the regional tribe won in the court and basically didn't have to do anything more on water issues but decided that, in the good interest of trying to have a resolution, it was a good idea to come to the table and try this collaborative approach.

I was mentioning my time chairing a 3-hour hearing on the San Joaquin River settlement that people had come to after 18 years of fighting each other in court. They came and they said: Oh, we have a settlement. The point was, we tried to litigate and sue each other for 18 years and we didn't get anywhere, and now we have a settlement and we would like to move forward.

My point is, the best way for us to move forward on water issues is to have everybody at the table and come to agreements because there are a lot of things you can do in the near term while you are working on water in a more aggressive fashion to get to some of the thornier issues. But if you basically try to litigate and legislate instead of negotiate, you end up oftentimes just getting litigation, like what happened with the San Joaquin. So you never get a solution and people don't have the water. You end up not having a resolution, and the whole point is to get people water.

So does the Senator think that is where we are headed if we end up just trying to tell people: You can legislate.

Well, it sounds interesting, and if you get somebody to write an earmark for you, you are in good shape, I guess, if

you can get that out of the House of Representatives. But in reality, you are not in good shape if you don't actually get water because you end up in a lawsuit for so many years, like San Joaquin.

Is that where we are going to head on this?

Mrs. BOXER. I say to my friend, she is so smart on this. Of course that is where we are headed. And I encourage this. If this happens and the Senator and I are not successful and this winds up to be the law of the land—a provision added in the dead of night that forces water to be operated in a certain way that violates the biological opinions on fish, that violates the science—I hope they take this to court day one. I don't care; say whatever you want: Oh, this isn't a violation of the Endangered Species Act. Really? Clearly it is.

The Senator is absolutely right. Eighteen years in court over an agreement. That is another reason I am totally stunned at this. But I think it is about what my friend said—who has the most juice, who has the most power to sit down and get someone who is a Senator or a Member of the House to add language? It is a nightmare.

The reason we have been obstreperous, the reason we are standing on our feet, the reason we didn't yield to other people is we are trying to make a simple point. The Senator shows it with her chart.

For all the people who said we shouldn't do earmarks, this is such an incredible earmark, it actually tells the Federal Government how to operate a water project—it is extraordinary—and to walk away from a biological opinion from the science. Of course it is going to wind up in court. I hope it does. What I would rather do is beat it. What I would rather do is get it out because it is only, as my friend said, going to encourage more similar types of legislating, where people have the power and the money and the ear of a Senator to call up and say: You know what, I am having trouble in my agribusiness. I need more water.

It is ridiculous. We are all suffering in this drought, I say to my friend. California is in a drought. There is a lot of rain coming down in the north, very little in the south, and I pray to God it continues. I do. We have been getting a lot of rain so far, but I don't trust it at all.

There are two ways to meet this challenge. One way is to figure out a way to get more water to everyone. That means taking the salt out of water—and we do it. I have toured the desal plants, and it is very encouraging. One way is to take the salt out or put more water in the system. Another way is to recycle. Another way is conservation. Another way is water recharging. We know how to do it. The Senator is an expert. All of this is in her committee, which was bypassed.

The other way to do is the wrong way to do it, which is take the side of one business group—agribusiness—versus a

salmon fishery and destroy the salmon fishery. Then, as my friend points out, in years to come: Well, isn't that a shame? There are no more salmon fisheries, so we get all the water. In the meantime, we are eating farmed salmon, and all these people are out of work and their families are devastated after a way of life they have had for a very long time.

So my friend is very prescient on the point, and she talks about the reality. We are here. We are not dreamers. We are realists. We know what happens in the water wars.

I continue to yield to my friend.

Ms. CANTWELL. Mr. President, I would ask my colleague—again, I don't think this is in the jurisdiction of her committee. That is why I am asking—if we did want to pursue with the Bureau of Reclamation the notion that we should do more underground water storage, again, that would be something we would authorize. That is what I want to ask the Senator, if that is, in fact, the case.

My understanding—because we have to deal with this so much in the Pacific Northwest. We are a hydro State which has affordable electricity, but we get it out of a snowpack that comes in the wintertime. Now that the climate is changing and it is getting warmer, we don't have a large snowpack, so one of the ways to store that snowpack—which would be great to do—would be to have underground aquifer storage. I think that is an idea Stanford University has signed off on. They basically signed off on it because they said it was the most cost-effective thing for the taxpayer and had the most immediate impact.

What the Senator was just saying about rain—if you get a lot of rain right now—because it is not snowpack. If it is rain, store it, just like we were storing the snowpack, but now store it in aquifers underground, and that would then give us the ability to have more water. Stanford is like: Yes, yes, yes, this is the best thing to do. And this is what I think your State is trying to pursue.

In that regard, I don't even think that is the jurisdiction of the Senator's committee, if I am correct, but is that an idea that you and California would pursue as a way to immediately, in the next few years, start a process for getting water to the Central Valley and to various parts of California?

Mrs. BOXER. Without a doubt. My friend is right. It is not like we are dealing with a subject matter that has no solutions, and science has shown us the various ways to do it. Certainly underground storage is fantastic, recharging. There are all these things we know—recycling, conservation, and desal. These are just some thoughts.

My friend is right: The jurisdiction is mostly in her committee. We may have a few things to do. Wonderful. But that is not the important point. To me, the important point is here we have—and I am going to sum it up and then I will

yield the floor and hope my friend will take the floor because I need to run and do 17 things, and then I will be back.

Here is the situation. We have a Water Resources Development Act bill. It passed here with 95 votes. Nothing passes here with 95 votes, even saying "Happy Mother's Day." It is a beautiful bill, my friend. Is it perfect? No. But it was very good. For my State, for the Senator's State, it was very good. Now, it is moving through the House, and in the middle of the night, without anyone even seeing it, this horrible poison pill amendment is added which essentially is a frontal attack on the salmon fishery and all the people who work in it not only in my State, but in the Senator's State and Oregon. So all of the Senators, save one, are apoplectic about what it means to jobs and what it means to tradition and what it means to have wild salmon. It is very important. So it is a frontal assault on the industry; it is a frontal assault on the ESA; and it is a frontal assault on the notion that there are no more earmarks.

Then it has another provision cutting the Congress out of authorizing new dams in all of the Western States for the next 5 years. This is dropped from the ceiling into the WRDA bill.

Now, I stand as one of the two people who did the most work on that bill saying vote no. It is very difficult for me. But I think it is absolutely a horrible process, a horrible rider. It is going to result in pain and suffering among our fishing families.

With that, I thank my friend, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from California for her steadfast support of doing the right things on clean water and clean air and for focusing on this issue for her State because ultimately she wants water for her State. She knows litigation is not the route to get it. She knows that there are things we can be doing here but that we have to get people to support that. So I thank her for her obligation to making sure her constituents get real results.

This rider is a giveaway to projects that are basically described as dead-beat dams, projects in California that are opposed by tribes and fishermen and sportsmen and environmental communities. Basically, it writes a blank check to them, allowing millions of taxpayer dollars to be used to construct dams throughout the West without any further congressional approval.

That, in and of itself, should cause our colleagues to pause. You are going to go home and have to tell your constituents all of a sudden that someone is building a dam on a beautiful river in your State and you can't do anything about it. I would hope our colleagues in those 17 Western States that would be impacted by this would do something to help tell our colleagues

to strip out this controversial provision and send it back to the House in a clean bill.

In addition, as I mentioned, section 4007 authorizes the Secretary to pay up to one-quarter of the cost of State water storage in any of these 17 reclamation States. The Secretary would have to notify Congress within 30 days after deciding to participate.

These issues on our process are going to make it much harder for us in the future to not have the taxpayers paying for projects that are nothing but further litigation in the process. Why is collaboration so important? Collaboration is important because these are thorny issues. There are lots of different national interests at stake and a lot of local interest and a lot of jobs. My colleague from California, probably not in the last hour that we have been discussing this but probably earlier in the afternoon, mentioned the huge amount of Pacific West Coast fisheries that are also opposed to this bill, and Trout Unlimited which is opposed to this legislation, and various fishing groups and organizations because fishermen want to have rivers that are functioning with clean water and enough stream flow for fish to migrate.

The fishing economy in the Northwest, I can easily say, is worth billions. Anybody who knows anything about the Pacific Northwest—whether you are in Oregon or in Washington, maybe even Alaska—the pride of our region is the Pacific Coast salmon. The Pacific Coast salmon is about having the ability to have good, healthy rivers and stream flow. For us in the Northwest, this is an issue I can easily say we have at least 100 Ph.D.s on; that is to say, the subject is so knowledgeable, so formulated, so battled over, so balanced that it would be like having 100 Ph.D.s in the subject. That is because we have a huge Columbia River basin, and because the Columbia River basin has many tributaries and because the salmon is such an icon, it needs that basin.

We also have a hydrosystem, and we also have an incredible agriculture business in our State. I think we are up to something like—when you take varieties of agricultural products, something like 70 different agricultural products—we, too, have to balance fish, farming, fishermen, and tribes, the whole issues of our environment and recreation and the need for hydro, and balance that all out. We have to do that practically every single day.

It has been these kinds of decisions that have taught us as a region and a State that by collaboration, we can get results and move forward. I and one of my colleagues in the House who was the former leader on the Committee on Natural Resources, Doc Hastings, probably now more than 10-plus years ago, had regional discussions with then-Secretary of the Interior Salazar who came to the Northwest, and we sat down and we asked: What do we do about the Yakima Basin?

It was Sunday morning, and you would think that everybody getting to

gether on Sunday morning, is it that important? Well, it was. There were probably 50 or 60 different interests meeting with us—the Bureau of Rec, the Secretary of the Interior, Congressman Hastings, me, and many other interests, and we talked about what do we want to do with the Yakima Basin.

There has been great pride that I have had to offer legislation, along with my colleague Senator MURRAY, on how to move the Yakima Basin project forward in the U.S. Senate. I say with "pride" because it was a collaborative effort. These are people who do not agree with each other, who have fought each other, who basically probably disagree on the most essential elements of their viewpoint, and yet reached consensus—delighted in their resolve—and came forward with legislation to say this is how you should deal with our water problems in a drought when your State has both farming and fishing needs.

Our Governor got behind it, Governor Inslee. Other people got behind it. I have been at several forums. National organizations, California institutions are holding up the Yakima deal as the example of how water management should be done in the future. Why? Because it was holistic. That means it included everything on the table. It was a regional approach and everybody came to the table, and because it didn't try to solve every single problem up front but came to what we could agree to today and move forward—because it would claim some water that we need now.

The fact that the Yakima project became such a milestone, our colleagues in Klamath, OR, did the same things: They worked together in a collaborative fashion and tried to discuss these issues. I would say, for the most part, all of these issues have been, with these discussions in the past that our colleagues bring legislation to the U.S. Senate, very rarely has somebody brought language without everybody locally working together and agreeing.

I don't know of times when my colleagues have brought legislation where they are basically just trying to stick it to one State or the other—except for now, this seems to be the norm. This seems to be what we are being encouraged to do today. The California project is one in which we wish that they would seek the same kind of collaborative approach to dealing with both fishermen, whose economy is immensely important in California, and farmers who also are important but should not have the ability to supersede these laws that are already on the books.

What they should do is learn from the San Joaquin River proposal. You can battle this for 18 years or you can resolve these differences and move forward. When you can write an earmark and send it over here as a poison pill on a bill, you are hoping that you don't have to sit down at the table and work in a constructive fashion.

It is very disappointing to me that some of the partners in this deal, as we put ideas on the table to give 300,000 acre-feet to the farmers in the Westlands region over the next 2 years, give them 300,000 acre-feet of water over the next 2 years while we are working with them on an aquifer recharge. Their answer back to us was: We want to play our hand here and see if we can jam this through first.

Basically, they don't want to work in a collaborative fashion. They don't want to work with the region to find solutions. They want to legislate something that will lead to litigation. Litigation is not going to lead to more water, it is going to lead to longer delays in getting water to everybody who needs it.

I wouldn't be out here spending this much time with our colleagues if it wasn't for the fact that this issue is just at its beginning. Drought has already cost our Nation billions of dollars, and it is going to cost us more; that is, drought is causing great issues with water, fish, and farming. It is also causing problems with fire. It is making our forests more vulnerable to the type of explosive fires that we have seen in the Pacific Northwest that wiped across 100,000 acres of forest land in just 4 hours. Those are the kind of things that hot and dry weather can do.

Our colleagues need to come together on what would be the process for us dealing with drought. The fact that California has been the tip of the spear is just that; it is just the tip of the spear. Everybody else is going to be dealing with this in Western States. My colleagues who represent hot and dry States already know. They have had to deal with this from a collaborative process.

I hope our colleagues who care greatly about the fact that drought is going to be a persistent problem for the future would come together with us and say: We can get out of town tonight. We can get out of town in the next few hours. All you have to do is accept our offer to strip this poison pill earmark, which is costing taxpayers one-half billion dollars, off the WRDA bill because it is not even part of the WRDA jurisdiction and send back a clean WRDA bill to the House of Representatives.

That is what my colleagues on the other side of the aisle want, and that is what we want. The only people who are holding this place up are the people who want to jam somebody in December at the end of a session because it is the way to get poison pill ideas done.

People are taking note. I know the San Francisco Chronicle had a story about the House OKs a bill to increase pumping from our rivers and putting fish at risk. There was a quote about undermining the Endangered Species Act.

There was an editorial as well, I believe, from the same newspaper. I don't know that we have a quote from the editorial here, but I think I submitted

that earlier for the RECORD. It basically said: Stop the Feinstein water bill rider. It basically said that we have to work to share water among people, farmers, and the environment, not try to benefit one interest over the other with a midnight rider.

The press is watching. I think there was a story today in the San Jose newspaper as well. I don't know if I have that with me, but we will enter that later into the RECORD. Having other newspapers in California write editorials on this is most helpful because it is bringing to light the kinds of things that are happening in the U.S. Senate that people all throughout the West need to pay attention to.

We wish that drought could be solved so easily by just giving one interest more resources over the other, but that is not the way we are going to deal with this. If we have colleagues in the House who would rather steal water from fish than fund aquifer recharge, then we should have that debate in the U.S. Senate in the committee of jurisdiction or even here on the floor as it relates to whose jurisdiction and funding it really is. To stick the taxpayer with the bill of paying for dams in 17 States without any further discussion by our colleagues is certainly putting the taxpayers at risk, and that is why taxpayer organizations have opposed this legislation.

If we want to get this done and if we want to get out of here, let's strip this language off and let's be done with it and send to our colleagues a clean WRDA bill and be able to say to people that we did something for water this year, but we didn't kill fish in the process of doing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### MONTENEGRO MEMBERSHIP INTO NATO

Mr. CARDIN. Mr. President, we have been running the hotline on the accession of Montenegro as a member of the NATO alliance. As a member of the Senate Foreign Relations Committee, the Presiding Officer knows we have held extensive discussions and hearings on NATO and the accession of Montenegro as a member into the NATO alliance.

Quite frankly, this is a very important matter for us to try to complete before we adjourn this session of Congress, and let me say why. Montenegro has taken all of the necessary steps in order to be in full compliance for joining the alliance of NATO. We have very carefully reviewed their commitment in regard to their military, defense budgets, institutional changes they have made, their willingness to take on the responsibilities as a full NATO partner, and quite frankly, they have endured outside interference which has tried to compromise their ability to complete the process.

What do I mean by that? Montenegro recently had parliamentary elections, and Russia tried to interfere with the parliamentary elections to try to in-

still some instability in that country as an effort to influence not only Montenegro but the international community's—the members of NATO—interest in completing the approval of NATO. Every member state of the alliance must approve any new member and requires votes in all states. Several have already voted to approve the accession of Montenegro into the alliance.

The reason I say this is extremely important to get done now is because Russia does not hold a veto on the accession of new countries and new states into the NATO alliance. They have done everything they could to try to interfere with this process.

I think the clear message is that the Senate is not going to be intimidated by Russia and that we are going to stand by this alliance. We have a chance to do that within the next, I hope, few hours before the Congress completes its work.

I really wanted to underscore the importance of us taking action on the Montenegro issue. The Ambassador to Montenegro has attended our committee meetings frequently and kept us informed on everything that has taken place.

I had a chance to meet with many of our partner states in regard to Montenegro. Many of these countries have already taken action, but quite frankly, it is U.S. action that will be the most significant.

It is important that we speak with a very strong voice. If we don't get it done now, it will not be allowed to come up until the next Congress, and we have a new administration coming in on January 20. I think it is important that we complete this process now. It is strongly supported by the administration and by the Democrats and Republicans. The recommendation passed our committee with unanimous support.

I thank Chairman CORKER for handling this matter in a very expeditious and thorough way. We didn't shortcut anything. We have gone through the full process. It is now time for us to act. If we want to send a clear message that Russia cannot intimidate the actions of the Senate or our partners, then I think the clearest way we can send that message is to vote and make sure we complete action on the accession of Montenegro before Congress adjourns sine die.

I think it is pretty much clear that both the Democratic and Republican hotlines—there have not been any specific objections I am aware of that have been raised by any Member of the U.S. Senate to taking final action on this issue. I know we have other issues interfering with the consideration of some bills. I urge everyone to resolve those issues so this very important matter can be completed.

As the ranking Democrat on the Senate Foreign Relations Committee, and again working with Chairman CORKER, I can tell you this is a very important step for us to take in this Congress,

and I urge our colleagues to figure out a way that we can bring this to conclusion before Congress adjourns.

As I said, I come to the floor to speak in support of the Senate providing its advice and consent to the Protocol to the North Atlantic Treaty of 1949 on the accession of Montenegro.

I have been a strong supporter of Montenegro's bid to join NATO. It will enhance our security. It will strengthen the alliance. And it will send a strong message of resolve to Russia as it invades its neighbors and seeks to upend the international order. Montenegro may be a small country, but its inclusion in NATO will have positive repercussions across the continent and will send an important message of hope to other aspirant countries.

Republicans need to take the modest steps my colleagues, including Senator MANCHIN of West Virginia and Senator BROWN of Ohio, are asking for to take proper care of coal miners and their families in this country. And then we need to move on the Montenegro NATO resolution—today. I am pleased to say that no one in the Democratic caucus has expressed any concern to me about this resolution, and they are ready to pass it once our coal miners are taken care of.

I stand here today in support of NATO enlargement. The Senate Foreign Relations Committee recently voted by voice vote in support of this bid—unanimously with Republican and Democratic support. And so even if Republicans don't take care of our miners today, and as a result we cannot pass this resolution, I fully expect my colleagues across the aisle, and the President, to fully support this effort in early January. We can get this done. We must get it done.

So what is the case for Montenegro's membership?

Admission of Montenegro would mark another important step towards fully integrating the Balkans into international institutions which have helped to contribute to peace and stability over the years in Europe. Croatia and Albania joined the alliance in 2009 and have been valuable contributors to accomplishing NATO objectives since then, and I hope that Montenegro's admission will help to motivate the reforms necessary in other Balkan countries to join.

Montenegro has made outsized contributions to NATO missions despite not being a full member. I understand that in Afghanistan, Montenegro has rotated 20 percent of its armed forces through the ISAF and Resolute Support missions. It also contributed to the peacekeeping mission in Kosovo and other NATO missions.

This small country has clearly made significant contributions to the alliance's efforts around the world and made necessary internal reforms to address governance, rule of law and corruption issues. I will continue to monitor these issues closely and expect Montenegro to continue with these reforms.

Montenegro has been subject to a wave of anti-NATO and anti-western propaganda emanating from Russia. There are also allegations that a recent coup plan has Russian ties. Blocking Montenegro's ability to join NATO will have real implications for how NATO is perceived—Russia does not get a veto over the decisions of the alliance. We need to send a strong message of resolve.

No country outside the alliance gets a veto over who gets to join—especially Russia, so we must send a strong signal. I urge my colleagues to pass this resolution as soon as possible and get it to the President so the President can deposit the instrument of ratification at NATO in support for Montenegro's bid.

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

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

CALLING FOR THE RELEASE OF AUSTIN TICE

Mr. CORNYN. Mr. President, recently I met with the parents of Austin Tice, a constituent of mine in Texas who unfortunately was abducted in Syria a few years ago. Of course, his parents have been keeping the flame alive, hoping that Austin has survived the situation of his capture.

At their suggestion, last week when I was in Austin, they traveled over from Houston to visit with me about a briefing they had received recently from James C. O'Brien, the Presidential Envoy for Hostage Affairs.

Earlier today, I had a chance to be briefed by Mr. O'Brien. He delivered some positive yet cautious news about Austin Tice, an American journalist who we know was taken hostage in Syria 4 years ago. Mr. O'Brien and his team informed me that they have high confidence that Austin is alive in Syria, along with other Americans who are being held captive.

While this is certainly positive news, I can't help but think of his parents and what they have had to go through these last 4 years. They are not just counting the months, they are not just counting the days, but they are literally counting the minutes and the seconds since he has been gone and then counting these milestones that we typically observe in our family—birthdays and holidays—that they will never recover.

So today's news should remind us that we cannot give up until we bring Austin Tice home. I renew once again my call for his immediate release by his captors, and I strongly urge the current and future administration to continue to utilize all possible means to secure his safe return. Nothing can bring those years and months back, but we can start the healing process by doing everything possible to find Aus-

tin and bring him home and to bring him home now.

WORK BEFORE THE SENATE

Mr. President, we have gotten quite a bit done this week, but we are not finished yet. We passed a major medical innovation bill, which contains not only the Cancer Moonshot project advocated by Vice President BIDEN and the President but also other dramatic investments in the research and development of lifesaving drugs. It also contains a very important component of mental health reform.

I was glad to contribute some to that effort, particularly the part that has to do with the intersection of our mental health treatment regime and our criminal justice system. As I have learned and as many of us have learned together, our jails have become the treatment center of last resort for people who are mentally ill, whose condition is not diagnosed. And if not diagnosed, these people tend to get sicker and sicker, until they become a danger not only to themselves but potentially to the communities in which they live.

So we have made good progress, and perhaps thanks to the great leadership of Senator ALEXANDER, Senator MURRAY, Senator MURPHY, Senator CASSIDY, TIM MURPHY over in the House, and the leadership there, we can be proud of that accomplishment.

Yesterday we finished up our work on the Defense authorization bill to help our troops both here at home and abroad, to make sure that they not only got a modest pay raise but that they continue to be supplied with the equipment and training they need in order to keep America safe here at home and abroad.

I am hopeful we will continue our work and finish our work, actually, on the continuing resolution, a bill we need to get done today in order to keep the lights on. I know my colleague from Illinois, the Democratic whip, has been working on this. I am hopeful we can get everybody back to a position of voting yes on this continuing resolution and we can complete our work.

There are folks across the aisle who want to keep the continuing resolution from moving forward and literally to shut down the government. I would have hoped we would have learned our lesson the hard way that that is not a way to solve our problems.

Unfortunately, the senior Senator from West Virginia, Mr. MANCHIN, has taken a position that even though we have funded the health care benefit program for the miners whom he cares passionately about—we all certainly understand that—we have done it through the end of the continuing resolution into April. He is not satisfied with the length of that continuing resolution. He said he would like to have it up to a year. But, frankly, I think he is unwilling to take us up on my commitment, for example, to continue to work with him now that we have gotten that short-term extension, to work on a longer term extension once we get our work done.

The truth is, this bill, the continuing resolution, passed the House yesterday with overwhelming support from both sides of the aisle. It received support of 87 percent of the House Republicans and 77 percent of House Democrats. The House of Representatives has now left town for the holidays, and it is up to the Senate to finish the job. So at this point, working all night and into the weekend will not change the inevitable outcome. Shutting down the government does not help anyone, especially those holding up the process.

So we are not done yet, but we are close. With a little cooperation, we will be able to wrap up this Congress soon and turn our focus to the Nation's priorities.

Let me just mention a couple of other aspects of the continuing resolution because I have heard, just among conversations with my own colleagues, some misunderstanding about what we are doing in terms of, let's say, defense spending, which is one component of it. This continuing resolution funds the defense sector by a \$7.4 billion increase over the continuing resolution we are currently operating under. It is true that it is less than the Defense authorization bill has provided for, but, as we all know, an authorization is not an appropriation. And when you compare an appropriation or spending for defense under the continuing resolution we are currently operating under compared to the one we will pass soon, it represents a \$7.4 billion plus-up for defense.

Now, I am one who believes that is the single most important thing the Federal Government does—providing for the common defense—and I would argue that is probably not an adequate number, but it is a plus-up, and it is the number that was passed by the House, and frankly, the House having left town and gone back home for the holidays, we are left with a choice of either accepting that level or not doing our job on a timely basis.

This funding supports troop levels of up to 8,400 in Afghanistan, \$4.3 billion to support counterterrorism and forward operating missions. This was supported by Chairman THORNBERRY of the House Armed Services Committee. It provides a procedure for waiver for the next Secretary of Defense. This continuing resolution also provides \$872 million in funding for the 21st Century Cures legislation we passed just a few days ago, \$500 million to deal with the scourge of opioid abuse but also to deal with prevention and treatment activities, as well as \$372 million for the National Institutes of Health. It provides emergency flood and natural disaster relief for potentially up to 45 States, including my own—\$4.1 billion in emergency natural disaster relief. As I mentioned earlier, it does provide a short-term coal miners fix while we work on a longer term solution. So my hope is, again, we can get it done.

#### NOMINATIONS

Let me turn to what will be the business of the Senate when we return in

January. One of the first orders of business when we reconvene next month will be to consider and vote on the new President's nominees to fill his leadership team, the Cabinet nominees we have been hearing a lot about in the last couple of weeks.

Last week, I came to the floor to congratulate my friend and our colleague Senator JEFF SESSIONS on his nomination to be the next Attorney General. He is a man of strong conviction and real character, and I have no doubt whatsoever that he is the right man for the job. I know that many in our conference share my eagerness to start the confirmation process so we can give President Trump the team he needs to hit the ground running.

But I am disappointed, I have to say, in the way some of our colleagues on the other side of the aisle are already posturing against the President-elect's nominees. Fortunately for us, they telegraph their obstruction in the news media, so we know about some of their nascent plans to obstruct President-elect Trump's Cabinet.

Earlier this week, Politico said that this was the Democratic strategy: "Delay tactics could sap momentum from the President's 100 days" was the headline. The article goes on to cite conversations with several Senate Democrats who have already laid out a plan to slow-walk—because they know they can't block—President-elect Trump's nominees in the new year. It is one thing to obstruct and to slow the Senate down, but it is even a bigger problem when they intentionally try to keep the President-elect from doing his job too. I would ask, for what? Just to delay progress? To drudge up partisan rhetoric and to do all they can to damage the administration of the next President of the United States before it has gotten started? This is absolute nonsense.

I think this is the kind of activity the American people repudiated in the last election on November 8. They are sick and tired of the partisan rhetoric on both sides. They literally want us to get some things done on their behalf for the American people.

Holding up the confirmation process for purely political gain is irresponsible and dangerous, but it is also ironic that some of our Democratic colleagues have changed their tune so much. Here is just one quote from our friend, the Senator from Michigan, part of the Democratic leadership. Senator STABENOW said on April 20, 2015: "When a President wins an election, they have the right to have their team."

You know, one thing I have learned is, if you have been around here long enough, there is a great danger of being on both sides of an issue, so you have to try to be consistent, even with the temptations to change your position based on who is up and who is down. But I agree with the Senator from Michigan. No matter what side you are on, Donald Trump won the election to

the White House. As President, he has the authority to surround himself with whom he sees fit to advise him for our country. For our Democratic colleagues to suggest that keeping the President understaffed is somehow in the best interests of the American people is absolutely ludicrous.

Let me remind my friends on the other side of the aisle what happened when Barack Obama became President in January of 2009. Senate Republicans respected his nominees and gave them quick consideration. Seven Cabinet members were confirmed on his first day of office. Other high-level positions followed just days later.

In other words, we came together, understood that the people had elected a new President, and went to the table ready to cooperate in good faith even though we knew there would be disagreements about policy. That is because we didn't want the President to begin his time in office without the support and the staffing he needed to do his job. But, at least so far, our Democratic colleagues—some of them—don't seem to share this same perspective now that they have lost this last election. I would just ask them to reconsider and to be consistent in the way they asked us to respond when President Obama won and treat the people's choice as the next President of the United States with the respect their vote deserves in terms of making sure he has the Cabinet necessary to get his administration up and running.

The American people really are disgusted by the sideshows of dysfunction and obstruction. They want results, and they deserve results. They made clear, since giving this side of the aisle control of the White House, the House of Representatives, and the Senate, that they really wanted the clear to way to making progress on behalf of the American people. But we all know we cannot do this as one party or the other; we have to find ways to work together for the common good.

I hope those on the other side of the aisle who indicated they are determined to obstruct and block the President-elect's new Cabinet members, his nominees, change their tune and reconsider. Keeping the new President from the men and women he has chosen to serve alongside him only makes us less safe, our economy more fragile, and the government less efficient. In short, it doesn't serve their interests well.

We are ready to work with our colleagues across the aisle to roll up our sleeves and get to work next year. I only hope our Democratic colleagues decide to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. DURBIN. Mr. President, next to the Senator from Texas, who just spoke, is the Executive Calendar of the U.S. Senate. There are about 30 pages



of that calendar on his desk that contain the names of individuals nominated by the Obama administration, then sent to committee, approved by the committee, then sent to the calendar to be approved on the floor of the Senate. The Republican majority in the Senate refuses to call these names.

The plea that is being made by the senior Senator from Texas is, why can't we just get along? Well, I hope we can, but this is a bad place to start, with all of these names sitting right in front of us, waiting patiently—some of them for over a year—to be called for a vote on the floor of the Senate. They all were reported out by committees that have a majority Republican membership.

Of course, there is exhibit A in this, and that is Merrick Garland. Merrick Garland was President Obama's nominee to fill the vacancy on the Supreme Court after the death of Antonin Scalia. Since February of this year, the process has been going forward by the President and the White House to send a name to fill the vacancy on the Supreme Court. For the first time in the history of the Senate, the Republican majority refused to give the President's Supreme Court nominee a hearing or a vote. It has never—underline that word—never happened before. So we hear the plea from the Senator from Texas for cooperation: We have to get along here. Well, we should. We owe it to the country. But, for goodness' sake, let's be honest about where we stand. There are dozens of names here of men and women who are highly qualified to serve this Nation, who went through the process of being nominated by the administration, of being approved by Republican-majority committees, who have been languishing on the floor of the Senate because of the refusal of the Republican leadership.

Judge Merrick Garland, who was judged "unanimously well-qualified" to serve on the Supreme Court by the American Bar Association, never even got a hearing before this Republican-controlled Senate. In fact, the leader of this Senate and many others said: We will not even meet with him. We won't discuss it with him.

What was their strategy? Well, it is one that paid off, I guess. They felt if they violated what we consider to be the tradition and duty of the Senate and not have a hearing and a vote on a nominee, they might just elect a Republican President. Well, they did. Now they want to fill their vacancies and they are begging us: Cooperate. Join in with us. Let's be bipartisan.

I am going to try. I am going to give a fair hearing to each of the nominees. They deserve it. There are no guarantees on a final vote; it depends on whether I think they are the right person for the job. But I do hope there will be some reflection in the process about what we have just lived through.

There are over 100 vacancies on Federal courts across the United States. Many of them—30—would have been

filled with just the names on this Executive Calendar that have already cleared the Senate Judiciary Committee with a majority of Republican Senators. Yet they sit. They languish. In just a few hours and a few days, they are going to become part of history as we move to the new Senate on January 3. I wanted to make that point for the record.

Mr. President, I also wish to say a word about where we are with the continuing resolution. What is a continuing resolution? Well, we are used to it around here because we have done it so often. Both political parties have done it. Here is what it basically says. Think about your family budget. Let's assume that last year you spent, on average, \$100 a month on your utility bills. What if we said to you: In this next year, we want you to spend \$100 a month.

You say: Well, I don't know if that is what it is going to cost. I hope it is less; it might be more.

Well, the continuing resolution says: Stick with last year's budget, and you can make special provisions and special allowances if it happens to be wrong.

You think, that is a heck of a way to run my family. That is what a continuing resolution does. It takes last year's budget and says: Let's repeat. Well, things change.

I am on the Appropriations Defense Subcommittee. It is the largest subcommittee in terms of the amount of domestic discretionary money that is spent. Things change with our military all the time. You know that. Presidents come forward and say: We need additional money for our troops, to prepare them, to equip them, to make sure they are where they need to be in this world to keep America safe.

What we do with a continuing resolution is we say: Well, we are going to tell you that you have to live within the bounds of last year's budget—a continuing resolution.

The people in the Department of Defense, of course, will do their best. They are not going to spend money this year on things that are finished. They are not going to repeat and keep building if they have already finished their building. They are not going to buy things they have decided are not valuable. But when it comes to making important budget decisions, their hands will be tied by this Congress.

For the second time, we are going to come up with a 3- or 4-month budget resolution as we move forward. It is no way to run a government.

Here is the good news: We didn't have to do that. On this Appropriations subcommittee, Senator THAD COCHRAN of Mississippi and I worked a long time. Our staff worked even longer and prepared a Department of Defense appropriations bill. We are ready—ready to bring it to the floor, ready to debate it. And it is a good one. It keeps our country safe. On a bipartisan basis, we agreed on what it should contain. We

can't bring it forward. All of the spending is going to be done under this continuing resolution. We will be halfway through this current fiscal year with continuing resolutions if we ever get around to the appropriations process.

The Presiding Officer is also on the Appropriations Committee and works in a very bipartisan way in the authorizing Appropriations Committee on some critical programs for health and education. We should have brought that before the Senate on the floor, but we did not.

We have this continuing resolution before us, and it has a few things in it that I think the American people should know. One of them relates to retired coal miners and their families.

Coal mining has always been a dangerous job, and it is also a job that has diseases that come with it, such as black lung. So for those who retire from coal mining, health care is critically important.

Senator JOE MANCHIN of West Virginia has a lot of coal miners, and they are worried about a cutoff on the health care benefits for retired coal miners and their surviving widows. He has come before the Senate over and over again begging the Senate to come up with a plan to make sure their health care is funded for this next year and for years to come.

In this continuing resolution, we managed to provide that health care protection for several months, 3 or 4 months—but not any longer. He is worried about it. I have talked to him twice today. He has spoken on this issue countless times on the floor of the Senate. We believe he is making the right fight.

The fight to ensure that coal miners don't lose their benefits has been before Congress for 4 years. It has been through the regular order of committees. It was passed by the Senate Finance Committee with Democrats and Republicans supporting it. Even in the midst of dysfunction of partisanship in the Senate, this is apparently one measure that apparently both parties agree on. Despite all of this, the continuing resolution does not reflect the needs of and it does not provide the resources for these families.

The other day, Majority Leader MCCONNELL came to the floor and he insisted that the continuing resolution addressed the expiring benefits of retired workers. What he did was extend those benefits for 4 months. There is no indication of what is going to happen beyond that. It requires the United Mine Workers health plan to deplete its reserves to pay for this temporary extension, but then they are broke. There is nothing in the bank when the CR expires in April. It subjects the health plan to a reduction in funding from what they currently receive from the abandoned mine land funds, and it makes no mention of the pension shortfall that these same mining families face.

We are looking for a real solution, and we are hoping to get one soon. Before the end of the day, I think Senator MANCHIN, Senator SHERROD BROWN, Senator CASEY, and others will come to the floor and speak to this specific issue, but it has been one of the things that has held us up.

In Illinois, there are nearly 2,000 coal miners and their families whose health care benefits are in jeopardy, and I have heard from them.

Linda Fleming of Taylorville, IL—that is about 30 miles from where I live. She is afraid her 86-year-old mother will lose the benefits her father, who worked at Peabody coal for 30 years, left for her mother when he passed away 2 years ago. Her husband, who retired from Freeman coal in Central Illinois after 33 years of service, also received notice that he was going to lose his benefits.

Larry Garland, a retired coal miner in Millstadt, IL, worked in the coal fields because it was a good job—a hard job, a dirty job some days, but it had a promise of lifetime health care for him and his family. His wife has MS, and he is wondering how he is going to afford her medical expenses if this isn't funded properly.

Karen Williams, a nurse and daughter of a retired coal miner in Du Quoin, IL, sees firsthand how important these benefits are to retirees like her dad, who has a lung disease directly related to his coal-mining years.

These are just a few of the stories in my State, of the 2,000 affected by this decision, so we take it personally.

There is another provision in here as well. The President-elect has designated General Mattis to be the next Secretary of Defense. James Mattis was the head of U.S. Central Command, an extraordinary general, given some critical assignments by previous Presidents, and every report that I have read is positive about his service to our country and his leadership skills in the Marine Corps. But the appointment of General Mattis is in violation of a basic law. The law, which was passed over 50 years ago, limited the availability of these retired military officers to serve as Secretaries of Defense.

In America, we have always prided ourselves—and particularly since the reorganization of the military after World War II—on civilian control over the military. It is something that is really built into the American view about the military and the civilian side of the Federal Government.

Here we have General Mattis, who is eminently qualified to lead in many respects, but he is going to be violating that basic law that says there must be 7 years of separation between your military service and your service as Secretary of Defense.

There has only been one exception in history, and that was back in 1950, when President Truman asked GEN George C. Marshall, a five-star general—there aren't many in our history—to come out of retirement. Gen-

eral Marshall had retired as Secretary of State. President Truman asked General Marshall to come out of retirement to serve as Secretary of Defense under the new reorganization plan of our government.

Congress had to change that law. At that time, there was a 10-year separation. Congress had to change the law, and it took some time to do it—to debate it, to make sure the policy decision was the right thing for our country, and to make sure that whatever we did was consistent with this idea that civilians should control the military. They ultimately gave the waiver to GEN George C. Marshall, this hero of our World War II defense, Secretary of State, and a man who won the Nobel Peace Prize, I might add. So he was an extraordinary man.

This bill that we have before us is going to ask us to expedite this decision. At the time it was debated before with General Marshall, the Senate took the time to really consider this. So expediting and changing the rules of the Senate in this bill is something that hasn't been done before.

I worry about the impact it is going to have in the long term. It complicated what should have been a pretty simple and straightforward bill.

Let me speak as well about the impact on the Department of Defense of this continuing resolution. A continuing resolution for defense might be harmful to our Armed Forces, and the longer we live under it, the worse it could get. If Congress were to pass a 3-month continuing resolution for the Department of Defense, they are going to feel it right away. The Pentagon has identified more than 150 programs costing tens of billions of dollars that will be disrupted by a continuing resolution. House Republicans fixed no more than a few of these. There are a lot of others in disarray.

The Defense bill has provided \$600 million, for example, for the Israeli missile defense programs, a substantial increase over last year's funding level of \$487 million. This includes increased funding for the Arrow 3 program, which will protect Israel against new threats from long-range Iranian missiles. Under a continuing resolution, this new initiative is put on hold until we get around to passing a full-year Defense appropriations bill.

The impacts of the 3-month continuing resolution will also be felt by the defense industrial base. There is a similar story for the Air Force's new B-21 bomber. Funding for this program is planned to nearly double this year to more than \$1.3 billion, in order to design the replacement for the decades-old B-52. The CR makes that difficult, if not impossible.

The Pentagon's R&D efforts have already been hamstrung by continuing resolutions, and there the story gets worse. Important medical research will be postponed in the Department of Defense, and agencies like DARPA, which had planned to award contracts worth \$24 billion, is on hold.

Instead, due to putting defense funding in this continuing resolution on autopilot, less than \$16 billion, instead of \$24 billion, will be awarded. That is going to slow down innovation and impact untold numbers of suppliers for our Department of Defense.

The old adage "time is money" certainly applies to the Pentagon. Every day, every week, every month that defense programs are delayed adds up to more costs to American taxpayers. When the government can't keep up its end of the contract because funding isn't available, costs go up, and taxpayers pay more for things they should pay less for. Every Member of Congress has criticized the Pentagon—I have been in that queue—for spending too much on weapons systems, but every time we do a CR, we raise the cost of weapons systems by delaying these payments.

Our constituents didn't elect us to delay making decisions. They elected us to get things done. Months of bipartisan committee work and weeks of bipartisan negotiation shouldn't be cast aside. Putting government spending on autopilot is not responsible.

Whether you work in a Fortune 500 company or in any agency of the Federal Government, budgets must adapt to innovation, new challenges, and new opportunities. Failure to do so is a waste. We owe it to the American taxpayer and we sure owe it to the men and women in uniform to do more than just kick the budgetary can down the road. We owe it to thousands of retired miners to keep our promise, to respect their years of hard work and give them the benefits they deserve.

Now is not the time to give up and go home. Now is the time to rededicate ourselves to truly working together, as the Appropriations Committee has historically done, use their work product, and pass a bill and an appropriations spending measure that really reflects what is needed for the national defense of America.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Mr. President, in just a few hours, funding for the Federal Government will run out. It is going to run out in just a few hours. It looks like we are going to blow through that deadline right here in the Senate.

POLITICO, one of the local newspapers, had an article this morning, and this is what the headline said. They ran an article with this headline: "Democrats push government toward shutdown." Let me repeat that: "Democrats push government toward shutdown."

The article says that Democrats are pushing the government to the brink of a shutdown. They are doing it with “coal country Senate Democrats leading a strategy to oppose a GOP spending bill if their demands are not met for a longer extension of expiring health care benefits for coal miners.”

We are talking about a continuing resolution that passed the House with overwhelming numbers, and it has bipartisan support. The vote was 326 to 96—Republicans and Democrats joining together in the House to keep the government open—but not the Senate Democrats.

I have been on this floor time and again with Democrats talking about shutting down the government, and they say that it is the Republicans. The headline today says: “Democrats push government toward shutdown.”

Now, the continuing resolution that is being asked to be voted upon actually includes money to help these miners well into the new year—through April—and we are going to be looking at everything in the legislation again when it expires in April. So there is no rush to settle this issue today.

But here we are in the Senate, with Democrats preparing to shut down the Government of the United States.

Our goal should not be to bail out a union health plan—and it is a fund that does have problems. The solution actually ought to be to let coal miners mine coal again. Let them go back to what they know how to do—mine coal. That way they can take care of themselves and take care of their own.

I want to be really clear on this point. The only reason we are in the position we are in today is because the Obama administration and Democrats in Washington have been waging a war on coal for the past 8 years. That is the reason we are in the position we are in today.

In 2008, when Barack Obama was running for President, he promised that this was what he was going to do. He said it. He said that under his policies, “if somebody wants to build a coal-fired powerplant, they can; it’s just that it will bankrupt them.”

The President was very clear. So the Democrats should not be surprised with what we see happening today.

Once he got into office, he did everything he could to keep that promise and bankrupt as many coal companies as possible. That is actually what happened. His administration has pushed out one unnecessary regulation after another on coal producers, on powerplants, and on customers.

The Environmental Protection Agency wrote new regulations on powerplant emissions where the emissions go from one State over to another. The Agency put out extremely stringent rules on emissions from any new powerplants that were built in this country. Then they wrote tough rules on the powerplants that were already in existence—rules, not new laws but rules.

The Obama administration hasn’t just tried to bankrupt anyone who used coal, but they have been doing all they can to make sure the coal never gets out of the ground.

The Bureau of Land Management imposed a moratorium on new mining leases on Federal land. In the Rocky Mountain West, that is a significant amount of the land, and, in many States, it is over half of the land.

The Obama administration has been doing all they can to make sure that American coal can’t be used not just here in America but can’t be used anywhere in the world.

The Department of the Interior wrote a new rule on coal valuation to discourage coal exports.

Now, the Army Corps of Engineers has even delayed or denied permits for new coal export terminals so we could ship a product that is produced in the United States to people who want to buy our product overseas. So Americans can’t sell the product that we have—that coal—overseas.

The Obama administration even worked to get the World Bank—the World Bank and the International Monetary Fund—to stop financing new coal-fired powerplants in developing nations, even though for them, it is the least expensive cost for electricity, for energy, for the people there who don’t have energy and desperately need it. It has been one roadblock after another for the last 8 years.

Layer after layer of redtape, strangling the coal industry and coal miners—the people who go to work every day.

Now, someone wants to say the issue is bailing out one union health plan and pension fund. The Democrats have waged an all-out comprehensive war on coal. That is why we are in this situation.

During the Presidential campaign, President Obama has said to Americans: Please elect Hillary Clinton. Vote for her to protect the Obama legacy. Well, candidate Hillary Clinton during the election, during the campaign, said that she would put a lot of coal miners out of business. So as to the actual people who work, she wants to put them all out of business.

It has been a war on multiple fronts and a Presidential election all designed in many ways to keep Americans from using coal, from exporting coal, and even from mining coal.

The administration has blocked coal production. They have made it more expensive. Then they have tried to use the smaller market for coal—since you can’t mine it, you can’t sell it, and you can’t export it; so there is a smaller market for coal—as an excuse to impose even more burdens.

The people who are hurt by these policies are hard-working Americans who just want to go to work, make a living, and support their family. That is what the coal miners have been up against by the Obama administration in the last 8 years.

So any attempt by Democrats to blame someone else is just a distraction. They want to hide the simple fact that it is their intentional and intensive campaign against coal that has led us to where we are today—on the brink of a government shutdown tonight.

Health and pension funds can pay benefits for retired workers as long as the mines are actually working and they can mine coal and sell coal and make money. If the money coming in goes down, then the money they need to pay out is not there. That is why we have this problem. Companies can’t meet their obligations, and it is the Democrat’s policies that have caused it. So if the Democrats want to help retired miners, they should let the other miners get back to work. That is the way to help the retired miners, let the other miners get back to work. Well, that is not what they have done. The Obama administration has done all they can to destroy the market for coal, to force mines to cut production and to put miners out of work.

Now, I understand there are people in the home States of these Senators who are very worried, and they have a right to be worried, but let’s just be honest about the real reason these people are hurting: Miners are struggling because President Obama has been standing on their necks for a straight period of 8 years. When Democrats focus on things like health benefits for retirees, they are missing the point entirely, and they are just trying to dodge the responsibility—the responsibility for their own disastrous policies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the distinguished Senator has just asked me if I would yield to her; that she has a very short set of remarks, and I am happy to do so.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I ask unanimous consent to use a prop during my remarks.

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

WRDA

Ms. BALDWIN. Mr. President, I have come to the floor to address a very important choice for this Senate and, frankly, for President-Elect Trump.

The time is now for Donald Trump to take a stand in support of American workers by calling on Republican leadership in Congress to support strong “Buy American” requirements in the Water Resources Development Act, also known as the Water Infrastructure Improvement Act.

Just 1 week ago in Cincinnati, OH, President-Elect Trump said his infrastructure plan would follow two simple rules: “Buy American and hire American.” I support that position, strongly, but unfortunately the Republican establishment in Washington didn’t hear him. They have removed my “Buy

American" standard from this very important water infrastructure legislation, and Trump Tower has gone silent on this topic since last Thursday.

I believe the iron and steel used in water infrastructure projects should be made in America and that taxpayer dollars should go to support American jobs and manufacturers, not be spent on Chinese or Russian iron and steel.

My provision to require this was included in the version of the bill that passed the Senate with strong bipartisan support on a vote of 95 to 3. However, Speaker RYAN and House Republicans removed this "Buy American" reform from the Water Infrastructure Improvements Act, and there hasn't been a peep or a tweet from President-Elect Trump. It is clear to me, and it should be clear to President-Elect Trump as well, that congressional Republicans are allowing corporate lobbyists, working on behalf of companies who import steel from Russia and China, to write the rules in Washington. Importers of cheap foreign steel from China and Russia have sought to eliminate or loosen these rules for their own benefit. According to media reports, including the Wall Street Journal, the importers and their foreign suppliers have hired the Washington, DC, lobbying firm Squire Patton Boggs to lobby the Republican leadership in the House against my "Buy American" standard, which would provide a long-term and solid commitment to American workers.

The firm's strategy relies upon, oh, that old revolving door—the firm employs former House Speaker John Boehner and several former top Republican aides—to gain access and influence over Congress. These reports suggest that corporate lobbyists are using their influence over Congress to support clients that do business with Russian and Chinese steel companies at the expense of American workers. That is why I am calling on President-Elect Trump to turn his words in Cincinnati, spoken just a week ago, into action and to join me in demanding that Republican leaders in Congress restore our strong "Buy American" standard in the final water infrastructure bill.

Together, with Senators BROWN and CASEY, we offered an amendment to restore this "Buy American" reform, and today we are demanding a vote. I come to the floor today to ask Majority Leader MCCONNELL for that vote.

American manufacturers and steelworkers, like the men and women at Neenah Foundry in Wisconsin who helped build our Nation's water infrastructure, support our amendment, and they deserve a vote and a solid commitment from us on a strong "Buy American" standard.

Many people in the United States have seen this iconic symbol. Neenah Foundry—which supports the strong "Buy American" amendment—manufactures, among other things, these manhole covers that we see all over.

Let us not ever see this.

President-Elect Trump has said that we need to "drain the swamp," and that he will take on lobbyists and special interests that are writing the rules and rigging the game in Washington against American workers. If he is serious about "draining the swamp" and supporting American workers, it is time for him to end his silence and speak out publicly supporting and restoring this "Buy American" standard to the water infrastructure bill that is before the Senate today. It is time for a vote on a "Buy American" standard that respects and rewards American manufacturers and American workers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, are we going back and forth?

The PRESIDING OFFICER. There is no order at the moment.

Mrs. FEINSTEIN. May I ask the Senator—because I thought Democrats had an hour at this time, I agreed to yield to Senator BALDWIN. Senator MCCAIN, do you know how long you will be?

Mr. MCCAIN. About 30 minutes.

Mrs. FEINSTEIN. Well, you go ahead. I will defer.

Mr. MCCAIN. I thank my friend from California, but if she had a shorter time—

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I say to my dear friend from California, if she had a few minutes she would like to take at this time, I would be happy to yield to her.

Mrs. FEINSTEIN. Senator, I have about 20 minutes.

Mr. MCCAIN. OK. I take it back.

Mr. President, I understand that, as usual, as we get to the edge of the cliff or the edge of the weekend, that somehow we will have an agreement and we will vote and we will pass a continuing resolution and we will all go home. We will all go home for the holidays and congratulate ourselves on doing such a great job and passing a congressional resolution.

Meanwhile, the 8,000 men and women who are serving in Afghanistan will be having a different kind of next couple of weeks. It will be in combat, it will be in jeopardy, it will be in fighting an implacable enemy that we have been challenging and fighting for the last 12, 14 years. The 5,000 troops who are in Iraq and Syria, with their lives literally in danger—there has been a couple, a few casualties, tragic deaths in recent days. The siege of Aleppo continues and the slaughter continues of innocent men, women, and children. As the exodus, I am told, takes place from Aleppo, the Russians, Iranian Revolutionary Guard, and Bashar al-Assad's thugs are culling out the young men for special treatment and interrogation. God only knows what that is like. Of course, the flow of refugees continues, now adding to the 6 million. The 500,000 who have been killed, that continues. And we are about to pass an appropriations bill that reduces our

ability to help those men and women who are serving our country in uniform get their job done. We are talking about a continuing resolution that is a reduction in spending, that freezes accounts in place, and does not give us the capability to move them around to meet the threats we are facing around the world. I must say to my colleagues, this is disgraceful. This is absolutely disgraceful.

We are going to kick the can down the road because we failed to fund our troops. The fiscal irresponsibility of another continuing resolution will force the Department of Defense to operate for 7 months in the fiscal year without a real budget. Tell me one company or corporation in the world, small or large, that has their budget frozen for 7 months of the year and expects to operate with any kind of efficiency. You can't. You can't.

Now, the incoming President of the United States says he wants to spend more money on defense. Are we doing that with this continuing resolution? Of course not. The incoming President of the United States says we don't have a big enough Army, Navy, Marine Corps, Air Force, and we are cutting the size of the military.

Meanwhile, the President of the United States gives one of the most bizarre speeches I have ever heard in my life about what a great job he has done, what a fantastic job; and thank God ISIS does not pose an existential threat to the United States of America—never mind San Bernardino, never mind all the other attacks across the country and Europe. Never mind those. It is not an existential threat. This is the same Barack Obama who said ISIS was the JV and couldn't carry Kobe's T-shirt.

So what are we doing? By God, we are going to be out of here. Thank God, we are going to be out of here. And what are we doing? We haven't passed a defense appropriations bill that funds our troops. Earlier this year we had a defense appropriations bill, approved unanimously by the Appropriations Committee, but Democrats put politics ahead of our troops, filibustered that legislation, and brought the Senate to a halt.

Does anybody wonder about the approval rating of Congress when we will not even appropriate the money to defend this Nation and pay for the men and women in uniform who are sacrificing as we speak? Of course not.

Why haven't we passed the bill? Now, fresh off an election—the election is over. Republicans won control of the House and the Senate and the White House in part by promising to rebuild our military. Congress is about to cut defense spending again by passing another irresponsible continuing resolution.

Let me be clear, this continuing resolution would cut resources to our troops, delay the cutting-edge equipment they need, and hamper the war in Afghanistan. A lot of my colleagues

may not understand, you authorize certain amounts of money for certain programs. With a continuing resolution, you can't shift that money around. Suppose there is a new product, there is a new weapon, there is a new ability we have. With a continuing resolution, now going on for 7 months, we will do that. Congratulations. Congratulations.

So this is Washington. Democrats filibuster funding for our troops in a political game to extort more funding for pet domestic programs. Republicans feign outrage. Then those same Republicans return months later to negotiate a continuing resolution that gives Democrats the domestic spending increases they always wanted, does so by—guess what. Guess what. There is an increase in this continuing resolution for domestic programs, some of them pork-barrel projects, and cutting funds for defense. I am not making that up. I wonder how many of the 100 Senators who will be voting on this continuing resolution know that this continuing resolution increases domestic spending and decreases defense spending. What a sham. What a fraud. Is there any wonder the American people hold us in such contempt? We are down to paid staff and blood relatives.

There is a lot wrong with this continuing resolution, but let me start with the rank hypocrisy embedded deep within its pages. Five years ago Congress recognized the need to rein in Federal spending, but instead of addressing the actual drivers of our deficits and debt, in one of the great copouts in history, it settled for a meat-ax approach. Congress passed the Budget Control Act, which cuts spending across the board. No matter how worthwhile, no matter how necessary, treat it all the same and cut it across the board, OK? It is designated to be so terrible, this sequestration—remember, it was 5 years ago—sequestration would be so terrible it would force Republicans and Democrats to negotiate a more reasonable compromise.

We know how that worked out. The Budget Control Act failed to force a grand bargain on the budget, but it was so genuinely terrible that Congress had to negotiate a series of short-term agreements to get out from under it. The latest of these was the Bipartisan Budget Act, which was passed last year and provided small increases for defense and on defense spending.

This agreement was consistent with the principle articulated by many of my Republican and Democratic colleagues—that defense and nondefense were supposed to be treated equally. It does not matter when you see the world on fire, no matter when you see 6 million refugees out of Syria, no matter when you see 500,000 dead, no matter when you see the Chinese asserting control over the Asia-Pacific region, no matter that you see Vladimir Putin dismembering Ukraine and putting pressures of enormity on the Balkan countries, no matter that you see the

Russians, now a major power in the Middle East for the first time since Anwar Sadat, threw him out of Egypt in 1973—no matter all that. No matter that we continue to increase because we react to the number of troops and the amount of equipment that we are having to send to Iraq and Syria and other places in the world—treat the EPA the same as the U.S. Marine Corps. Treat the IRS the same as our brave pilots who are now flying in combat in Iraq and Syria. Treat them the same. This was the so-called principle of parity.

For the record, I never believed this trope. Instead, I held fast to another principle—that funding our troops would be based solely on what they need to defend the Nation. Isn't that an unusual sentiment—to fund the troops with what they need to defend the Nation, to give them the very best equipment so that, in the testimony of the uniform service chiefs before the Armed Services committee, who said in unvarnished words—these great military uniformed leaders said: We are putting the lives of the men and women in uniform “at greater risk.”

Is no one in this body embarrassed that we are putting the lives of the men and women in the military at greater risk? What is happening here?

Many of my colleagues disagreed with me, which was their right. Over the last 2 years as Chairman of the Senate Armed Services Committee, having listened to the testimony of our most senior military commanders about the growing risk to the lives of our servicemembers, I have tried to break the hold of these arbitrary spending limits, increase defense spending, and give our troops the resources they need to defend the Nation.

Let me tell you what is happening to the military today. We have seen the movie before—after the Vietnam war. They have less ability to train. They have less ability to operate. Our pilots in the Air Force, Marine Corps, and Navy are flying fewer hours per month than Chinese and Russian pilots are. They are having to rob planes. They have even had to go to the Boneyard in Tucson, AZ, to find parts for their airplanes. They are that short of them.

You know what is going to happen? The pilots of these services are going to get out in droves because the commercial airline pilots who were hired after the Vietnam war are all retiring. All these people want to do is fly airplanes. When they are in Syria and Iraq, yes, they fly a lot. When they get back, they don't fly at all. Why? They don't have the money. When you cut defense, the first thing that suffers is operations, maintenance, and training. Again, it is not as if it is a new phenomenon. We have seen the movie before.

Here we are. We passed a defense bill last year that provided \$38 billion in additional resources to give our servicemembers the modern equipment and advanced training they need. President

Obama vetoed that bill because, as his White House explained, he would “not fix defense without fixing nondefense spending.”

Think about that. The President of the United States puts defending this Nation on the same level as domestic programs. I am all for the domestic programs. I am not objecting to them, but to put them on the same level as the defense of the Nation partially explains the disasters over the last 8 years. America has decided to lead from behind, and America is now held without respect or regard throughout the world. We see all kinds of bad things happening, and I will not bother my colleagues because all I have to do is pick up the morning paper or turn on the television.

This year I offered an amendment to the Defense authorization bill on the Senate floor to add \$18 billion to the defense budget, an increase that would have returned defense spending to the level the President himself had requested and for which the Department of Defense had planned. The Senate Democrats and some Republicans voted against that amendment. One Democratic Senator objected, saying: “If defense funds are increased, funding for domestic agencies must also be increased.”

Got that? “If defense funds are increased, funding for domestic agencies must also be increased.”

Some Republicans, mainly on the Appropriations Committee, argued that the amendment would not adhere to the Bipartisan Budget Act and stall momentum to pass appropriations bills as we consider yet another continuing resolution. We see how well that worked out.

So entrenched was this absurd notion of parity between defense and nondefense spending that when President Obama decided to keep more troops in harm's way in Afghanistan—finally recognizing a little reality—he refused to pay for them unless nondefense spending received an identical funding increase. Let me make that clear. The President of the United States—recognizing that the Taliban was not only not defeated but was gaining ground in parts of Afghanistan, the Afghan military sustaining unsustainable casualty rates—sent more troops to Afghanistan, sent more help to Afghanistan, but wouldn't pay for them unless we increased domestic spending.

Is that some kind of nonsense? So entrenched was this absurd notion of parity between defense and nondefense spending that the bottom line is this: Congress has had multiple opportunities to give our troops the resources they need. Each time, aided and abetted by the President and his administration, we squandered these opportunities because of the so-called principle of parity—that “any increase in funding must be shared equally between defense and nondefense.”

After all that, it turns out that parity was merely politics masquerading

as principle. Because, dear friends, now Congress is about to pass a continuing resolution that shatters any notion of parity, breaks the spending limits of the Bipartisan Budget Act, increases nondefense spending at the expense of our troops, and even creates a loophole that allows nondefense spending to skirt the law and avoid sequestration—not defense spending, nondefense spending. It is crazy.

Under this continuing resolution, nondefense spending—get this. I don't know how many of my colleagues know this. Under this continuing resolution, nondefense spending is \$3 billion above the Bipartisan Budget Act. Where does this additional money come from? It was taken from our troops. Under the continuing resolution, defense spending is \$3 billion below the Bipartisan Budget Act.

As a result of increased funding, nondefense spending violates the Bipartisan Budget Act and would face sequestration at the beginning of next year to bring it back in line with spending levels allowed under the law. Not so fast, my friends—the continuing resolution contains a “get out of jail free” card that allows nondefense spending to break the Bipartisan Budget Act to avoid sequestration.

Here is what we are doing: We are cutting defense spending. We are increasing nondefense spending, even though it breaks the act and we have a provision in there that that is OK. I just hope that everybody knows what they are voting on in this.

Am I missing something? Am I missing something? Do Republicans control the House of Representatives? They are the ones who put this provision in. It is the Republicans who control the House of Representatives. Do Republicans fill the majority of the seats in this Senate? The last time I checked, they do. Did the Republican candidate just win the White House?

What on Earth are we doing here? Why are Republicans who complained for so long about runaway government spending about to vote on a take-it-or-leave-it continuing resolution that increases nondefense spending? Why are Republicans doing that? Why are Republicans who proclaim that ours is the party of strong defense cutting funding for our military to plus up spending on domestic programs? What is going on here?

Why are Republicans who voted down increased funding for our military because of the Bipartisan Budget Act voting for a continuing resolution that allows nondefense spending to exceed that law and creates a loophole to escape sequestration?

Why are Democrats who lectured for years—I got that lecture for hours and hours about the principle of fairness, of parity—who insisted that funding increases must be shared equally between defense and nondefense. Why are those Democrats about to support a continuing resolution that explicitly breaks that principle and that funds in-

creases for nondefense by taking from defense?

Regretfully, as I say about Republicans and Democrats, the answer, and the only answer I can offer is hypocrisy—rank hypocrisy. What is so disheartening about the hypocrisy of this continuing resolution is how unnecessary it is. We can pass an appropriations bill. The appropriations bill was passed out of the Appropriations Committee unanimously. We can pass it. We can do it tomorrow; we can do it tonight. But they don't want to do that. They want this continuing resolution with all this stuff hidden in it, with a lot of legislative things in it that we find out, guess what, 10 hours, 24 hours, maybe even 48 hours before we vote on it. That is when we find out what is in the bill.

I would challenge—I would like to take a poll of my 100 colleagues here. How many of them have read the continuing resolution? I will bet you the number is zero. With this legislation, Congress has already done the hard work of negotiating a bipartisan compromise for defense spending. The Defense appropriations bill from earlier this year could easily be amended to reflect the compromise, and the Senate could be taking up the bill, but we are not. Instead, we are about to vote on another continuing resolution that would cut \$6 billion from the level authorized by the NDAA.

I want to point out again: Who is being harmed by this? My friends, obviously, as I have stated, absolutely the men and women who are serving. They are the ones who are suffering from this. In the Defense authorization bill, we have a 2.1-percent pay raise for the military. In the continuing resolution, it is not in there. We are not even going to reward our men and women in the military with a pay raise that they have earned.

Some of my colleagues on the Appropriations Committee will argue that this continuing resolution is an increase to defense spending. That is a lie. I don't say this very often, but anyone who says there is an increase in defense spending in this continuing resolution is lying. For those of you who are not familiar with Washington doublespeak, let me explain how cut translates into increase inside the beltway. The new continuing resolution represents a modest increase over the previous continuing resolution passed in September, but that legislation contained a large cut to defense spending. Just as now, Members of this body were asked to go along with this cut with a promise that a Defense appropriations bill would soon follow. None appeared.

In other words, the best we can say about the continuing resolution we are considering today in this body today—and I am sure it will be passed on a Friday night—is that it merely contains a smaller defense cut than its predecessor. Twist the figures all you want, and I guarantee you that somebody on

the Budget Committee or the Budget Committee chairman will twist it. The fact is, this continuing resolution is \$6 billion less than what Congress just authorized for defense spending. Yesterday, we passed a Defense authorization bill, and this is \$6 billion less than what we authorized. That is what we should be grading ourselves on because that is what our military has told us they need and what this body has agreed to provide them.

Let me emphasize that we go through weeks and months of hearings, mark-ups, input, and debate, and we come up with a Defense authorization bill and provide this body in the Congress and the Nation with our best judgment of what America needs to defend this Nation and how much it costs. This continuing resolution will cut that number by \$6 billion. That may not be much money among some, but it is one heck of a lot of money overall.

The hypocrisy of this continuing resolution is nauseating. The defense cut it contains is blind to the needs of our military, but ultimately it is the basic fact that Congress has failed to pass an appropriations bill and will be forced to pass another continuing resolution that will have the most real and immediate consequences for our servicemembers. Our Nation asks a lot of the men and women serving in uniform. As I mentioned, we are going to go home tonight, I am sure, because of the pressures that always take place on a Thursday or Friday, and they will still be out there. They will still be out there on the front line. They will be in Syria, Iraq, and helping the Afghan fighters defend their nation. They won't be going home, but we will. And what will we leave them with? A \$6 billion reduction in their ability to defend this Nation.

The continuing resolution locks our military into last year's budget and last year's priorities. Tell me a company in the world where you have to stick with the priorities from the year before as you approach the coming year as to what you want to do and you are locked into the last year's provisions.

Consider what happened to our counter-ISIL efforts under the continuing resolution that is about to expire. Last week, military leaders had to come to Congress hat in hand seeking relief from the constraints of a continuing resolution in order to keep up the fight against ISIL. Since the beginning of the year, the Defense Department requested money to support local forces in Syria who are fighting to drive ISIL out of Raqqa, but because we are on a continuing resolution, money wasn't there. The Secretary of Defense, the highest civilian leader of our military, had to spend his time searching couch cushions to continue our fight against ISIL. Every day that ISIL remains entrenched in Raqqa is another day they can plot attacks on our homeland. It is another day they can terrorize Syria. It is another day



they can call themselves a caliphate. It is another day they can attract foreign fighters to their murderous cause. All of the Defense authorization and appropriations bills included the money to fund Syrians fighting to remove ISIL from its sanctuary, but the continuing resolution did not. If we had done our jobs, this wouldn't be an issue, but it was.

The same thing will happen under a new continuing resolution that does not fully fund the war in Afghanistan. The legislation will force the Department of Defense to pay for urgent requirements to deter Russian aggression in Europe by cannibalizing funds needed to help our Afghan partners take the fight to our common terrorist enemies. When it comes to national security, robbing Peter to pay Paul is not a strategy; it is a disgrace. This wouldn't be necessary under an appropriations bill, but it is under this continuing resolution, which is blind to the realities of our dangerous world, and the consequences will be felt on the battlefield.

The Department of Defense had requested \$814 million to provide our Afghan partners with the helicopters and fixed-wing aircraft they need to take the fight to the Taliban and ISIL. This continuing resolution contains none of that funding. If there is anything we need in this fight, it is airpower.

General Nicholson, the commander of U.S. and international forces in Afghanistan, sent me a letter yesterday, and he warns that without this funding, "the Afghan security forces risk losing the positive close air support momentum gained over the past year, which proved instrumental in enabling them to thwart the enemy eight separate times in its efforts to seize provincial capitals."

What are we doing here? With the continuing resolution, we are putting the lives of countless Afghans in danger because we are not giving them the air support that they need.

Our failure to do our jobs and pass this bill and this irresponsible continuing resolution will make it even harder to achieve success in our Nation's longest war. This is shameful. A continuing resolution will also make the job of managing the government's largest agency even more difficult and at the worst possible time. The Presidential transition process currently underway is difficult enough on its own, but no incoming President has ever had to inherit a Department of Defense operating under a continuing resolution. I will repeat that: No President has ever had to inherit a Department of Defense operating under a continuing resolution, and this is not the time to break the streak.

Under a continuing resolution of any duration, our military, by law, has to delay 78 new military systems and stall additional production of 89 others. A continuing resolution delays major research and development initiatives. The latest continuing resolution pro-

vides DOD relief from these restrictions for the Ohio replacement program, the KC-46 tanker, and the Apache and Black Hawk helicopters, but that is only four programs out of hundreds. Worse still, this leaves DOD with the wrong mix of funding, causing shortfalls in important accounts totaling \$22 billion. Let me repeat: The continuing resolution leaves the Department of Defense with a \$22 billion shortfall across important accounts. Locking in funding at last year's level across all accounts is willful ignorance of the Department's plan to grow necessary programs and cut wasteful ones. This is not wise fiscal stewardship. This is reckless government on autopilot, and here are just a few of the consequences.

The continuing resolution is totally blind to the military readiness crisis that is putting the lives of servicemembers at risk. We are asking our troops to be ready to defend this Nation at a moment's notice. We are asking our troops to be ready to take the fight to ISIL. We are asking our troops to be ready to deter, and if necessary, defeat aggression in Europe, the Middle East, and Asia-Pacific. We are asking them to be ready today, but a continuing resolution would force trade-offs that undermine readiness.

We heard about the readiness crisis all year, but what does it really mean? It means the Navy doesn't have enough money to maintain ships and aircraft. It means that ships that taxpayers spent billions of dollars to buy will be anchored at docks instead of out to sea. It means our Navy and Marine Corps aircraft will be grounded and their pilot skills wasting away. It means the Air Force won't have the funding required to recruit airmen to keep its aircraft maintained and flying.

The NDAA we just passed would have stopped the military from cutting soldiers, sailors, and airmen. But because of this continuing resolution, the Army will begin firing 3,000 qualified captains. That is 3,000 soldiers with families. That is 3,000 soldiers who want to stay in the military and continue to serve their country. That is 3,000 soldiers willing to put their lives on the line for us, but because we refuse to do our jobs, 3,000 soldiers are going to get pink slips. That is shameful. It is madness.

Every senior leader at the Department of Defense has warned Congress about the negative impacts of a continuing resolution on our troops.

Secretary of Defense Ash Carter stated that "a continuing resolution is a straitjacket" that "prevents us from fielding a modern, ready force in a balanced way." A continuing resolution, Secretary Carter said, "undercuts stable planning and efficient use of taxpayer dollars."

The Commandant of the Marine Corps, General Neller, warned that a long-term continuing resolution "dramatically increases risk to an already

strained fiscal environment and disrupts predictability and our ability to properly plan and execute a budget and a 5-year program."

The Chief of Staff of the Air Force, General Goldfein, warned that a continuing resolution would reduce procurement of critical munitions for the ISIL fight, affecting not only the United States but our coalition partners that rely on us to deliver preferred munitions.

The Chief of Naval Operations, Admiral Richardson, warned that a continuing resolution would lead to wasted taxpayer dollars. Under a continuing resolution, the Navy would be forced to break up its contract actions into smaller pieces. As a result, Admiral Richardson warned that the Navy would not be able to "take advantage of savings from contractors who could better manage their workload and pass on lower costs to the Navy. These redundant efforts drive additional time and cost into the system, for exactly the same output."

The Chief of Staff of the Army, General Milley, made a similar warning about waste and inefficiency resulting from budget uncertainty, saying, "things like multiyear contracts"—et cetera, et cetera. General Milley is right.

I say to my colleagues: This madness has to end. It is time for Congress to do its job. When it comes to doing our constitutional duty to provide for the common defense, there is no call for lazy shortcuts that shortchange our troops. We passed the Defense authorization bill. Now let's fund it by passing the Defense appropriations bill, which gives our troops the resources, predictability, and flexibility they need and deserve. Next year, with a new President and Congress, let's go to work immediately on ending sequestration once and for all and returning to a strategy-driven defense budget. That is what the American people expect of us, and it is what the men and women who serve and sacrifice on our behalf deserve from us.

As I said, if I know my history—and I have been around here long enough—there will be an agreement. We will have a vote, and then go home and congratulate ourselves. For the next 15 days—or whatever it is—we are going to enjoy the Christmas holidays with our families and friends, pat ourselves on the back, and tell each other what a great job we have done.

We shouldn't do that. There are men and women serving in uniform overseas away from their families and friends and putting their lives in danger. We haven't done our job. We haven't done our job to provide for their security and their defense. What we have done is miserably failed, and this is another—not the first—and maybe the most egregious, given the state of the world today as we watch thousands being slaughtered in Aleppo, as we watch the Syrian refugee crisis, as we watch the Chinese act more aggressively, as we watch a buildup of the

military in Kaliningrad, a place most people have not heard of, and we watch the continued aggression and advantage that our enemies and adversaries believe are appropriate action for them in light of our weakness.

What do we do? The message we send to the men and women who are serving in our military is that we care more about being home for the holidays than we do about you.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, just to ensure that there is no confusion, I ask that I be recognized for such time as I may consume at the conclusion of the remarks of the distinguished senior Senator from California.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, before I begin, I wish to say a few words about my colleague from California who is retiring. I very much regret that I was not able to be here for her remarks on the floor. However, I have written a rather extensive statement for the record. I want to say here and now that no one has fought for California or for this country harder. She has had a dedicated and long career of service to our country, and her accomplishments are many.

Those are documented in the record, and I believe they will stand the test of time. So I want to offer my heartiest congratulations to her for 24 years of service to this country. We came to the Senate together. I have very much respected her, her work, and her diligence over these years.

WRDA

Now, Mr. President, I rise to speak about the Water Resources Development Act, which the House passed yesterday afternoon 360 to 61. My colleague Senator BOXER was the author of that bill. I believe it is a good bill. There is a whole litany of excellent projects that benefit the environment as well as the economy of so many of our States.

I want to say something else about my remarkable colleague. We first arrived here in the Senate 24 years ago. She has accomplished a lot in that time, protecting the environment, defending the downtrodden and vulnerable, and fighting for California. She is a tremendous Senator, and I believe her record will withstand the test of time.

Mr. President, I would like to focus on two provisions in this bill, the water infrastructure provisions and funding for Lake Tahoe restoration and protection.

First, this bill includes many vital water infrastructure projects that will limit the risk of flooding, restore critical wildlife habitat and keep our ports running smoothly.

The bill authorizes \$177 million for the South San Francisco Bay Shore-

line. I have been working on this project for decades, alongside the local sponsors and Army Corps of Engineers.

With nearly 200 square miles of communities in low-lying areas along the shoreline, some that are more than 13 feet below sea level, this area faces a significant threat of major tidal flooding.

Coupled with the restoration of more than 15,000 acres of wetlands, this project will protect vulnerable communities and improve wildlife refuges and public and private infrastructure valued at more than \$50 billion.

The bill also authorizes the Los Angeles River Project. At a cost of \$1.42 billion, this project will restore 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles.

The bill also authorizes \$880 million to reduce floods along American and Sacramento Rivers near Sacramento, \$780 million to reduce flooding in West Sacramento, and expands eligibility of an existing Federal program increasing funding for harbor maintenance to include the ports of Hueneme and San Diego.

The bill also includes a piece of legislation that deals with a passion of mine, saving Lake Tahoe.

This summer, more than 7,000 people joined together for the 20th Annual Lake Tahoe Summit.

I proudly shared the stage with Senators REID and BOXER, California Governor Jerry Brown, and President Obama.

This summit was an impressive book-end to Senator REID's efforts to save Lake Tahoe.

In 1997, he invited President Clinton for the first Lake Tahoe Summit to highlight the declining health of the lake and to announce a major Federal restoration effort.

That summit launched an impressive public-private partnership that has since invested \$1.9 billion in restoration projects in Lake Tahoe and the surrounding basin.

This remarkable partnership brought Federal, State, local, tribal, and private interests together to help save the lake.

Their work got a real boost in 2000 when we passed the original Lake Tahoe Restoration Act, which authorized \$300 million over 10 years.

That \$1.9 billion has been invested in nearly 500 completed projects and 120 more that are in the works. These include erosion control on 729 miles of roads, 65,000 acres of hazardous fuels treatment, more than 16,000 acres of wildlife habitat restored, and 1,500 acres of stream environment zones restored. And 2,770 linear feet of shoreline has been added, creating or improving 152 miles of bike and pedestrian routes.

But we still have more work to do.

The Tahoe Environmental Research Center at UC-Davis recently released their annual State of the Lake report.

Their research highlighted several threats to the lake: Climate change

and drought are creating increasing the potential for a catastrophic wildfire in the Tahoe Basin, sedimentation and pollution continue to decrease water quality and the lake's treasured clarity, and invasive species threaten the economy of the region.

The time to act to is now, and the Federal Government must take a leading role—close to 80 percent of the land surrounding Lake Tahoe is public land, primarily in more than 150,000 acres of national forest.

This bill authorizes \$415 million over 10 years to help address those challenges.

This bill authorizes \$150 million for wildfire fuel reduction and forest restoration projects, \$45 million to fight invasive species including a successful boat inspection program, \$113 million for projects to prevent water pollution and help improve water infrastructure that helps to maintain the lake's water clarity, \$80 million for the Environmental Improvement Program which prioritizes the most effective projects for restoration, and \$20 million for the U.S. Fish and Wildlife Service to help with the recovery of several native fish species.

The bill also requires an annual report to Congress detailing the status of all projects undertaken to make sure dollars are expended wisely.

We have an opportunity to ensure the future of Lake Tahoe by passing the Water Resources Development Act of 2016 and, thus, passing the Lake Tahoe Bill of 2015.

I want to speak today about the California drought language in this bill, which represents 3 years of effort on my part. I believe these provisions are both necessary and will help our State. I think it is noticeable that both Democrats and Republicans in the California House delegation voted for this bill. In fact, a substantial majority of California House Democrats—21 out of 37—voted yes for the bill.

I particularly want to thank Representatives COSTA and GARAMENDI for their help in this bill throughout this effort. They really made a major effort. Overall, 35 of the 51 California representatives from both parties who voted, from up and down our very big State, voted for this bill and its drought provisions.

California is now entering into our sixth year of drought. Experts have indicated that even if this is the final year of drought, which many doubt, it will take an additional time of 4 years to recover. The effects of the drought have been devastating. In the past 2 years, 35,000 people have lost jobs; \$4.9 billion has been lost to the California economy; 1 million acres of farmland were fallowed in 2015; 69 communities have little or no water; and 2,400 private water wells have gone dry. We had 102 million trees on Federal land die during this period of time. Parts of the Great Central Valley have seen as much as 1 foot of land subsidence. That is where the ground actually sinks because of groundwater depletion. This

means cracks in canals, bridges, and pipelines. I have seen those photos. We have had 95- and 98-percent salmon mortality in the past 2 years because of problems with cold water temperature valves and probes at Shasta Dam, which provides the cold water to the Sacramento River.

To address the devastating impacts of this drought and to create a long-term new infrastructure that moves away from dams, the bill contains two key parts: short-term provisions and long-term provisions. Before I go into them, I want to say that the drought part of the bill is supported by 218 cities, 6 county governments, 446 water districts, both urban and agricultural.

I ask unanimous consent that that information be printed in the RECORD directly following my remarks.

Those operational provisions are short term. They last just 5 years. They don't contain any mandatory pumping levels. This bill does not say that if the water flow is such and such, the pumps that move that water must pump at X, Y, or Z. There is none of that. Instead, what this bill does is require daily monitoring for fish when water is turbid.

This monitoring also takes place more frequently and closer to the pumps than it does today. Today, it is at 17 miles from the pumps, and the change is 12 miles from the pumps. It also requires agencies to explain their decisions when they reduce pumping. This will bring about transparency, provide solid reasoning for decisions, and, I think, reduce the angst that exists out there about how those systems are controlled.

Those provisions simply require the agencies to use the best available science based on real-time monitoring so that we can save some water from those heavy flows, as you see on the chart next to me. These are the heavy flows that came in February and March, and we were not able to hold this water and use it later in the year.

What we have done here is tracked every single day from the beginning of the year and what the pumping level was and what the water level was. We also talk about the numbers caught, which are very small: adult smelt, 12; juvenile smelt, 8, and winter-run salmon, 56. So this can be improved, and we seek to do that.

We also provide provisions that simply require the agency to use the best available science based on real-time monitoring, so, again, we can save water from the heavy flows, as you have just seen. Even if this sixth year is a bumper crop of water, UCLA predicts that it is going to take 4½ years to recover from the drought.

Other short-term provisions include extending the time period for voluntary water transfers by 5 months; ending the winter storm payback requirement, which says: If you save this water, you must put it back into the ocean; allowing a 1-to-1 ratio for voluntary water transfers that can help

both fish and farms; and allowing expedited reviews of transfers and construction of barriers to protect water quality.

These water supplies are not for big corporate agriculture, as some would have you think; this water is for the tens of thousands of small farms that have gone bankrupt, like a melon farmer who sat in my office with tears in his eyes and told me how he lost a farm that he had struggled to pay for and that had been part of his family for generations. There are also small towns in the Central Valley, where people are still bathing with bottled water and some 2,500 wells have run dry.

We worked for 2 years with Interior, NOAA fisheries, and the Council on Environmental Quality to make sure there were strong environmental protections, including a very comprehensive savings clause, and we will get to that in a minute.

So the bill in this measure requires agency scientists to review every proposed action. That is right. Scientists must review and approve every proposed action under this bill. These are agency biologists and experts in endangered species. The bill requires them to carefully review every proposal to move water under the provisions of this bill. That is what they do today, and that is what they would do under the bill. That is what the ESA requires, and that is what this bill will require.

The savings clause in this bill also makes clear that the provisions will not override existing environmental law, like the Endangered Species Act and biological opinions.

The bill also makes clear that nothing in this bill will affect water quality. Drinking water will still be available at the same levels of quality as before. The State will have the same ability to regulate water in the delta as it always has had. To make this even clearer, each individual section also requires consistency with the environmental laws and biological opinions.

These protections are referenced in the bill no less than 36 times throughout. In fact, the Commissioner of the Bureau of Reclamation wrote on June 27. He wrote about the savings clause: “[The savings clause] leads me to conclude that the directives in this legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for federal and state projects.”

I ask unanimous consent to have this letter and my memo concerning the drought savings clause be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Washington, DC, June 27, 2016.

HON. DIANNE FEINSTEIN,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of February 24, 2016, addressed to President Barack Obama regarding your leg-

islation entitled the California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act, numbered S. 2533 and H.R. 5247. I apologize for the delay in this response.

As you know, I testified on S. 2533 before the Senate Energy and Natural Resources Committee's Water and Power Subcommittee on May 17, 2016. Your legislation authorizes significant new investments in proven water supply and conservation activities that will help make California's water supplies more resilient in the face of drought. Locally supported projects such as water recycling, water efficiency improvements, desalination, groundwater storage, distributed treatment systems and surface water storage are given thoughtful consideration in S. 2533, with allowance for robust non-federal cost-sharing for new projects.

In addition, the bill contains an important savings clause in section 701 which states that the bill shall not be interpreted or implemented in a manner that “overrides, modifies, or amends” the Endangered Species Act (ESA) or the application of the biological opinions governing operations in the Bay Delta. The combination of these provisions leads me to conclude that the directives in this legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for the federal and state projects.

While S. 2533 and H.R. 5247 codify the flexibility Reclamation has exercised in its drought contingency plans over the past several years, I also wish to be clear that there is little, if any, operational flexibility remaining in the biological opinions beyond that already being exercised. Consequently, as indicated by the 2015 Statement of Administration Position on H.R. 2898 (Valadao), the Department would be concerned about, and would likely oppose, any subsequent change in the authorizations contained in S. 2533 or H.R. 5247 that purport to create additional flexibility in the biological opinions by amending those opinions or the ESA itself.

I believe that on balance, S. 2533 is a beneficial piece of legislation and will help California's water supply in the near- and long-term. I appreciate your ongoing efforts to work with Reclamation and the Department on this bill. [Intend to continue this partnership moving forward.]

Sincerely,

ESTEVAN R. LÓPEZ,  
Commissioner.

From the Office of Senator Dianne Feinstein, Dec. 9, 2016

Re Drought language savings clause

SAVINGS LANGUAGE

The drought language included in the Water Resources and Development Act of 2016 contains a comprehensive savings clause. The savings clause states that nothing in this legislation overrides, modifies, or amends, the Endangered Species Act or the relevant provisions of the smelt and salmonid biological opinion that govern the coordinated operations of the Central Valley Project and the State Water Project, located in California.

In fact, the Interior Department (responsible for developing and implementing the smelt biological opinion) and the Commerce Department (responsible for developing and implementing the salmonid biological opinion) drafted sections that govern impacts to these endangered species. The intention behind three years of work with the federal agencies responsible for enforcing the Endangered Species Act was clear: To prohibit any federal agency, under any administration, from taking any action that would violate the Endangered Species Act, 16 U.S.C.

§§ 1531–1544 (2012) or the relevant biological opinions.

That the Act is to be implemented in a manner that complies with the protections within the Endangered Species Act is highlighted by a June 27, 2016 letter from the Commissioner of Reclamation. In that letter, the Commissioner states the savings clause and other environmental protections contained in S. 2533 (upon which this savings clause was based) “leads me to conclude that the directives in the legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for the federal and state projects.”

To make clear this legislation’s goal of consistency with the Endangered Species Act and biological opinions, each individual section of the bill likewise requires consistency with the environmental laws and biological opinions. These protections are referenced no less than thirty-six times throughout the bill.

The argument that a savings clause—of the kind that is routinely included in bills passed by Congress—may be rendered ineffective by more specific provisions of an act misses the mark. As a general matter, the Supreme Court has made clear that it will take its guidance from a “common-sense view” of the language of the savings clause itself. And the language here is unmistakable and clear: Nothing in the Act “overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project.”

In fact, the Supreme Court concluded that language in a savings clause worded almost identically to the clause in S. 2533 did, in fact, govern in the event of conflicts between the act and already-existing legal standards. The statute there made clear that nothing in the act could be construed to “modify, impair, or supersede” the applicability of anti-trust laws and any other federal, state, or local law. That reading led the Court to the logical conclusion that nothing in the act (much like the language here) could be read to alter already-existing standards (the analogue here would be the biological opinions and the ESA).

Moreover, the argument for applying the savings language to each individual provision of the bill is even stronger in this case, because each individual provision repeats the same environmental protections. Rather than conflicting, the savings language and the individual sections reflect the same intent: that any action implementing the bill must be consistent with the environmental laws, including the ESA and the biological opinions.

Mrs. FEINSTEIN. In fact, the savings clause here is drafted to be nearly identical to the savings clause in a case called *Verizon Communication v. Trinko*. This is a Supreme Court case in which the Court took a common-sense view of the same clause as we have in this bill and concluded that clause prevented any modification to existing law.

I also want to talk about process. The bill before you today is the result of 3 years of painstaking and public work. I first introduced a version of this bill in July of 2015. That bill received significant public input, including a Senate energy committee hearing last October. Based on feedback, I revised that bill and then circulated a public discussion draft in December of

that year. We incorporated feedback from a variety of stakeholders, including environmentalists, water districts, and State and Federal agencies. We made dozens of changes.

Incorporating all of this, I then introduced a revised bill in February of 2016. That revised bill received a second Senate hearing in the committee in May. The administration testified at that time that the bill complied with the Endangered Species Act and relevant biological opinions.

The short-term operational provisions in this bill are largely the same as the bill I introduced in February. We also made the savings clause and environmental protections even stronger, referencing them no fewer than 36 times. I truly believe the long-term provision, as well as the environmental protections, would not be included in any bill under a Congress that we might expect in the future.

While the short-term provisions will alleviate some suffering, I believe that the most important part of the bill is actually the long-term section. In California, we have depended on a water system that is overallocated and overstressed. I want to explain that.

We have two big water systems. One is the State water system, put forward by Governor Pat Brown in the middle 1960s, when California had 16 million people. The other is the Central Valley Water Project, bonded and paid for by agriculture water contractors. That was put forward in the 1930s.

By census, California today is 39.1 million people, and the number of undocumented in addition to that is estimated to be 2.5 million. I often say, and it is conservative, the State today is 40 million people with a water infrastructure created when we were 16 million people.

To address the demands of a growing population and changing climate, we have long-term provisions that include \$550 million in authorizations for programs, including fish and wildlife protection, desalination, storage, recycling, and water grant programs. Over the course of 3 years of work, we heard the concerns of many people about the loss of salmon. And I’ve been told that the pumps actually were not to blame for the high mortality rates of salmon in the past 2 years. In fact, only 56 out of an allowable 1,017 salmon were caught at these pumps. I said I was disappointed. The word is surprised. The problem has been a malfunctioning cold water valve at Shasta Dam that meant there was not enough cold water for fish in the Sacramento River. According to NOAA Fisheries, these mistakes resulted in a salmon kill of 95 percent in 2014 and a salmon kill of 98 percent in 2015. Of the \$150 million in the energy and water appropriations I have acquired the past two years, we have used some to fix this problem and Shasta, in addition to other infrastructure problems. We also have \$43 million of environmentally beneficial bills, some of which can be used to make

sure we avoid a devastating loss to salmon.

Let me tell you what that \$43 million includes: \$15 million for habitat restoration projects, \$15 million for fish passage projects, \$3 million for a long-wanted delta smelt distribution study requested by Fish and Wildlife, and a program to reduce predator fish. Let me tell you what a big problem that is in the delta. People add predator fish such as striped bass to be able to encourage a fishing industry. The smelt go where the turbid waters are. The fishing magazines say if you want to catch fish, go to the turbid water. So fishermen go to the places where the striped bass are feeding on the endangered species. Additionally, in this bill, we have money to eliminate what has been a huge growth of water hyacinth, which drain the nutrients from the water.

I would also say we have about a dozen sewage treatment plants that put millions of gallons of 1.75 million gallons of ammonia per year into the delta. The delta is a troubled place, and let there be no doubt about it. There are a lot of islands, there is farming, and the soil is peat. When the levees leak, the peat soil goes into the delta, throws off trihalomethanes, and pollutes the water further.

We add \$10 million to connect important wildlife refuges to sources of water, and the bill also includes \$515 million that can go to a new kind of water infrastructure for California.

This includes \$30 million for design and construction of desalination plants. These projects actually do work. What I am told is what we need to secure is a third-generation membrane because the energy coefficient of desal has been negative. With a third-generation membrane, you can turn that deficit into a positive coefficient.

The bill also includes \$335 million for storage and groundwater projects. The only way we will be able to weather future droughts is by holding water in wet years for dry years, and that means more storage, including groundwater storage. We have money in there for WaterSMART, and this will help fund water supply and conservation. We have \$50 million included for the existing Colorado River System Conservation Program. To date, this popular program has resulted in 80,000 acre-feet of water saved throughout the West, including through projects in Arizona, California, Nevada, Colorado, and Wyoming.

I wish to address my colleagues’ concerns that this bill will allow the next administration to build dams all over the country without any congressional approval, and this is simply not true. Let me set the record straight about how storage projects work under this bill. The drought language here gives Congress veto authority through control of appropriations for any storage project. This means that reclamation will do the same rigorous studies it has

always done, including feasibility studies and environmental impact statements.

Reclamation would then submit a list of recommended projects to Congress, and Congress would decide how to fund them. If Congress has concerns, it doesn't fund the project. It is that simple. This will allow Federal funding to go to qualified, environmentally mitigated, and cost-beneficial projects on the same timeframe as projects funded under the California State water bond. That is just common sense, making sure the Federal Government partners with States such as California to ensure the best projects get funding but only with Congress's approval.

It was said on this floor that groundwater projects are the best solution for California water problems, and this bill helps build those groundwater projects. Again, this proposal made so much sense 1 year ago that my colleague from California cosponsored the measure. Moreover, this is not the Federal Government building projects that States and local governments oppose. To the contrary, the bill sets up a process where the Federal Government can contribute up to 25 percent of the cost of projects built by States or local agencies in collaboration with a broad range of local agencies.

The Federal Government cannot contribute more than 25 percent of the cost. They have to work with the States and local agencies that would fund the rest.

This provision has also been the subject of two public hearings and the Obama administration supported it.

The Obama administration stated the following in relationship to the water storage programs in the bill at the May 26 hearing in the Energy Committee:

We are finding that State and local jurisdictions are developing their own funding for many of these types of projects and would like to have a federal partner but are unable to wait for an authorization for Reclamation to participate in such a project. Consequently, we are of the view that in addition to the traditional Reclamation paradigm for study, authorization, then participation in federal water projects, Congress should revisit a standing authorization that allows some kind of investment in the state and local projects as contemplated.

I want to talk about the offsets on the bill. On this floor, it has been said that this is a sweetheart deal that would cost the taxpayers billions of dollars, and that is simply flatly untrue.

In fact, the CBO budget office has said that the bill will save Treasury \$558 million, and that is the truth.

As I said, California is home to more than 40 million people and our major water infrastructure hasn't been significantly changed in the past 50 years when we had 16 million. We must modernize the system, both the infrastructure and operational flexibility, or I fear we risk eventually becoming a desert State.

To the best of our ability, we have addressed concerns raised by environ-

mentalists, water districts, Federal and State agencies, and the ag sector. This bill has bipartisan support in both Houses, and I believe these provisions will place California on a long-term path to drought resiliency.

I wish to say thank you. A lot of people have had a very hard time through this drought. It is my hope that we can get this bill passed and then, on a bipartisan basis, this Congress, both Senate and House, can see that we do what we can to abate this drought and also begin to build a new water infrastructure in California.

I thank the Chair.

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

California Drought Relief

SUPPORT FOR PROVISION IN WATER RESOURCES DEVELOPMENT ACT OF 2016

SUPPORT FOR DROUGHT PROVISION IN WRDA 2016

Endorsed Bill & Voted for Final Passage  
House Majority Leader Kevin McCarthy,  
Rep. John Garamendi (D-CA3),  
Rep. Jim Costa (D-CA16),  
Rep. Ken Calvert (R-CA42),  
Rep. Devin Nunes (R-CA22),  
Rep. David G. Valadao (R-CA21),  
Rep. Douglas LaMalfa (R-CA1),  
Rep. Tom McClintock (R-CA4),  
Rep. Darrell E. Issa (R-CA49),  
Rep. Mimi Walters (R-CA45),  
Rep. Stephen Knight (R-CA25),  
Rep. Edward R. Royce (R-CA39),  
Rep. Paul Cook (R-CA8),  
Rep. Jeff Denham (R-CA10),  
Rep. Scott H. Peters (D-CA52).

Letters of Support & Press Releases

Metropolitan Water District of Southern California,  
Ducks Unlimited,  
California Waterfowl Association,  
City of Fresno,  
City of Pasadena,  
Water Infrastructure Network,  
San Francisco Public Utilities Commission,

Gateway Cities Council of Governments (list of members available at <http://www.gatewaycog.org/gateway/who-we-are/member-agency-contacts>).

Southern California Association of Governments (list of members available at <https://www.scag.ca.gov/about/Pages/members.aspx>).

Association of California Water Agencies (list of members available at <http://www.acwa.com/membership/directory>).

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I stayed on the floor and listened to all of the remarks of the senior Senator from California. While doing that, we did some checking. My staff informs me that probably this bill has more benefits for the State of California than any bill since I have been here for 22 years so I think it is very important the people understand that if for some reason this bill doesn't pass, none of the things, the provisions the Senator was talking about, will happen so it is very significant.

Since we are going to have a vote on a continuing resolution, I think at this point we need to make sure our government does not shut down. It is very important that it not shut down right in

the middle of—arguably, three wars—but that could be as late as 1 a.m. tomorrow morning. After that is when we will be considering the WRDA bill. That is the Water Resources Development Act. It is one of which I am very proud, as the current chairman of the Environment and Public Works Committee, to be involved in this bill that has been so eloquently described by Senator FEINSTEIN.

For the last several months, our committee has been working to put together the final WRDA package with our counterparts in the House, actually, the House Energy and Commerce, the House T&I Committee, and the Natural Resources Committee of the House. This legislation is truly a win for America. While we just heard of many things that be of benefit for the State of California, there is not one State that doesn't have benefits there. They are long overdue and coming from this legislation.

WRDA authorizes 30 new navigation, flood control, and environmental restoration projects and modifies eight existing projects based on reports submitted to Congress by the Secretary of the Army. These projects support our Nation's economic competitiveness and our well-being by deepening nationally significant ports, providing protection from disastrous floodwaters, and restoring valuable ecosystems.

Let me just list a few: the Little Diomed Harbor and Craig Harbor in Alaska, the Upper Ohio River in Pennsylvania, Port Everglades in Florida, and 17 flood control and hurricane protection projects in California, Florida, Mississippi, New Jersey, Illinois, Wisconsin, and Oregon. This bill also includes ecosystem restoration in the Florida Everglades, which will fix Lake Okeechobee and stop algae blooms on the Florida coast.

The bill also includes ongoing flood control and navigation safety in the Hamilton City project in California, the Rio de Flag project in Arizona, and in critical fixes for the Houston Ship Channel. The bill includes programs to help small and disadvantaged communities provide safe drinking water and will help communities address drinking water emergencies, such as the one facing the city of Flint, MI.

Let's ensure that we all understand that without the authorization of this bill, there will be no Flint relief. That is very important. I want to repeat that. People don't seem to understand. There is a lot of support in this Chamber to try to help out with the problems, the disasters that took place in Flint, MI, so we have a relief package that is included in this bill, but if the bill for some reason doesn't pass, there will be no relief for Flint, MI.

The House has voted to authorize Flint funding in the WRDA bill and spending in the continuing resolution. Both of these bills provide the benefit for Flint, MI, passed by over a three-fourths majority. We could not have worked closer with Senator STABENOW

and Senator PETERS to ensure we keep relief for Flint. I appreciate their partnership and their persistence. They were very persistent, because these provisions were in here before, but the relief is delivered. But if for some reason the bill doesn't pass, Flint gets nothing, and people have to understand that. We could not have had a closer working relationship with Senator STABENOW and Senator PETERS, and I really appreciate the fact that we all worked together to accomplish this one thing. There is unanimity, and that is help for Flint, MI.

The bill includes the Gold King Mine spill recovery. This section, championed by Senators GARDNER, BENNET, and UDALL, requires EPA to reduce costs incurred by States, tribes, and local governments to respond to the Gold King Mine spill.

This bill includes rehabilitation of high-hazard potential dams. This section of the bill authorizes FEMA assistance to States to rehabilitate unsafe dams. There are 14,726 high-hazard potential dams in the United States. What that means is—the definition means that if a dam fails, lives are at stake. So the program will prevent loss of lives.

The WRDA bill is bipartisan. It will play a critical role in addressing problems faced by communities, States, and our country as a whole.

Earlier this week, Senator BOXER said that the House Republicans ruined a beautiful bill because some of them “wanted to flex their muscles.” I don't know about that, but I do agree with her that this is a beautiful bill because it does things that we haven't had the courage to get done before, so we want to make sure it passes.

The House passed the WRDA bill with the drought provisions by a three-fourth vote—360 votes. I can't think of another time the House has passed something with 360 votes. But that is the popularity of this WRDA bill and all the work that has gone into it.

However, there is something I don't think anyone has heard. This drought provision was drafted by the U.S. Department of the Interior and the U.S. Department of Commerce. The savings clause prohibits any Federal agency under any administration from taking any action that would violate any environmental laws, including the Endangered Species Act and biological opinions. Don't just take my word for it; ask Senator FEINSTEIN. She articulated this very well. People have to realize that this came from the Department of the Interior and the Department of Commerce; it was not just stuck in there by the committee.

We have heard claims that these operational provisions would violate environmental laws. Let's look at the actual text. Under this section 4001, any operations to provide additional water supplies can only be implemented if they are consistent with the applicable biological opinions and only if the environmental effects are con-

sistent with effects allowed under the Endangered Species Act, the Clean Water Act, and the California Water Quality Control Act.

Section 4002 and section 4003 reiterate the requirement to comply with the smelt biological opinion and the salmon biological opinion. Senator FEINSTEIN also covered that.

Finally, section 4012 includes a savings clause—a savings clause written by the U.S. Department of the Interior and the Department of Commerce—that ensures that the entire subtitle must be implemented in accordance with the Endangered Species Act or the smelt and salmon biological opinions.

So that is significant. I think that documents well enough that all of these environmental provisions are complied with.

How I would rather spend my time on the floor is talking about the positive things in the bill because there is much more to say. Coal ash State permitting is something that has been desired for a long period of time. It is finally allowed in this bill. SPCC—that is, spill relief—for our Nation's small farmers is included thanks to Senator FISCHER. And that provision is not just good for her State, it is certainly good for my State of Oklahoma. To say that this violates environmental law and regulations is simply not the case.

Many Senators have contributed to this piece of legislation, and there is literally crucial infrastructure and accomplishments in every State contained in this bill.

Let me just repeat—it is very important because there has been a lot of discussion about what has happened in Michigan. If the bill is not passed, Flint, MI, gets nothing.

I was going to talk about some of the other provisions in the bill, but since there is some concern expressed by one of the Senators from Washington State, I want to mention—just Washington State; I won't mention anything more about California because Senator FEINSTEIN has already done that. But in Washington State, for the Skokomish River, Mason County, WA, the bill authorizes \$20.26 million to remove a levy, which has the economic benefit of restoring 40 miles for salmon habitat and for the fishing industry. So the fishing industry—for those concerned with the salmon, this is a huge thing for them.

For Puget Sound, the bill authorizes \$461 million to provide refuge habitat for 3 listed species and 10 threatened species, including 5 species of Pacific salmon. The project is part of the Puget Sound Chinook Salmon Recovery Plan. It is in this bill for Washington State.

The Columbia River ecosystem restoration. The bill increases the authorization ceiling for ecosystem restoration studies and projects for the lower Columbia River in Oregon and in Washington State, authorized by section 536 of our WRDA bill that we passed in 2000.

Watercraft inspection stations, Columbia River Basin. The bill clarifies that the watercraft inspection stations to protect the Columbia River Basin from invasive species may be located outside the basin if that is necessary to prevent introduction of invasive species. Again, Washington State.

Tribal assistance. This bill authorizes relocation assistance to Indian families displaced due to the construction of the Bonneville Dam and requires a study of Indian families displaced due to the construction of the John Day Dam and the development of a plan to provide relocation assistance associated with that dam.

Additional measures at donor ports and energy transfer ports. This section permanently extends the authority to provide additional funds for donor ports and energy transfer ports.

Harbor deepening. The bill aligns the cost share for construction of harbors with the change in WRDA 2014 modifying the cost-share for maintenance of harbors—a huge thing, and it is certainly of great benefit for the State of Washington.

Implementation guidance. The bill requires the Corps to issue guidance to implement section 2107 of WRDA 2014 relating to maintenance of emerging ports and Great Lakes ports.

Columbia River ecosystem restoration. The bill increases the authorization ceiling for ecosystem restorations studies and projects for the lower Columbia River in Oregon and Washington, authorized in section 536 of WRDA 2014, the last WRDA that we passed.

Watercraft inspection stations, Columbia River Basin. This bill clarifies that the watercraft inspection stations to protect the Columbia River Basin from invasive species may be located outside of the basin if that is necessary to prevent introduction of invasive species.

The oyster aquacultural study requires the GAO to study the different regulatory treatment of oyster hatcheries across the Corps districts.

Everything I have mentioned was in Washington State. I could go State by State, but there certainly isn't the time.

I would remind my colleagues that the next vote that takes place that everyone has been concerned about is going to pass, and it is going to pass to stop us from having to shut down the government. But after that is when we are going to bring up the bill that we have been talking about all day today that the Senator from California was talking about, and it is something that—I know we have only been working on it for about a year, but we have been working on some of the projects in there for as long as 3 years.

This is a chance to get it all done. If something happens and we don't do it, none of the stuff we are talking about is going to take place. Certainly all of the efforts that Senator STABENOW, Senator PETERS, and I have spoken



about in Michigan—the problems they are having up there—that is not going to happen; there is no help for Flint, MI. I have no reason to believe it is not going to pass. I believe it is. But I have to stress the significance of this legislation.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

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

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

#### COAL MINERS BENEFITS

Ms. WARREN. Mr. President, I come to the floor today to support Senators from both parties and in particular West Virginia Senators JOE MANCHIN and SHELLEY CAPITO in their fight to protect health and retirement benefits for over 100,000 American coal miners and their families.

Seventy years ago, the Federal Government made a simple promise to these union coal miners: America—our country—promised to provide health insurance and retirement benefits to miners who went down in those mines and put their lives at risk to power this great Nation.

We recognize that this was dangerous work, but we believed it was essential to our economic growth and the national security of our country, and because of that belief, we promised that if these men would go down into the mines, our country would make sure they have some protection in case of injury, disability, or death. We promised that after a lifetime of back-breaking work, they would have a dignified and secure retirement. And we promised that if the worst happened, that their wives, their widows, and their families would still be provided for.

When the American Government made this deal with the United Mine Workers of America 70 years ago, coal generated more than 50 percent of our power. Today, coal generates only about 30 percent of our power. Coal prices have plummeted and other sources of energy, like natural gas, have become cheaper and more prevalent.

Automation has also transformed this industry, and there are critical environmental reasons to transition, but make no mistake, these changes have drastically altered the coal industry and have left thousands of coal miners out of work. Every month there are more reports of coal companies filing for bankruptcy, and the layoffs are never far behind. More than 25,000 miners have lost their jobs in the last 5 years alone.

As a country, we all benefited from the decades of work put in by coal miners. Every Member of Congress and everybody we represent back home, we benefited from the work of the coal

miners. We made a deal to keep these men in the mines, and now we must honor the commitments we made.

Congress is on the verge of turning out the lights and going home for the rest of the year, but 100,000 coal miners face a reckoning. If Congress does not act, more than 16,000 mine workers will lose their health insurance by the end of this month, another 2,500 coal miners will lose their coverage by March, by July another 4,000 miners will be without insurance, and on and on and on. This is not right.

Losing health insurance is tough for anyone, but for coal miners it is a killer—literally. Coal miners face far higher rates of cardiopulmonary disease, cancer, black lung, and other injuries than most other Americans. They need their insurance.

Our coal miners knew what they were getting into. They knew they were taking on work that was dangerous and risky to their health. That is why they fought so hard for guaranteed health coverage, and that is why they gave up a portion of their paycheck every month, month after month, year after year, to pay for it.

It is not just health care coverage. About 90,000 miners and their families will also soon lose their guaranteed monthly pension benefits. These benefits aren't some Cadillac deal. The average monthly benefit for these mine workers is about \$586, about \$7,000 per year for their retirement. Now, that doesn't sound like much, and let's be honest, it isn't much, but for thousands and thousands of retired miners and their families, Social Security and these \$586 payments are all they have to show for a lifetime of going into those mines. We cannot back out on our promises.

There is bipartisan legislation written and ready to go to fix this problem. It would not add a dime to the deficit. We could pass it right now, today. The Senators who serve here come from every corner of the country. We don't agree on everything, and I certainly don't agree on every issue with Senator MANCHIN or Senator CAPITO, but I don't understand how anyone can disagree with this.

A lot has changed in 70 years, but the fact that America makes good on its promises to American workers is one thing that should never change—and we should not leave here until this Congress makes good on America's 70-year-old promise to our miners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### ATTORNEY GENERAL NOMINATION

Mr. HATCH. Mr. President, before the 114th Congress adjourns, I want to take a moment to put on the record my strong support for the nomination of our distinguished colleague, Senator JEFF SESSIONS of Alabama, to be the next Attorney General of the United States.

Thomas Jefferson once wrote, “The most sacred of the duties of a govern-

ment [is] to do equal and impartial justice to all its citizens.”

This idea was also reflected in the Justice Department's own mission statement, which I have here: “To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration for all Americans.”

No one believes in this mission more and no one understands better what this mission requires than JEFF SESSIONS.

Unfortunately, the Justice Department has lost its way, becoming partial rather than impartial, political rather than independent, and partisan rather than objective. The Justice Department has enabled the executive branch's campaign to exceed its constitutional power while ignoring Congress's proper and legitimate role of oversight.

This decline undermines the American people's trust in government. According to the Pew Research Center, public trust in government is at a record low. Fewer than one in five say they trust government most of the time. Reversing this decline and rebuilding this trust will require getting back to the essential ingredients in the Justice Department's mission and its mission statement.

Senator SESSIONS will bring more hands-on experience to the leadership of the Justice Department than any of the 83 men and women who have occupied the post of Attorney General. He was a Federal prosecutor for 18 years, 12 of them as U.S. attorney. He has also served on the Senate Judiciary Committee since he was first elected two decades ago. In other words, he has been directly involved in both the development and implementation of criminal justice policy, a combination unmatched by any Attorney General since the office was created in 1789. His service in this body and on the committee of jurisdiction over the Department is especially important because a respectful and productive working relationship with Congress has never been more important.

No one knows more what the Office of Attorney General requires than those who have actually served in that office. I have a letter signed by 10 former Attorneys General and Deputy Attorneys General who have served over the past three decades. I ask unanimous consent that this letter be printed in the RECORD following my remarks.

Some of these officials knew and worked with Senator SESSIONS when he was U.S. attorney, others since he joined us in the Senate. They all share the same conclusion: “All of us know him as a person of honesty and integrity, who has held himself to the highest ethical standards throughout his

career, and is guided always by a deep and abiding sense of duty to this nation and its founding charter." I think that is really true, and these 10 former leaders have said so. I ask my colleagues on both sides of the aisle whether there is a better description of the kind of person we want in public office, generally, and leading the Justice Department, in particular.

Let me say a word about Senator SESSIONS' work on the Judiciary Committee. I worked with him in that capacity for 20 years, including when he served as the ranking member. We have worked together on dozens of bills to improve forensic science services for law enforcement, to promote community policing, help child abuse victims, and prevent gun crimes. He is a serious legislator who knows that prosecutors and law enforcement need common-sense workable policies from lawmakers to help keep communities safe and protect the rights of all Americans.

I also received a letter from a bipartisan group of eight men and women who have served as Director of National Drug Control Policy or as Administrator of the Drug Enforcement Administration. I ask unanimous consent that this letter appear in the RECORD following leader remarks.

Here is what they say:

His distinguished career as a prosecutor . . . earned him a reputation as a tough, determined professional who has been dedicated to the appropriate enforcement of the rule of law. His exemplary record of service in law enforcement demonstrates that he is the protector of civil rights and defender of crime victims.

Again, I ask my colleagues whether there is a better description of the kind of leader America needs at the Justice Department. I ask my colleagues on both sides of the aisle, Who would have a better informed, more comprehensive knowledge of Senator SESSIONS' fitness to be Attorney General?

Before I conclude, I want to address what is already shaping up to be an ugly propaganda offensive against this fine nominee—this fine person—whom I know very well and have served with virtually every day for the last 20 years.

I have served in this body under both Republican and Democratic Presidents, under both Republican and Democratic Senate leadership. I have actively participated in the confirmation process for 12 Attorneys General, in both parties, and have seen before the tactics that are already being used in a vain attempt to undermine this nomination.

The critics do not challenge Senator SESSIONS' qualifications. They can't. Instead, they traffic in rumor, innuendo, and—I hate to say it—smear tactics. They take a comment here, a decision there from years or even decades in the past and use their media allies to transform these bits and pieces into what appear to be full-fledged stories—and they are not. They are counting on people not knowing the whole story.

Such a cynical, dishonest campaign. It is not about the truth or fairly evaluating the President-elect's nominee to be Attorney General. And it is despicable, and it is beneath the dignity of us here in the U.S. Senate.

To be honest, these tactics are really not about Senator SESSIONS at all but about the power of those who are using these tactics. They have to mark their territory, flex their muscle, and show that they are still a force to be reckoned with. If such things as fairness, integrity, truth, and decency have to be sacrificed in that power struggle, so be it, I guess.

I hope my colleagues will not only resist these tactics but that they will join me in exposing and rejecting them. They degrade the Senate, they mislead our fellow citizens, and they corrode our democracy. Let's stay focused on our role here, which is to evaluate whether the President-elect's nominee is qualified. We know that he is. We know that he is superbly qualified and that he will be a strong and principled leader for the Justice Department.

In closing, I want to quote from that letter by bipartisan drug policy officials. They say this about Senator SESSIONS:

His prudent and responsible approach is exactly what the Department of Justice needs to enforce the law, restore confidence in the United States' justice system, and keep the American people safe. We support the nomination of Senator Sessions to be Attorney General of the United States, and we ask you to do the same.

I could not have said it better.

I have known JEFF for 20 years now, every year he served here, and I knew him before then. I remember the despicable way he was treated many years ago as a nominee. I don't want to see that repeated, and I personally will hold accountable anybody who tries to repeat it.

JEFF SESSIONS is a wonderful man. He is a good person. Even though any one of us here may have some disagreements from time to time with policy—we do with each other—that doesn't denigrate and shouldn't denigrate him as a decent, honorable man who deserves to be Attorney General of the United States.

I am very proud of Donald Trump doing this, giving this really fine man an opportunity to serve, and I believe he will straighten out the Department of Justice to be the Department that it should be, that we all want it to be. I think it will elevate the Department of Justice in ways that it hasn't been in many of the years I have been in the U.S. Senate. That is not to denigrate everybody who has served in the Department of Justice. But let's face it—it has been used politically by both parties at times for no good reason. I will tell you this: JEFF SESSIONS will make sure that will not be the case, and that will be a pleasant change from what we have had in the past in some administrations, Republican and Democratic.

I have a strong knowledge of his background. I have a strong feeling about JEFF as a person. I believe he will be a great Attorney General, and I hope our colleagues on both sides of the aisle treat him with respect as he goes through this nomination process. If we do, we will be able to walk out of here at least with some sense of pride that we did what was right.

I think you will find, as JEFF serves—and he is going to serve—as he serves in the Justice Department, he will do a very good job, and it will be a job done for everybody in America and not just Republicans and not just for the new administration that is coming in, but for everybody. That is what I think you will find from JEFF SESSIONS. He is a tough guy. He has the ability to stand up. He has the ability to do what is right, and he will do it. I have great confidence in JEFF.

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

DECEMBER 5, 2016.

Hon. CHARLES E. GRASSLEY,  
U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. DIANNE G. FEINSTEIN,  
U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: The signers of this letter served in the Department of Justice in the positions listed next to their names and, in connection with that service, came to know Senator Jeff Sessions through his oversight of the Department as a member of the Judiciary Committee or in his work as U.S. Attorney for the Southern District of Alabama. All of us worked with him; several of us testified before him during his service on your Committee. All of us know him as a person of honesty and integrity, who has held himself to the highest ethical standards throughout his career, and is guided always by a deep and abiding sense of duty to this nation and its founding charter.

Based on our collective and extensive experience, we also know him to be a person of unwavering dedication to the mission of the Department—to assure that our country is governed by the fair and even-handed rule of law. For example, Senator Sessions has been intimately involved in assuring that even as the Department combats the scourge of illegal drugs, the penalties imposed on defendants do not unfairly impact minority communities. He has worked diligently to empower the Department to do its part in defending the nation against those intent on destroying our way of life, adhering throughout to bedrock legal principles and common sense.

Senator Sessions' career as a federal prosecutor also has provided him with the necessary institutional knowledge, expertise, and deep familiarity with the issues that confront the Department, insofar as it is an army in the field. As the United States Attorney for the Southern District of Alabama, Senator Sessions worked hard to protect vulnerable victims, particularly children. He carried this commitment to the Senate, where he championed legislation to provide the Department with the tools it needs to fight online child pornography, to close rogue internet pharmacies that have contributed to the opioid epidemic, and to end sexual assault in prison.

Senator Sessions' career, both as a United States Attorney and as a Senator, well prepares him for the role of Attorney General. In sum, Senator Sessions is superbly qualified by temperament, intellect, and experience, to serve as this nation's chief law enforcement officer. We urge his swift confirmation.

Sincerely,

John D. Ashcroft, Attorney General, 2001–2005;  
 Alberto R. Gonzales, Attorney General, 2005–2007;  
 Michael B. Mukasey, Attorney General, 2007–2009;  
 Mark R. Filip, Deputy Attorney General, 2008–2009;  
 Paul J. McNulty, Deputy Attorney General, 2006–2007;  
 Larry D. Thompson, Deputy Attorney General, 2001–2003;  
 William P. Barr, Attorney General, 1991–1993, Deputy Attorney General, 1990–1991;  
 Edwin Meese, III, Attorney General, 1985–1988;  
 Craig S. Morford, Deputy Attorney General, 2007–2008 (Acting);  
 George J. Terwilliger III, Deputy Attorney General, 1991–1993.

DECEMBER 5, 2016.

Hon. MITCH MCCONNELL,  
*Majority Leader, U.S. Senate, Washington, DC.*  
 Hon. CHUCK SCHUMER,  
*Minority Leader, 115th Congress, U.S. Senate, Washington, DC.*

Hon. CHUCK GRASSLEY,  
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. PATRICK LEAHY,  
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Re Nomination of Senator Jeff Sessions to be Attorney General of the United States.

DEAR LEADER MCCONNELL, SENATOR SCHUMER, CHAIRMAN GRASSLEY, AND RANKING MEMBER LEAHY: As you prepare for the upcoming Congress and for the impending nominations of President-elect Trump's Cabinet members, we write to express our strong support for the nomination of Senator Jeff Sessions to be Attorney General of the United States. Senator Sessions' exemplary record during his long career in public service speaks to the leadership and sober dedication he would bring to the Department of Justice.

As former government officials involved in the development and administration of the United States' drug policies, we understand the importance of a Department of Justice that is committed to the just and fair enforcement of the laws that Congress has written. In this respect, Senator Sessions would make an excellent Attorney General. His distinguished career as a prosecutor, including as the Reagan-appointed U.S. Attorney for the Southern District of Alabama and as Attorney General of Alabama, earned him a reputation as a tough, determined professional who has been dedicated to the appropriate enforcement of the rule of law. His exemplary record of service in law enforcement demonstrates that he is a protector of civil rights and defender of crime victims.

Senator Sessions brought that same dedication to his service in the Senate. As an example of his fair-minded approach to tough law enforcement, he, together with Senator Durbin, passed the bipartisan Fair Sentencing Act, which increased fairness in sentencing by reducing the disparity in crack cocaine and powder cocaine sentences, while also strengthening penalties for serious drug traffickers. His prudent and responsible approach is exactly what the Department of

Justice needs to enforce the law, restore confidence in the United States' justice system, and keep the American people safe. We support the nomination of Senator Sessions to be Attorney General of the United States, and we ask you to do the same.

Respectfully,

William J. Bennett, Director of National Drug Control Policy, March 1989–December 1990;

Robert Martinez, Director of National Drug Control Policy, March 1991–January 1993;

John P. Walters, Director of National Drug Control Policy, December 2001–January 2009;

Peter B. Bensinger, Administrator, Drug Enforcement Administration, February 1976–July 1981;

John C. Lawn, Administrator, Drug Enforcement Administration, July 1985–March 1990;

Robert C. Bonner, Administrator, Drug Enforcement Administration, August 1990–October 1993;

Karen Tandy, Administrator, Drug Enforcement Administration, July 2003–November 2007;

Michele Leonhart, Administrator, Drug Enforcement Administration, December 2010–May 2015.

114TH CONGRESS

Mr. HATCH. Mr. President, as we approach the end of the 114th Congress, many here in the Senate have been taking the time to reflect on what we have been able to accomplish and, more importantly, plan for what we hope to be able to accomplish in the near future.

This was a tumultuous 2 years for our country, punctuated by a fierce and unpredictable political campaign and results that were, to some, beyond surprising.

Before the start of the 114th Congress, the Senate had for years been languishing in partisan gridlock. Very little got done around here, and far too often, we spent our time fighting out the political sound bites of the day and voting on whatever partisan issue happened to be grabbing headlines.

While some of my friends on the other side of the aisle have attempted to argue otherwise, the Senate has been remarkably productive during the 114th Congress. And that goes far beyond just a list of bills we have been available to pass. The Senate has changed in ways that numbers really can't quantify. For example, committees in the Senate have functioned more effectively than in the past. The debates on the Senate floor have been fuller and fairer than they were before. And, of course, the focus has returned to actually governing rather than simply adding more noise to the political echo chamber.

Most astonishingly, given the tone of the country's overall political discourse, most of the Senate's accomplishments have been bipartisan. As I have noted on a number of occasions, the Senate Finance Committee, which I have been privileged to chair for the past 2 years, has, to a historic degree, been able to ride this new wave of bipartisan productivity. In this Congress, our committee has reported 41 separate

bills, all of them bipartisan. These include priorities throughout the committee's jurisdiction. That is remarkable. These weren't itty-bitty bills; they were very important bills. That is remarkable. Honestly, I wish I could take credit for it, but the success we have enjoyed has been due to the work of every Senator on our committee. To a member, they have all been committed to working on a bipartisan basis to move ideas forward and produce results. We haven't agreed on everything, that is for sure, but we found enough common ground that the desire to work together has remained strong through this Congress.

I want to thank the members of our Finance Committee for their efforts this year. They have all been exemplary colleagues to work with. Even when we disagreed, we have had good discussions.

Today, I want to particularly thank Senator COATS, who is, as we know, retiring at the end of this Congress. We will miss the senior Senator from Indiana's stalwart presence on the Finance Committee and in the Senate as a whole. I wish him the best of luck.

I want to take a moment to delve deeper into the substance of our committee's work. Let me give the highlights or else we will be here all day.

Early on in the 114th Congress, the Senate and the House passed legislation produced in the Finance Committee to repeal and replace the broken Medicare sustainable growth rate, or SGR, formula, putting an end to the ritual of cobbling together the SGR patches at the last minute behind closed doors. This bill was one of the most significant bipartisan reforms enacted in the history of the Medicare Program.

We made once-in-a-generation advancements in U.S. trade policy by renewing and updating trade promotion authority, reauthorizing vital trade preferences programs, and modernizing our trade enforcement and customs laws. All of these are important strides in the ongoing effort to promote U.S. leadership in the world marketplace in order to benefit our workers, our farmers, our ranchers, and inventors, just to mention a few.

We acted decisively to prevent benefit cuts in Social Security disability insurance and put into place the most significant improvements to the Social Security system since the 1980s.

We came up with enough offsets to extend the life of the highway trust fund for 5 years, something nobody thought we could do. That is the longest such extension in nearly two decades. This was accomplished despite the cries of naysayers who said it couldn't be done without a massive tax increase. We did not increase taxes.

We also made serious strides to advance a number of the committee's long-term improvements, including improvements to Medicare benefits for patients dealing with chronic illnesses, overdue reforms to our Nation's foster

care system, a series of measures to protect taxpayers from the ever-increasing threat of identity theft and tax refund fraud, and legislation to help more Americans save adequately for retirement.

Not all of these measures have yet been signed into law, but in every case we have been able to move the ball significantly forward.

In addition, we continued the Finance Committee's long tradition of conducting robust and exhaustive oversight. Our bipartisan report on the IRS targeting scandal, which we released last year, was a great example.

In addition, the committee's work to shine a light on the inept implementation of ObamaCare was second to none. And, of course, we made real progress in the ongoing effort to reform our Nation's Tax Code.

I would like to talk about tax reform in a little more detail because that has been the focus of so much of our efforts in this Congress, and that is not likely to change when we gavel in the 115th Congress.

Among other things, the members of the Finance Committee produced a number of bipartisan reports outlining the key challenges we face with our Tax Code after working together in the tax reform working groups we established last year. Also, the Finance Committee, working with our leadership here in the Senate and our colleagues in the House, drafted and facilitated passage of a massive tax bill that made permanent a number of oft-expiring tax provisions, providing real certainty to businesses and job creators and setting the stage for even more significant reforms in the future. That bill also delayed a number of ObamaCare's burdensome health care taxes.

In addition, I have spent much of the 114th Congress hard at work developing a tax reform proposal to better integrate the corporate and individual tax systems. Under current law, the United States not only has the highest corporate tax rate in the industrialized world, we also subject many of our businesses and the individuals who invest in them to multiple levels of tax on what are essentially the same earnings. This system results in a number of inequities and economic distortions, including undue burdens on U.S. workers and incentives for businesses to finance their operations with debt instead of equity.

These problems have troubled policymakers for years, particularly recently as the combined effects of these misguided policies have resulted in waves of corporate inversions and foreign takeovers of U.S. companies.

This is a serious set of problems. My idea to address this problem was relatively simple: Allow corporations to deduct from their taxable earnings any dividend they distribute to shareholders. Currently, our system taxes a business's earnings once at the company level—at an astronomically high

rate, no less—and again when the earnings are distributed to shareholders. My proposal has been to eliminate one level of taxation on these distributed earnings and require only a shareholder-level tax on dividends, which is similar to the way debt is treated. Forms of this proposal have been put forward by Treasury Departments and congressional tax writers from both parties in the past.

In addition to a dividends-paid deduction, in order to bring more balance to the system and eliminate even more distortions, I have looked for ways to equalize the tax treatment of debt and equity under our system. Those monitoring the tax world undoubtedly know that I have spent quite a long time working on this proposal, including a number of months going over the numbers with the Joint Committee on Taxation. At this point, I can say that the feedback I have received from JCT on this matter has been very positive. For example, in its preliminary assessments, JCT indicated that the proposal would increase economic growth and activity relevant to current law. They found that it would increase wages for U.S. workers through increased productivity. Their analysis also showed that the proposal would increase capital investment and reduce effective tax rates for American businesses. Interestingly, JCT also found that the proposal would alleviate some of the pressures that drive corporate inversions and help prevent erosion of the U.S. tax base overall. It sounds pretty good, and it is true.

These concerns—economic growth, wages, and U.S. companies moving offshore or being acquired by foreign companies—have a real-world impact on American workers and employers, and they were at the heart of this year's campaign debates. Thus far, the feedback we have received shows that a dividends-paid deduction, combined with equalized tax treatment for debt and equity, would help address these concerns. And according to JCT, all of this could be done without adding to the deficit or shifting more of the overall tax burden from those with higher incomes to middle and lower income taxpayers.

I know the DC tax community has been speculating on this matter for a while now, and I can attest today that the idea of better integrating the corporate and individual tax systems through a dividends-paid deduction wouldn't just work but could actually work very well. Once again, the numbers we have seen thus far have been quite favorable.

I will note that we have heard some concerns from those in the charitable and nonprofit community as well as retirement security and stakeholders regarding the potential impact of equalizing the treatment of debt and equity. I think my history in the Senate has demonstrated pretty clearly my commitment to both charitable giving and retirement security. I want to make

clear that my staff and I are prepared to address these kinds of concerns when this takes legislative form.

I suppose that for most of the people who have been monitoring our efforts on corporate integration, their biggest question is about timing: When will we try to move this for? After any big election campaign, particularly after the one that was as unpredictable as the one we saw in 2016—although I thought it was predictable, but most people didn't—it is important to acknowledge the realities on the ground.

I remain very interested in the concept of corporate integration and continue to believe it would have a positive impact on our tax system and our economy overall. Let's be honest, after this election, the ground has shifted, and while we don't know how everything will play out in the coming months, it is safe to assume that the tax reform discussion is shifting as well. Right now, we are seeing more momentum for comprehensive tax reform—that is reform that deals with both the individual and business tax systems—than we have seen in a generation or more. If we are going to do right by our economy and the American people, we need to think in those comprehensive terms. At the very least, I think it is fair to say that with the changing circumstances, the assumptions and parameters that have, for some time now, governed the tax reform debate will have to be modified, if not thrown out entirely.

I believe corporate integration can and should be part of the comprehensive tax reform discussion that appears to be on the horizon, but given the current reality, any substantive tax reform proposal will need to be considered and evaluated in the context of what has quickly become a much broader discussion. Let me be clear: I am not walking away from the idea of corporate integration. On the contrary. I am excited to see how the debate over comprehensive tax reform plays out in the near future and where this concept might fit in that broader discussion.

Going forward, we have a real opportunity to make significant, perhaps even fundamental, changes to our entire tax system in order to encourage growth, create more jobs, and improve the lives of individuals and families around our country. As the chairman of the Senate's tax-writing committee, I am very excited for this opportunity, and I am committed to doing all I can to make sure we succeed in this endeavor and that we do it in a bipartisan way. We are working right now, today, in a bipartisan way to try and resolve some of these problems. I have been meeting with every member of our committee, Democrats and Republicans, to see how we can work better together.

This discussion about comprehensive tax reform promises to be one of the big-ticket items in the coming Congress, and I am excited to be a part of it. In addition to tax reform, the Senate and Senate Finance Committee

will have a number of other tasks to perform in the early days of the 115th Congress. For example, early on, I expect that we will finally be able to repeal ObamaCare and begin a serious process of replacing it with reforms that are more worthy of the American people. We also need to take a serious look at our broken retirement programs like Medicare, Medicaid, and Social Security. I am sure that simply because I am the Republican who just happened to mention the name of those programs out loud, I will be scorned and labeled a "privatizer" in certain policy and advocacy corners after this speech. However, reductive labels aside, no one seriously disputes the fact that these programs are in fiscal trouble. We need to work toward finding solutions, and they need to be bipartisan solutions.

I have put forward a number of potential solutions to help address the coming entitlement crisis. I hope policymakers in Congress, the incoming administration, and elsewhere will take a look at my ideas. I think they will find they are ideas that will help this country out of the problems and the mess it is in.

On top of tax and health care, we need to consider the future of U.S. trade policy. While this was a matter of some fierce discussion during the campaign, I remain committed to doing all I can to ensure that the United States continues to lead the world in trade, including the establishment of high-standard free-trade agreements.

All of these matters, and many others as well, fall within the jurisdiction of the Senate Finance Committee. Fortunately, I am joined on the committee with a host of capable U.S. Senators from both parties. It is a great committee with great members, and I feel very privileged to be able to lead that committee.

Over the past 2 years, we have demonstrated that by working together, we can overcome some pretty long odds and accomplish a number of difficult tasks. I hope that continues this next year. I am going to do all I can to make sure it does.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

MINE WORKER HEALTH CARE BENEFITS AND PENSIONS

Mr. MANCHIN. Mr. President, I rise and stand here today fighting for the working men and women each one of us—whether Democrat or Republican, whether you belong to a 100-Member Senate or a 435-Member House—use in our commercials. Every one of us goes out and basically tries to attract working men and women to vote for us because we say: We are coming here to fight for you. We are going to stand up for you. No one is going to walk over you, push you aside, or forget about you. Every one of us has done those ads.

Our 435 House Members had to go home yesterday because it was time for

Christmas. I remind all of my colleagues that we have basically missed 100 working days this year. Do you think we have been overworked? I don't think so, but I guess my House Members did because they had to go home. They never even gave us the courtesy of giving us a 3-day extension. We can work through these problems. We have said that, but that is not even there. I guess they think they want to jam us.

We are here fighting for the United Mine Workers pension, people who have given this country everything they had. These are people who said: I will go down there and get the energy you need to win the war and the energy you need to build this country. I have the industrial might—the middle class. We will build it. We are the middle class. That is who they are. That is all they said. We made commitments to them.

For the first 50 years after they energized this country and won two world wars, they got nothing. My grandfather was one of them. They got nothing—no pension, no health care. They got nothing.

In 1946, they finally got something. We have been fighting ever since then just to keep it, and now all of a sudden it is going to evaporate and nobody will say a word because we have to go home for Christmas. We have to go home for vacation.

Well, we have been working, fighting, and really clawing for this. We have it. If it came to the floor, it would pass, and we know that, but we have some friends on the other side—435 over there—who, for some reason, didn't believe it was of urgency. They said, we are going to give you a 4-month extension on the health care benefits that 16,000 miners lose December 31. We will give you 4 months, and I guess we are supposed to be happy with that. Well, I am not. I am sorry, but I am not.

We fought for the Miners Protection Act. We went through the regular order and we got an 18-to-8 vote out of the Finance Committee at the Senate, and we thought we would be right here having that vote and showing the people we support them and that hopefully the House would take it up, but that never happened.

Where we stand today, right now, is, we are asking what is our pathway forward. Well, we have been working and talking, as you are supposed to. We tried to basically negotiate, we tried to find compromise, and we tried to find a pathway forward. It has been hard for me to see a pathway forward right now.

I am going to have to oppose this CR and oppose, not only the cloture but the passage of the CR for many reasons, and I will give you one example that probably galls me more than anything else that we have done here or over in the House. My Republican colleagues didn't even know about it. It is not from this side. It came from that side, and what they did was say, not only are we going to add insult to injury and only give you 4 months, we

will make you pay for it with your own money. We will make you pay for it with money that has been set aside through bankruptcy courts to give retirement to miners who worked for companies that declared bankruptcy, went through the bankruptcy court, had money set aside so they would at least have health care for a while. The people we are talking about were supposed to have health care until July. Guess what. Because of what we are doing, they lose 3 months. Now, grant you, we have people—16,000—who have health care until December who get 4 months, if you consider that a victory, but how about the couple thousand who were supposed to have it until July are only going to have it now until April? What do you tell them? I am sorry. We fought like the dickens for you, but you lost 3 months. Where I come from that doesn't fly. I can't explain that. I really can't.

I am encouraged, to a certain extent. My friend the majority leader, MITCH MCCONNELL from Kentucky, said he was confident the retirees would not lose benefits next year, including more than 3,000 in his home State of Kentucky. I think it is highly unlikely we will take that away, he said. It has been my intention that the miner benefits not expire at the end of April next year. I believe him. And he pledged: I am going to work with my colleagues to prevent that.

I am ready to go to work. I am not sure if my colleagues on the other side—435 in the House—are as committed. I appreciate the majority leader making this commitment. I do appreciate that very much. Unfortunately, it is not enough because I don't have the commitment from the other side, and I am going to fight for that. For that reason and many more, I am going to be unable to vote for cloture, and I encourage my colleagues not to vote for cloture on this CR.

With that, I yield the floor to my friend from Ohio, Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator MANCHIN, Senator WARNER, and Senator CASEY, who all represent a lot of these mine workers. Some of them are in the Gallery. We attended a rally with some of them the other night. Some of them we see in Zanesville, Cambridge, Southwest Pennsylvania, and Southwest Virginia.

I thank Senator MCCASKILL for her work on this.

Let's point out, again, to our colleagues what happened here. Early this year, the Senate majority leader, the Republican leader from Kentucky, said: Before we do this, you have to come up with a bipartisan bill. We came up with a bipartisan bill. We did exactly what he wanted. We had Senator CAPITO, Senator PORTMAN, Senator TOOMEY, and a lot of support on both sides, even people who didn't sponsor it. That wasn't enough.

Then he moved the goalposts and said: You have to come up with the bill

through regular order. We went through regular order in the Finance Committee. Senator WARNER, Senator CASEY, and I in the Finance Committee called Cecil Roberts, the head of the mine workers, people like Norm Skinner from Ohio, Dave Urtest, Dave Dilly, and others came and talked to us. We had testimony. It was brought to a vote and it passed on a bipartisan vote, 15 to 8. Every Democrat voted for it and a handful of Republicans voted for it. We did that, and then the Republican leader moved the goalposts again and said: That is not good enough. You have to do something more. You have to find a way to pay for it. We found a way to pay for it with money out of the abandoned mine fund to pay for this.

This legislation would have permanently taken care of much pensions and health care. It would have meant that mine workers don't have to take valuable time and spend money and come to Washington and lobbyists to talk to us, educate us, and do what they do so well in telling their stories. It would have solved that, but now week after week after week has passed. Before the election, people were talking a good game, now they are not talking such a good game, except for my colleagues with me on the floor today fighting for them.

So what happens now? The majority leader in the Senate is pointing fingers down this hall, blaming the Speaker of the House, and the Speaker of the House back there is pointing fingers at the majority leader saying: Well, I want to do a year. No, I want to do a year.

Well, the fact is, neither of them has offered anything. They could bring this bill up to pass out of the Finance Committee. Senator MCCONNELL tonight could bring this to the Senate floor. We could pass it. We would get how many votes: 75, 80 votes? We would get at least 70, probably 75 or 80. We would get every single Democrat, and we would get probably close to half of the Republicans. They will not do that. They are too busy pointing fingers back and forth.

So I am going to vote no on the continuing resolution because I just don't think that this is the deal we should get. This 4-month deal where the majority leader said he is helping the miners with a 4-month deal—it means that the retired miners and the widows who got a notice in late October, early November that their insurance would run out December 31—if we do this 4-month deal, they are going to get another notice in January or February saying it runs out again.

Particularly if you are sick, particularly if you have a sick husband, can you imagine that you are going to get a notice every 3 or 4 months saying your insurance is going to run out? How do you deal with that? How do you make doctor visits? How do you make appointments? How do you do that? It is just cruel and unusual punishment.

Instead, the other night, we saw our colleagues coming to the floor, offering

resolutions. There was one honoring Pearl Harbor victims. Senator MANCHIN and I were on the floor. We were objecting to all this. Of course, I have been on the Veterans' Affairs Committee for a decade, and so has Senator MANCHIN. Of course we are not objecting to honoring Pearl Harbor victims any more than we are objecting to one of the other resolutions that said we feel bad about the people who died in Oakland in that fire; of course we do. But what we were doing and what we will continue to do is fight for those mine workers, both the retirees and the widows.

Next year that is what we are going to do. We will get a good vote today in opposition to this because Democrats—people on this side—and a handful of more courageous Republicans will vote no on the continuing resolution. That should send a message to Senator MCCONNELL on how important it is that come January we vote, not on another 4-months and another 4-months, not even voting for a year, but we vote for a permanent fix on pensions and a permanent fix on health care that is paid for out of the Abandoned Mine Reclamation Fund. That needs to be what we do the first of the year.

This place is not going to operate very well if the leadership in this body does not stand up and give us a vote on a bill that protects mine worker retirees, that protects pensioners and health care, that says that we are going to fix this permanently. They should not have to come here month after month after month to lobby us.

This is something we should do. It has been an obligation since Harry Truman. Senator MCCASKILL is always talking about Harry. Harry Truman in the 1940s, seven decades ago, made this pledge, made this promise. We all want to live up to the promise. Presidents of both parties, Members of Congress in both parties were living up to that promise decade after decade. Now they don't want to live up to it.

It is important that we enforce that come January. I am voting no. I want to send that message. This is just too important to back down from.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, at this time, to put things in perspective, because a lot of people don't really know—people say: Why do you even use coal anymore? Why do we even need coal? Let me explain to the 300-plus million people living in America today that if you are alive today, for most of your life, over 50 percent of your energy that has been given to you has been delivered to you because of coal. So to put it in perspective, what 12 hours of the day do you not want electricity? What 12 hours of the day do you not want heat, air conditioning—anything?

We need to bring attention to the people who have done the work. That is all we have said. They are forgotten heroes. In West Virginia, we feel like a

Vietnam returning veteran. We have done everything our country has asked of us, and now you will not even recognize us. You don't even understand what we have done.

Well, that is what we are doing. That is what we are fighting for.

At this time I would like to recognize my good friend from Pennsylvania, Senator BOB CASEY, who comes from the tremendous State of Pennsylvania, which has provided an awful lot of energy for many years. Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to thank my colleague from West Virginia for his leadership on this issue, going back not just days and weeks but months and even years. I think we should start with the word "promise" tonight. We have a matter that came before the Senate that Senator BROWN indicated was the subject of a bipartisan consensus that went all the way through the Finance Committee, a vote of 18 to 8 earlier this year. The question before the Senate today and the question before the Senate in 2017 will continue to be: Will the Senate—and I would add will the House of Representatives—keep our promise to these coal miners and their families? It is really not more complicated than that. We have to ask ourselves whether we are going to fulfill our promise.

Just to give you a sense of what this means to individuals, I have three letters in my hand. We have all gotten hundreds of them, if not more, maybe thousands at this point. But I have three letters from three different counties from which I will read excerpts.

The first one is from Johnstown, Cambria County, with a great history of coal mining but also a great history of a diverse economy. This individual wrote—actually two; it is a husband and wife writing to me—saying: "We are in our late 70s and desperately need our pension and hospitalization."

Cambria County, PA, alone has 2,483 pensioners. Just that one county has that many pensioners who happen to be families who had a loved one working in the coal mines. This is one of those families who wrote to me. If you look at the health care issue and you look at it county by county, sometimes the numbers are lower, but it is in the hundreds and hundreds in many counties.

The next letter is from an individual in Green County. She is writing about her husband, and she says:

My husband was only retired about 1 year when he found he had cancer. One of the reliefs that he had while battling cancer was knowing he had his pension and good health benefits. So it was one less worry.

Green County is a small county in Pennsylvania, in the deep southwest corner, right on the corner next to West Virginia and Ohio. In Green County, there are 1,436 pensioners and many depending upon the health care promise that our government made.

The third and final letter is from Westmoreland County, from an individual talking about his time in the coal mines. He said:



My 33 years in the mining industry are testimony to the fact that I provided a needed service to my country and my family.

Then, later in the letter, he goes on to say:

Now, thousands face an uncertain future. A promise was made and a promise needs to be kept.

In Westmoreland County, PA, there are 1,067 pensioners. Across our State, just on health care, almost 1,400 Pennsylvanians are affected by health care. Some of them have cancer. Some of them have a family where the husband is dead and the wife has cancer. Some face the kind of health care circumstances that none of us can identify with because everyone who works—every Member of the Senate and the House—we have health care. We don't have to worry about next week or next month or next year.

So the question becomes, as I said, whether we are going to keep our promise to these coal miners. There is no excuse for putting in the continuing resolution as pathetic a proposal as we got this year in this continuing resolution, which basically says: You have health care for just 4 months, and you are supposed to be satisfied with that. In fact, I think there was one Member of the Senate who said, "They should be satisfied with that".

They should not be satisfied; coal miners and their families, retired coal miners, nor should anyone here be satisfied with that. Also at the same time, the proposal—or I should say now the policy in the continuing resolution—has no fix at all for pensions, so these counties, just three counties, that have thousands and thousands of pensioners who earned that pension, who gave up a lot to get that pension, who gave up a lot to get those health benefits—there is no fix in the CR, the continuing resolution, for the pension problem.

We are supposed to be satisfied, and they are supposed to be satisfied, I guess, according to the line of argument from some on the other side—not all, but some who said they should be satisfied. Well, here is a news bulletin. We are not satisfied. These miners and their families are not satisfied. We are not going to stop fighting on this. We feel so strongly about this issue that many of us, including me, will vote no on cloture on the CR, will vote no on the CR itself because we feel that strongly.

As the presiding officer knows, usually when a continuing resolution comes before the Senate, it gets overwhelming support. This is how outrageous this is for these families. So you are going to see a number of people on the floor here do something they probably have never done before. They are going to register a protest in a very direct and formal way, to say no to the CR tonight.

I know some people will be offended by that. I understand why they might be across the country. But we have to ask ourselves: If it is going to take a no on this resolution to get people to

focus on what these miners were promised and what this government has not done to meet that promise, then we are willing to go to that length and to that extent to vote no tonight because we have to keep a focus on this.

We are not going away, so for anyone who thinks that tonight is the end of a chapter, we are just getting warmed up. We are just getting warmed up on this because this is a promise we must keep.

These miners and their families kept their promise. The miners kept their promise to their family that they would work and work in the depths and the darkness of the coal mines, put their lives at risk every single day. That is the first promise they made—and that they would bring a home a paycheck so their family could eat every night and afford a mortgage. So they kept their promise to their family. Many of them kept their promise to their country. They fought in World War II, they fought in Korea, they fought in Vietnam and beyond, in every war we have had in the modern era. So they kept their promise.

It is not too difficult for a Senator or for a House Member to keep their promise. All they have got to do is put their hand up and say aye. I agree with keeping the promise to these miners. It is about time that our government, including everyone here, kept our promise to these coal miners.

So we are doing something that many of us have never done. We are going to vote no on a resolution tonight to make it very clear that we don't agree with what is in this continuing resolution with regard to these miners, No. 1, and the other message we are sending is that we are coming back. We are going to come back week after week, month after month, if not longer, to make sure that they get their health care and they get their pensions.

So, this kind of solidarity, at least on this side of this aisle, will remain intact. It will remain fortified and strong going forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, as you can see, I am extremely proud. I can't tell you how proud I am of my colleagues. This is why we are here. We are standing for the people who work every day to provide a better living for themselves and to provide a better country for all of us to live in.

With that, I am happy to be here with my good friend, my colleague, and my dear friend from Virginia, Senator MARK WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, let me echo everything that Senator CASEY and Senator BROWN have said. But the reason we are here, beyond the justness of our cause, is the fact that the Senator from West Virginia, Mr. MANCHIN, has been abso-

lutely relentless. He has not let this issue die. For 18 months, he has gone through every hoop that has been put in front of him. It is getting through. The fact is, Senator MANCHIN today reintroduced the Miners Protection Act. In 1 day—in 1 day—he picked up 49 co-sponsors of this legislation.

We are going to have a vote later tonight. Let me be clear. I am going to join in that protest. But as somebody who has one heck of a lot of Federal employees, we are not going to shut down the government on this issue. We should not even be thinking about choices where we have to trade off Federal workers and miners. That is not what we are sent here to do. But we are going to make sure that this fight does not end tonight. The 49 who signed up today will be in the 50s and in the 60s when we come back.

Let me just close. I know we have other colleagues, and others have commented. I went through these talking points at other times, but you have to hear the voices of people who are being affected. I got a letter recently from Sharon. Sharon is from a coal miner's family in Dickenson County, not too far from West Virginia and Kentucky.

Sharon wrote:

My father is a retired coal miner. For many years he worked at Clinchfield Coal Company's Moss #2 mine. He gave them his time, sweat, hard work, and even his health. In return, he expected nothing more than a paycheck and a little pension, and health care when he retired. He was promised that. He deserves that.

She went on to talk about the fact that her dad grew up in the Depression:

He grew up in a time when you took care of your things—and he believed that you paid for what you got. He's paid dearly for his pension and his health care. Please don't let that get taken from him.

He's also a man who takes care of his money.

She said he was always tight with his money:

He planned for years for his retirement. He saved and budgeted so that he would have enough with his pension to be able to support himself through the rest of his years and not be a burden on anyone.

Sharon, her coal miner family, and countless thousands of other Americans are waiting for us to honor our commitments. We are taking a step forward tonight. But echoing what other Senators have said before, this issue will not go away until these miners get their justice.

The PRESIDING OFFICER. The leader, the Senator from New York.

Mr. SCHUMER. Senator MCCASKILL and my colleagues are waiting.

Mr. President, I ask unanimous consent that immediately after Senator MCCASKILL speaks, I be given 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MANCHIN. We have Senator COONS, Senator MCCASKILL, Senator SCHUMER, and I am going to say something, and we will be finished.

Mr. SCHUMER. Is that OK?

Mr. President, I ask unanimous consent that after MCCASKILL, COONS; after COONS, SCHUMER; and then MANCHIN. It won't take more than 10 to 12 total minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I thank the indulgence of my colleagues.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, let me make very clear that when we get these benefits for these coal miners and their widows—when that happens, not if but when—make sure no one misunderstands who is responsible for it.

I want the coal miners in West Virginia to know one thing, there is only one person who will be responsible for those coal miners getting their benefits and their promises being kept, and that will be Senator JOE MANCHIN. It won't be President Donald Trump. It won't be the minority leader or the majority leader. It won't be any of us. There is only one man who is responsible for these coal miners getting what they are due, and that is Senator JOE MANCHIN, who has fought.

I am so sick of JOE MANCHIN talking to me about the coal miners. You can't see him in the hall when he doesn't grab you about the coal miners. He feels this in his heart. These are the people he grew up with. These are the people he knows and loves, and he is the one who is going to make this happen.

The other one I am fighting for tonight is a guy named Harry. Every time I open my desk, I get goosebumps because I look in my desk, and I see the name Harry Truman scrawled in my desk.

If you are a student of history and you know anything about Harry Truman, you know that he was very plainspoken. He got himself in a lot of trouble with his mouth, but, boy, did he believe in keeping his word.

When he was President of the United States—Louie Roberts told me, a man from Willard, MO, who has been in the mines and is a third-generation coal miner and has been in the mines all of his life:

John L. Lewis and Harry Truman—President of the United States of America signed an agreement guaranteeing lifetime medical benefits to UMWA miners. So Mr. & Mrs. Senators & Congressmen would you please keep your Promise.

Would you please keep your promise. Continuing:

We only ask that the Promise be kept that was made in that 1948 agreement.

I am also fighting for the word of Harry Truman. This debate reminds me of a fight we had in Congress a couple of years ago. Back then, Congress had approved a \$1 trillion spending package. Oh, man, the elves get busy around Christmastime. Omnibus package is code for "you have no idea what is in it."

We looked and poked around in it, and we found they were cutting the

pensions of thousands of Missourians who drove trucks for a living. We are talking about the people who take a shower after work, not before work. This place is really good at taking care of the people who take a shower before work. We are really good at that.

When they repeal the ACA, they are going to give a big old tax cut to the 1 percent again. We are going to do that. We are going to throw 22 million off of health care. But boy oh boy, we are going to take care of the 1 percent, but we are not so good at taking care of the people who take a shower after work.

That bill allowed those truckdrivers to have their pensions cut. I was the only Member of the Missouri congressional delegation to vote against it. By the way, in the same bill, we gave a car and driver to a Member of Congress. Really? A car and a driver to a Member of Congress and in the same bill we cut the Teamsters' pensions. Now I hear the House Members had to go home.

I don't know how many people who shower after work get 3 weeks off for Christmas, but I am pretty sure there are none. I am pretty sure they are trying to figure out if they have to cover a shift on Christmas. I am pretty sure they have to figure out how they can make ends meet so they can buy Christmas presents. But we have to get out of here so we can have 3 weeks off for Christmas—what nerve, doing that to these coal miners and taking 3 weeks off for Christmas.

On the way out the door, they did another Christmas present. They made sure that the Russian oligarchs get to sell us steel. They took out the "Buy American" provision in the WRDA bill. I think the guy who just won the Presidency said we are going to buy American. Then what did the Republicans in the House do? They take out the "Buy American" provision less than a week after he said it on his victory tour in Cincinnati.

I just know this. I am proud to vote no on the CR. Frankly, I am probably going to vote no on WRDA because of what they did with "Buy American." I am sick of the games being played. We are going to fight. We are going to fight until we get this done. We may not win this fight tonight, but I guarantee you we are going to win it. As Harry Truman would say—and I am quoting; so I can't get in trouble: "Come hell or high water, we are going to get it done."

I yield the floor.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I know there is not a lot of coal mining in Delaware, but we sure do have a lot of friends in Delaware.

I yield to my dear friend, Senator CHRIS COONS.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise in support and recognition of the tireless

efforts of my friend and colleague from West Virginia. We were sworn in the same day, moments apart, and we were sworn in by a man who held this seat and this desk for 36 years. Born in Scranton, PA, JOE BIDEN, our Vice President, served Delaware for 36 years. I know JOE and I know one of the things he tirelessly fought for, and that was the working men and women of this country—just like my colleague from Missouri, who speaks from the desk long held by Harry Truman and in whose honor she spoke about our keeping our promises that date back to a law passed by this Congress and signed into law by Harry Truman that promised pensions and health care to 100,000 coal miners.

I too have to keep faith with my predecessor in this seat, JOE BIDEN, and our neighboring State to the north, Pennsylvania; my great and good friend, JOE MANCHIN from West Virginia; HEIDI HEITKAMP of North Dakota; and many others who have spoken before me and simply say: I understand that large, complicated appropriations bills never include every item that every Member wants. I wanted a provision that would help a manufacturing company in my State, the 48 ITC provision. The investment tax credit would help keep a company that manufactures fuel cells in my State alive and running. I heard an awful lot of talk in this campaign about saving American manufacturing, about doing the things we need to do to help working people and to help manufacturing. I am as upset as my colleagues about the "Buy American" provision being taken out of WRDA and our not keeping our word to buy American steel.

But what all of us are here to stand for in common today is to keep our promises to the coal miners and their widows, for whom the Senator from West Virginia has fought so tirelessly.

When told that is a provision that can't be taken care of, that can't be done, when they were sent back 30 yards, they dropped back and said: Fine, we will work on the Miners Protection Act. They held hearings. They held a markup. They found an offset. They moved through regular order, and they found bipartisan support. It got out of the Finance Committee by 18 to 8.

Yet here we stand, likely on the very last night of this Congress, with a promised path being blocked and a 4-month extension, rather than a permanent solution—seemingly, the only option before us—and 16,000 miners and their families would lose health care this December 31 without a longer extension. Four months—that is all we can do—4 months, when these good Senators worked so hard and so tirelessly to find a bipartisan solution that doesn't take money out of the Federal checkbook, that has a proper path? This is a sad day when we can't keep our promises to the widows of coal miners, to folks who did dirty, dangerous, and difficult work for decades,

to the people who built this country. I think in some ways this is just a symbol of so many other ways we have failed to keep faith with those who have worked in this Nation for us.

I have not ever voted against a CR. I have always taken, I believe, the responsible path of making sure that we are able to craft a responsible compromise and get it done.

But as an appropriator in this year and in this instance, it was upsetting to me that we were kept completely out of the process of crafting and finalizing this appropriations bill.

So without hesitation, I will vote against it tonight because it is important we send a signal that we and many other Senators are determined to fix this problem. As the Senator from West Virginia said, there are no coal mines in my State, but there are many retired coal miners and their widows.

I have joined as a cosponsor of the Miners Protection Act, and I am determined to support the great and good work of my friend, the Senator from West Virginia, my friend the Senator from North Dakota, and so many others—from my neighboring State of Pennsylvania, Senator CASEY, and from States across the country and regions that are determined to do right by the people who built this Nation for us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, as you can see, there is a lot of passion here and a lot of passion for people who have hard-working men and women in their State also. I am so proud to have the incoming leader of our caucus, Senator SCHUMER from New York, who has been a stalwart on this. He has fought. He has stayed with us every step of the way, and he will continue to lead this fight until we are successful. At this time, I wish to make sure Senator SCHUMER gets recognized.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First, let me pay tribute to the steadfastness, the strength, and the courage of my friend from West Virginia. As Senator MCCASKILL said, not a day goes by where he doesn't remind us of the coal miners and their plight.

Last night, through his good offices, I met with some of these miners. They are not from my State either.

I looked into their eyes—hard-working people, many of them tired, not from the day, not from lobbying here—that is easy work for them—but from working in those mines for so many years. They are America. They are the people we owe so much to.

Having met them, seen them, and looked into their eyes, I understood why my dear friend from West Virginia and my friends from Virginia, Missouri, Pennsylvania, and North Dakota have such passion for these people. It is real.

I hope some of my colleagues on the other side of the aisle in the next month will be visited by these very miners. Look them in the eye, and tell them you can't help them? I bet you can't. I bet you can't.

We are here to live up to a promise made by Harry Truman, backed up by legislation in this body over and over. I don't care what your ideology is. I don't care if you are a big government cutter. This is not the place to cut. This is the place to recognize hard work, a promise, and America, because we say to people: If you work hard, we are going to be there for you. But tonight, we are barely there for you. We are not cutting it off, but we are not doing right by the people I met last night through the auspices of the Senator from West Virginia, fine people who got to my heart.

So we believe deeply in preserving these benefits, and we also believe in not hurting other people to preserve these benefits. So we are not going to shut down the government; we are going to keep it open. That would hurt millions of Americans as well and take millions out of the economy. So we are going to provide the votes to make sure we don't shut down, although there are so many people who want to stand with the miners. We never intended to shut down the government, but our intention is very real—first, to highlight the seriousness of this issue, not to let people think this is going to go away because they didn't live up to their promise. And I think we have made our point. I don't care if people don't like being here on a Friday night. I know people have other obligations, but those obligations are nothing compared to our obligation to these miners.

Leader MCCONNELL spoke to Senator MANCHIN a few hours ago and said that he would work hard to make the health benefits for miners not lapse in April. That is good, but it is not close to enough. It is a step forward, but we will go further, hopefully with the majority leader but even without.

We need the finance bill, the Miners Protection Act, a bill that would move money from the Abandoned Mine Lands Reclamation Fund into a fund to pay for the pension and health care benefits of tens of thousands of coal miners and retirees, not for 3 months, not for 1 year, but permanently. To show how serious we are, every single Democrat within just a few hours co-sponsored the miners amendment to the CR, and we did get two Republicans to join us. Welcome. We need more of you. Stand up for the miners.

The fact that we have gotten so many people on this legislation bodes well for our chances of getting something significant done in the new year. So when we return in January, we are going to be looking at every way we can to make sure the miners receive full funding. The sooner the better, the stronger the proposal the better, and we will do it.

Finally, I want to call on President-elect Trump to support our proposal. The President-elect ran on a campaign with explicit, direct promises to coal country, and he won coal country big; that is for sure. He held big rallies with coal workers. He said he would protect them. He talked to the miners and got to know them. So we are simply asking our President-elect to communicate to the people in his party to get on board and live up to the promise we made to miners many years—decades—ago.

Tonight, we are putting our Republican colleagues on notice. We will not rest until we do right by our miners.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I thank my colleagues so much. I am so sorry. The patience you have had is appreciated very much. It is an issue, as my colleagues can tell, we are very committed to and very passionate about. So thank you. We are just wrapping up.

I just want to say one thing to put it in perspective. I get to go around to schools in my State and really around the country talking to schoolkids, and I try to give a little history lesson. I always tell them: If you see a person in uniform, if your parent or your grandparent or your aunt or uncle, someone served in the military, I want you to say thank you because I want you to realize they were willing to take a bullet for you. They were willing to sacrifice their life for the freedom they are providing for you. Don't ever take it for granted.

What we failed to teach in that history lesson is to say thank you to a coal miner who has provided the energy to allow us to be the superpower, the greatest country on Earth. Say thank you.

Thank you to every one of my coal miners for what you do and what you have done for me in my little town of fewer than 500 people. I can't tell you how much I appreciate the life I have had because of the sacrifices and hard work you have given for me.

With that, I want to say to all of my colleagues, God bless each and every one of you. Thank you for the fight. This is the right fight for the right reason for the right people.

We will finish very quickly now with Senator JEFF MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we heard a tremendous amount over the course of the past year about fighting for workers and working families. What does it take for a working family to thrive? It takes a good living-wage job, access to public education for children, and for those children to be able to pursue their dreams with affordable opportunities and education. It also takes health care.

Take a profession like coal mining—far more dangerous than virtually any profession Members of the Senate have

had in the course of their lives. Health care is an essential element both for the miner and for their families. So how is it that we are at this point right now in which many miners don't know if they are going to have health care beyond April of next year? They don't know whether this body is going to stand with them. They are in limbo. They are in a state of anxiety, and it is absolutely unfair.

So we know, as tonight progresses, we are in a situation where we have an extension through April, but, as JOE MANCHIN has said in his fight leading this effort to necessarily secure health care for coal miners and as our incoming Democratic leader has said, this is going to be something that we are going to stand together for in this coming year. We are going to make sure their health care does not expire in April. This benefit has been earned through hard labor, over difficult years, in ways few of us can imagine, and we are going to stand with the coal miners in getting that benefit.

I am proud to sponsor this bill and stand with JOE MANCHIN and CHUCK SCHUMER tonight.

Mr. KAIN. Mr. President, I wanted to indicate how disappointed I am in the provisions affecting miners that have been included in the continuing resolution. While I will vote for final passage of the CR because we must not shut government down, the provisions contained are really an outrage.

Sixteen thousand three hundred retirees have received a notice that their health benefits will expire at the end of this year. What the majority has included in the CR is to extend those benefits through April. But what was left unsaid is that now, 22,500 retirees will lose health coverage at the end of April 2017, and 4,000 will lose them 3 months earlier than they otherwise would have. This plan also calls for taking money from a fund created to provide health coverage for retired miners whose employers went bankrupt. It ends the responsibility of the coal companies to contribute to this fund. This is a terrible giveaway cloaked in the provisions providing short-term health care for miners and their widows.

The promise that we will deal with those consequences later rings hollow when we have a permanent bipartisan solution before us, the Miners Protection Act. I have supported this and previous versions of this fix since I began my service in the Senate 3 years ago. The majority leader wanted the bill to go through regular order before any floor consideration. Well, this legislation passed the Senate Finance Committee 18-8 and is paid for.

I don't understand why we didn't take a floor vote on this bill months ago. It would receive strong bipartisan backing if it could get a floor vote.

Many of us talk about helping the working men and women of our country, protecting seniors and respecting the dignity of a lifetime of work. Well,

many of our constituents have been hard hit by the downturn in the coal industry. We cannot downplay what coal miners have sacrificed to fuel this Nation for over a hundred years—black lung disease, physically disabling accidents, whole communities built around coal mining have vanished or are suffering.

We say we want to support working families and protect seniors. We say we want to help Appalachia. I don't know what we are waiting for.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, a number of us have been waiting for several hours to speak. We understand the concerns of our colleagues across the aisle. We have been patiently waiting. I believe they have finished their remarks.

I would say that there were a lot of remarks directed across the aisle. There are several of us over here who are in support and voted for the issue of the day here. If only our Republican friends could join us, they said, we wouldn't be in this situation.

Several of us have supported this. Given the circumstances here at the end of the year with making sure we keep funding for government functions and not have it shut down, the agreement that has now been reached is a reasonable agreement that obviously will be taken up again in the next Congress. I won't be here. I supported it this year. I know a number of my colleagues have supported it. Many of us are from coal country and understand the concerns. But the larger issue for us is not to go into another shutdown.

I have served in the Senate for many years, and there has been nothing more disruptive that produces more uncertainty among businesses and individuals and employees throughout this country than the Congress not doing its job and providing funding for them and shutting down the government.

Having said that, I ask unanimous consent that following what we have just heard, Senator GARDNER have the opportunity to speak, I think for a relatively limited time, that I follow him, and I believe Senator SULLIVAN also wishes to come to the floor and speak.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, there has been a list that has been worked out for both sides. Many of us have been waiting many hours to deliver our speeches, and I believe what the Senator is proposing modifies that considerably.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, I have been on the floor here waiting for 2½ hours to deliver my speech on WRDA, and I don't think my colleagues across the aisle have been here for that amount of time. Maybe we should stick to the list that has been worked out on both sides.

Mr. COATS. Mr. President, if I could respond to my colleague, many of us

have been on the list also, and we also have been waiting hours and hours and hours—patiently waiting. Again, working down through the list was not followed by the opposition.

I am simply saying that what was asked just a few moments ago was not objected to. When Members on the other side of the aisle had their opportunity to speak, we were patiently waiting. They have left the floor. There is no one on their side who has not spoken.

I don't see what the problem is. The Senator from Oregon wants to file a list, but no one on the list on the other side is here. We are going to speak for a limited amount of time, and we have been waiting 3 hours to do so. So I am hoping my colleague would allow us to do that.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, I believe my colleague makes a persuasive argument. Many did come to the floor to share in that important dialogue regarding extending health care for our miners, and given that, I take the Senator's point, and I look forward to speaking later.

Mr. COATS. I thank my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank the Senator from Oregon for his accommodation in allowing us to speak, and I thank the Senator from Indiana, whom we will miss in the next Congress. The Senator from Indiana has been a great example for those of us who are new to the Senate in terms of his representation and statesmanship, and I hope and wish the Senator from Indiana nothing but the best for his future.

TRIBUTE TO ALAN LEE FOUTZ

Mr. GARDNER. Mr. President, I rise to honor the retirement and life and work of my dear friend Alan Lee Foutz.

Alan has been a part of my congressional staff for 6 years, representing the eastern planes of Colorado, first in Sterling and now in my hometown of Yuma, CO. His devotion to Coloradans is nothing short of inspiring, and his accomplishments in the field of agriculture and food production are a true testament to his agricultural acumen. But beyond that, it is his passion for serving others, his ability to find the positive in any situation, and his genuine demeanor that make me grateful and honored to call Alan a true friend.

Born on December 29, 1946, and raised in Akron, CO, Alan developed a penchant for agriculture. He was raised on his family farm, where they grew wheat and hay and raised turkeys, hogs, and a dairy herd.

In 1968, Alan graduated from my alma mater, Colorado State University, and earned a master's degree in agronomy in 1970. Alan went on to earn his Ph.D. in agronomy and plant genetics on several innovative projects, such

as mapping out the barley genome. He then pursued and followed his passion to California Polytechnic State University at San Luis Obispo, where he accepted a job as an associate professor of crops. From there, he was able to impart his passion and expertise to his students, thereby cultivating the next generation of food producers for our Nation.

Without a doubt, it was Alan's enduring spirit and overall amiability that made him the perfect fit to inspire young minds, but it was his love of Colorado that drew him back to his home State and his roots. After 9 years in California, Alan returned home and put his academic credentials to the test by partnering with his dad, Lyle, to operate a 10,000-acre family farm. But even that wasn't enough to satisfy Alan's insatiable appetite to advance Colorado agriculture. He became heavily involved in the Colorado Farm Bureau and in the year 2000 was elected president of both the Colorado Farm Bureau and the Colorado Farm Bureau Mutual Insurance Company. From there, his commitment to uphold and ensure Colorado's traditional farming and ranching values was fortified, guaranteeing a lasting impact on the agriculture community.

But Alan's service was not confined to the borders of Colorado, nor to the shorelines of America. He dutifully served on the American Farm Bureau Federation Board for 6 years and made multiple trips overseas to help further U.S. agricultural markets and exports to other nations. Indeed, with this impressive record, it is easy to see how lucky I was to have such an accomplished staffer join my team.

Over the years, while he was employed in my office, Alan demonstrated his tireless work ethic and commitment to Colorado agriculture. He played an influential role in ensuring that farmers and ranchers in the Republican River Basin who chose to conserve their land were being properly compensated by the USDA. Likewise, throughout the 2014 farm bill negotiations, Alan used his lifelong knowledge of agriculture policy to ensure that agriculture stakeholders across the State were being properly represented. And through the casework he does in my office, he has touched so many lives—likely more than he realizes. He has helped families navigate the adoption process to take home a child without a home. He has assisted countless veterans with getting the benefit they deserve and so much more. These are not just cases to Alan; these acts change people's lives, and he does them with humility and because he has a heart that is geared toward the service of others.

Nonetheless, after all of his successes, after all of his degrees, and after all of his accomplishments in and out of my congressional office, it is Alan's devotion and absolute love for his family and his church that is most inspiring.

He married his wife Val in 1966 and raised two children, Paula and Greg. When Al is not working on behalf of Colorado, he and Val enjoy spending time spoiling their grandchildren.

According to Alan, the driving force that propels his ambition and unequivocal success in life is his family. That is the true mark of an honorable man.

He wakes up every Sunday morning and drives almost 2 hours to serve as the only pastor at Kimball Presbyterian Church in Kimball, NE—basically 100 miles one way from his hometown—a small church that relies on his commitment to their community each and every week, a trip he makes for funerals, for weddings, for home visitations, but Alan doesn't just keep his commitment to his faith within walls of his church, he brings it with him everywhere he goes—whether it is by lending an ear to a young staffer in need of advice or making hospital visits to those in need. Alan is a man that exemplifies true virtue and a devotion to service.

Few people can honestly say they have made a long-lasting and meaningful impact on society. Alan is one of those.

Thank you for your passionate zeal, Alan, you bring to our team day in and day out. Thank you for your dedication to Colorado's farmers and ranchers, and thank you for providing me an opportunity to learn from you and to help move our great State forward.

God bless the Foutz family. I hope your good will, passion, and enduring spirit will continue to flourish.

HONORING COLORADO STATE PATROL TROOPER  
CODY DONAHUE

Mr. President, I rise to honor the legacy of Colorado State Patrol Trooper Cody Donahue.

On November 25, 2016, Cody pulled his vehicle over to the side of I-25 in Colorado to investigate and assist with a car accident. Cody was struck by an oncoming vehicle and tragically killed. Cody gave his life while nobly performing his duties as a Colorado State Patrol Trooper, and he—like all who walk the thin blue line—dedicated his life to protecting and serving his community.

Cody was an 11-year veteran of the Colorado State Patrol, a loving husband, devoted father, and a wonderful son and brother. He grew up in Grand Forks, ND, and attended the University of North Dakota, during which time he married the love of his life, Velma, and eventually moved to Denver, where they gave birth to two beautiful girls, Maya and Leila.

Since his passing, it is evident, through the numerous stories shared by families and friends, that Cody was always quick to put others before himself. So it comes as no surprise that Cody joined the State Patrol. His courage, reliability, and selflessness made him a perfect fit for a unit dedicated to the safety of Coloradans.

It is well known within the Colorado State Troopers' family that the badge

represents distinct values that each trooper must possess: character, integrity, and honor are to name a few. Cody was, true to form, an embodiment of each one of these values.

Character. Cody was a hard-working and equitable man. His fellow troopers were quick to point out that Cody would always treat each person he met fairly and with great respect and dignity. A true testament to his genuine character.

Integrity. Those closest to Cody knew him as a man of profound honesty who possessed a natural aspiration to lead and serve others. According to a tribute, Cody "was so honest that he once ticketed his wife!"

Honor. Cody was a genuine teamplayer, and would show up to work every day ready to serve, ensuring that his team was never a man down.

Indeed, Cody's core values as a State Trooper extended beyond the department. He was known as a loving husband and caring father whose adoration for his family knew no bounds. He placed his family on a pedestal and strived to be the best father and husband that he could be.

As we celebrate the holiday spirit with family and friends, we must never forget the tireless efforts undertaken by Cody and all the courageous men and women in blue to uphold the law. Many of these brave officers do not have the luxury to spend holidays with family and friends. Instead, they answer the call to duty. They ensure the safety of those we love most. They are the force that watches over us. So, from the bottom of my heart, thank you.

A hero is defined as someone who is "admired for his or her courage, outstanding achievements, and noble qualities." Through his work and time spent with family and friends, Cody embodied each and every one of these characteristics. So although Cody is gone, his memory will live on. Character, integrity, and honor, these were Cody's core values—values we must strive to emulate, values that will make Colorado and this world a better place.

HONORING DEPUTY DEREK GEER

Mr. President, when I was preparing this speech, I noticed there was a Christmas card on my desk today. I have it right here with me. It says, "Merry Christmas." Inside it says: "Wishing you all the beauty and joy of this peaceful Christmas season," and there was a note in it from David and Sandra Geer. Earlier this year, Derek Geer, their son—a law enforcement official—was also killed.

So while we pay tribute to Cody today, we pay tribute to Derek and so many others who feel like they have been targeted, feel alone, who must know we care for them, must know we love them, and must know we keep them in our prayers, day in and day out. May it not just be this holiday season but every day that they stand on that thin blue line.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, as my time in the Senate winds down, I find myself reflecting on many of the reasons I decided to return to the U.S. Senate.

Without a doubt, one of the main factors for my return was the skyrocketing Federal debt and the harm Washington's excessive spending will have on future generations, including my children and 10 grandchildren.

The day President Obama took office, the national debt was \$10.6 trillion. We are now closing in on \$20 trillion. Clearly, this cannot be sustainable without extraordinarily negative consequences for the future. That debt clock continues to tick along, and we continue to roll into more and more debt as we spend more and more on government programs than the revenue coming in to pay for them.

So when I returned to the Senate in 2011, I sought out opportunities to address this ticking timebomb. I worked with my colleagues, both Republicans and across the aisle with Democrats, on efforts to restrain Federal spending and stabilize our Nation's finances.

There were a number of efforts made. We are all familiar with Simpson-Bowles, a bipartisan effort that tragically did not succeed and was not accepted by the President. The Committee of 6—the Gang of 6, the so-called Gang of 6, three Democrats, three Republicans, seriously, fastidiously worked to try to put together a formula to put us on a path to fiscal responsibility. Then there was the supercommittee, and there were outside groups led by both Republicans and Democrats.

Ultimately, we hoped we were finalizing the efforts when the President, through his own initiative across the aisle, brought several of us into his venue and talked about how we could work together. I was part of that effort. Ultimately, eight of us, spending a considerable amount of time with the President's top people and the President himself, tried to find a solution or at least a step forward in the right direction. I am sorry to say that also did not succeed in the end, when even some of the President's own budget initiatives he had proposed were rejected by him later as part of a package.

When it became clear to me that major reform efforts could not be enacted while the administration occupied the White House, I launched a new initiative which I called the "Waste of the Week." I decided that each week when the Senate was in session, I would speak about documented and certified examples by nonpartisan agencies—those we turn to, to give us the numbers, those inspectors general who have investigated the situation and made recommendations, the Government Accountability Office—and all the material that is provided to us, not

on a partisan basis but simply the numbers, just the facts in terms of how taxpayers' money is being spent.

Today marks the 55th and final "Waste of the Week" speech. It may be fittingly so on what looks to be the last day of this session and my last day serving in the United States Senate.

It is a little bit of walking down memory lane in terms of talking about the "Waste of the Week" and the various items we have proposed. It has been everything from the serious to the ridiculous, which grabs people's attention: Look, I can understand maybe this particular situation where we overspent, but, come on, clearly, surely, we weren't using taxpayer dollars for something as ridiculous or embarrassing as that. I will mention a few of my favorite examples here that we have talked about.

Fraudulent double-dipping in Social Security disability insurance and unemployment insurance benefits to the tune of \$5.7 billion that was spent through basic fraud by those who were submitting applications for and receiving payments for both. Look, if you can work but are thrown out of work, unemployment insurance is available to you. If you are disabled and can't work, Social Security Disability payments are made to you, but you can't collect both, and people were collecting both, to the tune of \$5.7 billion.

Fraud in the Food Stamp Program. People were fraudulently receiving up to a total of 3 billion documented dollars in that program.

Department of Agriculture payments to dead people resulted in over \$27 million of payments.

These are the things that were presented. We were talking about several hundreds of millions of dollars and even billions of dollars. Something that grabbed the most attention was a study by a National Institutes of Health which was issued in which 18 New Zealand white rabbits received four 30-minute massages a day. The study was conducted at Ohio State University and designed to figure out whether massages can help recovery times after strenuous exercise.

I raised the question: Did we need to bring over 18 white New Zealand rabbits? I don't know what the cost was, but I think we probably could have found some rabbits in the United States at much less cost. Nevertheless, the study went forward, and, guess what. The results were that after four massages a day after strenuous exercise, they felt better than if they didn't get the massages. I wanted to apply for that process there, but I learned they euthanized the rabbits after the study was done. So I thought, well, it is a good thing I didn't join that effort.

Nevertheless, I was thinking, couldn't they just ask the Ohio State football team after a practice: Hey, guys, we are going to divide you in two categories. This category over here is not going to get massages after our strenuous practice sessions and this

half is going to get the massages and we will see if the guys who get the massages feel better than the guys who didn't. I think they would have saved the taxpayers a considerable amount of money. I don't see why the National Institutes of Health can come to the conclusion that a grant request for massaging rabbits is a good use of taxpayer money.

That is just 4 out of the 54 I have talked about. That is my walk down memory lane, but the total amount of the waste identified through these 54 examples adds up to more than \$350 billion.

We are down here arguing now about payments on a program, and we are talking about—well, we can't fund this, we can't fund that, that is an essential program, the Defense Department needs more money, the National Institutes of Health needs more money for cancer research, but we don't have any more money to give them.

Why not take actions to stop this waste, fraud, and abuse or, better yet, why not, not ask the taxpayer for this money in the first place? Why should the taxpayer be sending money to Washington to see that the accomplishment is waste, fraud, or abuse?

I am pleased to note we have actually had some success in addressing some of this wasteful spending highlighted in these speeches. Last year, the Congress approved legislation that will finally—finally—phase out the so-called temporary tax credit for wind energy—a credit that was supposed to expire over 20 years ago. We were promised that this is a study to get it started and see if it works to get enough wind energy at a cost that the public could afford and see this as a way of providing alternative energy, but, boy, once something is on the books, it gets reauthorized and reauthorized over and over. And for 20 years it is: Oh, we just need it 1 more year. We just need it one more time. On and on it goes.

Finally—finally—we have seen action taken by the Congress to complete this phaseout program, which will essentially save taxpayers billions of dollars and reduce the government's involvement in picking winners and losers through tax policy.

Congress also approved a measure I introduced to improve compliance in higher education tax benefits. By simply adding language to require proof of eligibility for certain tuition tax credits, we saved taxpayers over half a billion dollars in improper payments.

Recent Defense authorization bills have included provisions to reform the defense contracting process, which will help cut down on billions of waste. Of course, more work is still needed in this area, as a recent report identified as much as \$125 billion in wasteful spending at the Department of Defense. I am a strong proponent of a strong national defense, but when we find that well over \$100 billion has been misspent, we are compromising our national security, and we are not giving



our soldiers, sailors, marines, Coast Guard, and others all the resources they need to provide for our national security the way it needs to be provided for.

Today I am here for my 55th and final “Waste of the Week.” I want to talk about relatively modest—it is amazing you can say this. Only here in this Chamber, only in Washington is \$48 million called “modest” because we talk in billions and trillions. Anyway, \$48 million in Medicaid funding for drugs to treat hair loss—not hair loss for therapeutic reasons, not hair loss as a result of cancer treatments, but for cosmetic purposes. Medicaid is paying out \$48 million to provide for measures that will help reduce hair loss.

I want to stress that Medicaid is part of our Nation’s safety net, to help those in need. That is all the more reason we have to ensure that Medicaid is run effectively and efficiently to have the financial resources to help low-income families gain access to medical care. This also means we have to protect Medicaid by ensuring that its finances are not used for medically unnecessary services.

There are certain medical services that all State Medicaid plans are mandated to provide, and then there are a number of additional services that are optional for States to cover. One of these services includes drugs to treat cosmetic hair loss. This is not hair loss due to an underlying medical issue, as I mentioned; this is hair loss that just happens, often as we age. The treatments paid by Medicaid are for cosmetic purposes only.

I think all of us would love to have a full head of hair, and I speak as one who falls in that category. As I look around the Senate Chamber, I see others who have joined me in watching the hair fall off their head and looking in the mirror and saying: How many hairs did I lose last night, and when is this going to end?

Losing your hair is not always fun, but I promise you, as someone who has been through all of this—and you are not alone—soon enough you will simply accept the fact that while you won’t make the finals in the 50 Most Beautiful People in America, life will go on.

According to the nonpartisan Congressional Budget Office, the Federal Government could save \$48 million over 10 years by not paying for this cosmetic hair loss treatment. While this may seem like a small amount of money compared to our nearly \$20 trillion national debt, it is yet another example of unnecessary use of hard-earned taxpayer dollars.

Fortunately, the Senate recently passed legislation that included a provision to end the Federal reimbursement for cosmetic hair loss, and that bill, fortunately, is on the way to the President for signature into law. By bringing attention to some of these issues, we have been able to take legislative action to try to address and keep unnecessary spending off the charts.

To conclude, while today marks the end of the “Waste of the Week,” I want to implore my colleagues in the House and Senate to keep going, to keep fighting to stop wasteful spending.

I also want to acknowledge that my staff over the period of time, at different times, as they were working on this project, provided to me the examples, and they dug in and did their research so that I could come to the floor to make these points and hopefully, hopefully save the taxpayer hard-earned dollars that shouldn’t have been sent to Washington in the first place but were not used wisely and efficiently when they came here. I particularly want to thank the following members of my staff: Paige Hanson, Ansley Rhyne, Aaron Smith, Amy Timmerman, Kristine Michalson, Matt Lahr, and Viraj Mirani.

Our former Governor, my friend Mitch Daniels—former Governor of Indiana and the current president of Purdue University—famously said: “You’d be amazed at how much government you’ll never miss.” Indiana has set the example with significant cuts and reforms in spending to take our State from a deficit to a \$2.4 billion surplus. There were significant cuts in many agencies through the growing of bureaucracy that took place, and we have yet to find what parts of government we miss.

There are so many programs and so many ridiculous things that the government funds—like rabbit massages and cosmetic hair loss treatment—that most Americans don’t even know about and have never heard of, and while I no longer will be here, I am hopeful that the next President and the next Congress will work in tandem to achieve these goals. They could use my 55 “Waste of the Week” examples as a starting point, and they can continue because we have just scratched the surface.

Today, I would like to add \$48 million to our total. And just in this cycle of the Senate alone, we have come up with a grand total of \$351,635,239,536—money that can be used for a better purpose.

With that, my final words addressed to my colleagues in this extraordinary experience I have been privileged to enjoy, I, for the last time, yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COATS. Mr. President, under the unanimous consent, Senator SULLIVAN was up. I notice the leader is on the floor, and I am sure he would yield to the leader for his leadership purposes.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, let me give everyone the state of play. First, I will be offering a consent request to set the continuing resolution votes at 10 o’clock.

Having said that, I ask unanimous consent that notwithstanding the provisions of rule XXII, at 10 p.m., the

Senate vote on the cloture motion with respect to the House message to accompany H.R. 2028. I further ask that if cloture is invoked, all time postcloture be considered expired and Senator MCCAIN or his designee be recognized to offer a budget point of order, and that if the point of order is raised, the motion to waive be considered made and the Senate vote on the motion to waive without any intervening action or debate. I further ask that if the motion to waive is agreed to, the motion to concur with further amendment then be withdrawn and the Senate vote on the motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me explain before my colleague, the Democratic leader, addresses the matter. What this does is set up votes in connection with the CR at 10 p.m., but then I want everybody to understand that if we can’t get an agreement to move the WRDA votes up to that series of votes, they will occur 3 hours later, at 1 a.m. Failure to consent to including WRDA will only delay the Senate until 1 a.m. in the morning.

Let me go over that again. At the moment, I understand there is an objection to adding the WRDA votes to the stack that we just agreed to. So without consent, we will be here another 3 hours or so, voting at 1 a.m. Everybody should understand we are going to finish all of these votes tonight, and that is the schedule for the rest of the evening.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, we have now three hours until 10 o’clock. I hope that during that period of time, people will do whatever they need to do to make sure they get anything they want in, whatever they are trying to get.

The reason I say that is that we are going to continue, as the leader has indicated, working on a way to get out of here tonight. If not, we will get out of here tomorrow. I hope that—if someone has something they want to talk to me about, I will be happy to carry that message to anyone, including the Republican leader, but I think right now we have 3 hours to sit around, stand around, and talk about this and find out if there is anything more that can be done.

I hope that at 10 o’clock, we will be in a position to let everybody know if we are going to have a vote before 1 o’clock in the morning because these votes will take at least an hour, the three votes that are scheduled, so that means 11 o’clock. By waiting around, you are delaying things by a couple of hours at a fairly late time at night. I think by now everyone has a pretty good idea of how they are going to vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, my colleagues have been very gracious and

have gotten a little bit out of the queue, so I ask unanimous consent that I be allowed to address the body for 5 minutes; following me, Senator SULLIVAN will address the Senate for 10 minutes; and following him, Senator COONS will address the Senate for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WRDA

Mr. WYDEN. Mr. President, I rise to voice my opposition to the Water Infrastructure Improvement for the Nation Act. In my view, Senator BOXER and Senator INHOFE have done a lot of good, bipartisan work on this legislation. Infrastructure is hugely important to our country. I constantly say you cannot have a big-league quality of life with a little-league infrastructure, and this legislation in particular has some very important provisions that I and Senator MERKLEY have worked on for our home State. It includes assistance to help build homes for displaced Native American families, it provides funding to help restore fish and wildlife habitat in our rivers, and it particularly includes assistance for small ports in Oregon and across the country.

The fact is that small ports provide crucial access to commercial and recreation fishing. They are home to ocean science and research vessels. In our part of the world, they are the gateway to the global economy.

Year after year, these ports have faced uncertain funding that threatens good-paying jobs. I worked with other Members to make sure the WRDA bill includes stable, permanent funding—over \$100 million annually—for small ports in Oregon and across the Nation.

I highlight this to say what this legislation does for a number of crucial areas—to the economy and our quality of life. Senator BOXER and Senator INHOFE have done very good work, but my big concern is about the rider that was added on California drought, which threatens the west coast fishing industry and has put every single good provision in this legislation at risk.

Water issues have never been easy, and I want to compliment my colleague from California for her hard and long work to get a deal on drought that addresses California's serious and ongoing issues. Oregon is no stranger to water challenges, but there has to be a collaborative, stakeholder-driven process, and this rider is not a product of the kind of compromise you get with a true collaborative effort. In effect, an entire west coast industry feels left out of the discussions. Fisheries and hard-working families in coastal communities that depend on a healthy stock of salmon stand to lose the most, and these stakeholders have told us they have had no meaningful seat at the table.

The rider is not just about water and agriculture in California; it threatens the health and sustainability of the salmon fishing industry up and down

the Pacific coast. The drought provision, in my view, also threatens to undermine bedrock environmental laws, such as the Endangered Species Act, and it certainly would create the prospect of the new administration having power of its own volition to override critical environmental protections.

I and my Pacific Northwest Senate colleagues have heard from concerned west coast fishery groups and coastal businesses for days. My constituents are concerned about the implication of pumping water out of the Bay Delta to support a small number—a handful—of very large agribusinesses in California. They believe that hard-working men and women in the fishing industry and coastal businesses are going to pick up the tab for this break for the large agribusinesses. That is not the way to manage water in the West for the long term.

The water infrastructure bill, which is meant to provide support for water-dependent communities, doesn't do a whole lot of good if there are no fish in the ocean. If there are no fish in the ocean and no fishing families or fishing boats in the ports and no fish at the dinner table, the water infrastructure bill is going to be something that we regret. I believe we will regret it in this form.

At a time when coastal communities need as much help as they can get, this provision threatens to do the opposite. As long as the Water Infrastructure Improvements for the Nation Act includes this California drought rider, I think it would be a mistake to go forward.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Alaska is recognized.

REMEMBERING MIKE KELLY

Mr. SULLIVAN. Mr. President, yesterday my State lost a great leader in a tragic plane crash. Mike Kelly was a former State legislator from Fairbanks. He was the patriarch of a wonderful interior Alaska family. He leaves behind a long and accomplished legacy of public service, leadership to his community, to the interior, and to our great State, which he loved so much. He also leaves behind a wonderful wife, siblings, and children who have also played and continue to play such an important role in Alaska. He will be sorely missed by all of us.

Rest in peace, Mike.

SUPPORTING ALASKA'S LAW ENFORCEMENT COMMUNITY AND HONORING SERGEANT ALLEN BRANDT

Mr. President, the holidays are nearly upon us. It is the time when Christmas cheer descends on us, when hearts open and we reach out to our neighbors, friends, and even strangers, particularly those who are in need.

Today I want to reach out to the police force in Alaska. These men and women put their lives on the line every day for us, and anyone who has seen the news in these past few months knows it has been a particularly dif-

ficult time for police officers all across the country, who have faced unprecedented levels of violence—deliberate attacks. Across our great Nation, our men and women who get up every morning with the mission to protect us are having their lives taken. As of December 5, there have been 134 fatalities against police officers this year alone. That is up by more than 20 percent from last year. Let's face it—they are being targeted. Some of them are even being ambushed.

Just a few minutes ago, right here on the floor, the Presiding Officer gave some very eloquent remarks about what has happened in Colorado. These kinds of acts are happening all across the country—Iowa, Massachusetts, Texas, California, Colorado, Pennsylvania, Georgia, and unfortunately more than once in recent weeks in my home State of Alaska.

One brave Anchorage police officer, Arn Salao, was a victim of a cowardly ambush in Alaska, but thankfully he survived. The incident resulted in the arrest and the killing of an accused murderer who has now been accused of killing five others in Anchorage.

Unfortunately, another officer involved in a shooting in Alaska—this time in Fairbanks—wasn't so fortunate. On the morning of October 16, Sergeant Allen Brandt, an 11-year veteran of the Fairbanks Police Department, responded to reports of shots being fired. After pulling his vehicle over to question a suspect, Sergeant Brandt was shot five times. After being treated for several days, Sergeant Brandt was expected to survive. He even came to testify in a remarkable act of courage in front of the Fairbanks City Council on October 21. His testimony was riveting, but in a devastating turn of events on October 28, just a few days later, Alaskans learned that Sergeant Brandt had succumbed to the complications related to his injuries in recovery. The hopes of our entire State were crushed upon hearing that this brave, young public servant had passed away. Alaskans from every corner of our State held vigils and continue to mourn his loss.

There was a memorial service in Fairbanks attended by thousands. It happened to attend that with my fellow Alaskans. It was one of the most moving services I have ever attended. At the memorial service, Sergeant Brandt's testimony from just a few days earlier in front of the Fairbanks City Council was played. There, he was speaking to all of us on these important issues. It was so powerful and so moving to see this young man so articulately speak about issues that don't just impact Fairbanks, AK, or Alaska, but the whole country.

Sergeant Brandt left behind his wife Natasha and their four young children under the age of 8.

I have talked about his testimony that he gave in Fairbanks that was played at his memorial service, which

was so powerful. Only a few days earlier, he had been shot. He gave his testimony, and then unfortunately he passed away. I wish to read several excerpts from his testimony because I think it reflects not only the importance of this issue, but it shows this young man speaking on something that impacts the whole country.

Here is the testimony he gave at the Fairbanks City Council. There was thunderous applause, of course, when he walked in—a man who had been shot five times just a few days earlier. He stated:

I am humbled by the honor, and I'm no exception to the rule. We have many fine officers that are far greater and have done better things than I have. I do appreciate the community's support and I know sometimes it's hard for officers to see whether or not the city supports us, but I've always said that by-and-large, the city does support its police officers. And you know we're never going to have the support of the criminals . . . and to tell you the truth, they don't have my support either. However, I do support their constitutional rights and their free exercise of them.

He continued:

I've seen the hand of the Lord in my situation. Can you believe I was shot five times through the legs and I walked into this room. There's a bullet, it's almost healed up, but right here over my heart where my vest certainly saved my life there.

I appreciate the support of the community, the Fairbanks Police Department, the Anchorage Police Department, the Alaska State Troopers, and other officers. But our officers do a very hard job, and they need your support. Unfortunately, when an officer gets shot or something bad happens, it's just human nature—we don't think about things that we need until something bad happens. I don't blame anyone for that. But, you know, think about our officers. I've worked for the city for 12 years, probably ten of those years I worked weekends when my friends are off. I work at night and sleep during the day. I don't sleep with my wife. And the other officers, too. I was never called a racist until I put the uniform on. You know, once you put a police uniform on, you're a racist. I can't ever let my guard down, not at Fred Myer and not at my house. I travel everywhere armed. Always vigilant. Always watching. And the other officers over there, they're the same way. So, we need your support. Not just when bad things happen. But the officers over there do a hard job. And most of the time it's thankless. And we've really appreciated the outpouring of support that's comes from this.

He concluded his testimony. He called out to one of his buddies:

I think Sergeant Barnett's here, and I want to thank him. Sergeant Barnett was the first one on the scene, and until he got that tourniquet on my leg, I didn't think I was going to survive because I was bleeding a lot.

But let me leave you with this last story that he told his fellow Fairbanksians: The night I was shot, I had my four kids and my wife on my bed. I read them a story like I always do. After the story, I told them, I think I am going to get shot tonight.

Can you imagine saying that to your kids? He continued: And it happened. In the middle of the gun battle, that is all I could think about.

He concluded by saying this: Can you imagine telling your kids before you go

to work that you are going to get shot? Well, that is what our police officers deal with every day. I am not complaining, but I just want you to know what it is like, the life of a police officer.

Then he looked at the audience and said: But we appreciate your support.

That was his testimony. Only a few days later, he passed away. As I read that testimony again, I am struck by Sergeant Brandt's extraordinary selflessness. At the same time community members were applauding his bravery, Sergeant Brandt sought to remind us of the bravery of his brothers and sisters in blue, the unsung heroes who face the same dangers he did but without public fanfare or an outpouring of support.

Having met with first responders all over my great State, I know that Sergeant Brandt's extraordinary selflessness is not an outlier, and it is not an exception; it is a hallmark of our police force and the fire department. They wake up each morning knowing that today may be the last day they get their kids ready for school, the last day they kiss their spouse goodbye. Today they may be asked to lay down their life to save another. That is a heavy burden. It is a burden that is shared by the spouses and children who have seen too many sleepless nights, praying for the safety of their mom and dad.

In conclusion, over the holidays we are all going to come together with family and friends to celebrate the holidays. We are going to remember our troops overseas. But let's keep in mind the sacrifices being made by our brave officers, as well as their families, who will be on the beat during the holidays just like our members of the military, protecting us.

On behalf of my fellow Alaskans, I want to express my profound gratitude and thanks to our proud law enforcement community for all they do to keep our communities safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to speak about the continuing resolution that is the business before the Senate. We are here once again today, as we have too often been in the 6 years that I have served here in the Senate, working at the last minute to avoid shutting down our Federal Government later tonight.

As we have before, to avoid a shut-down we appear likely to pass yet another continuing resolution. As an appropriator, as someone who is on the committee that is responsible for putting together all the provisions that will help keep this government moving forward, it is a real disappointment to me that this continuing resolution fails to address issues of real concern to folks all over this country.

Earlier this evening, I joined a number of my colleagues to draw attention to coal miners and their widows and

the concerns we have about extending their health care through the adoption of the Miners Protection Act. Although that is an issue that dozens of Senators are concerned about, I wanted to speak tonight about another unacceptable omission in this legislation.

This continuing resolution does not include a lesser known but, to me, no less important provision, one that my senior Senator TOM CARPER and I have fought tirelessly for and one that is important to a manufacturing company in my home State of Delaware and dozens of companies in dozens of States. Last year, when Congress passed at the end of the year the omnibus spending package, we left on the cutting room floor, through an inadvertent staff error, provisions to extend a series of clean energy tax incentives known as the 48C investment tax credit, or ITC—not all of them, just for a few narrow and defined areas and, in a case that I care most about, for fuel cells. Those incentives have bipartisan support and have already proved successful at creating new technologies and good manufacturing jobs in this country.

We have heard a lot of talk in the last campaign about bearing in and fighting hard to save manufacturing jobs here in the United States. Well, extending the ITC is exactly the chance we had here today—we have had in the past year—to do just that. There are tens of thousands of jobs and hundreds, likely thousands, of companies across our country that rely on this ITC. In my home State, Bloom Energy, a company that manufactures in a number of States, has a significant presence. Built on the site of a former Chrysler plant, it was taken down when Chrysler closed its facility.

Bloom Energy offers real promise for the hundreds of Delawareans who work there in a cutting-edge clean energy business that was growing. But without the benefit of that section 48 investment tax credit, they are not growing. They may even have to lay people off. In my home State and in States all over this country, that is a concern I wish we had worked together to address.

These are incentives that have been proven to bring good jobs to the United States. If we don't extend section 48, as I think is very unlikely to happen tonight, tens of thousands of jobs across our country and dozens, at least in my home State, are at risk.

All over the country, we have heard in writing from hundreds of companies in 48 different states that support this extension. These companies want to invest in the research and development, the scaling up of new clean energy technology. They require long-term certainty and stability. But the extension of those credits has been pushed into next year sometime, after a year in which it was promised over and over this would get addressed.

The fault here lies predominately in the other Chamber, in the House, which did not respond to requests from

the leadership of this Chamber for this to be addressed. Republicans in the House are trying to push this issue, this extension, into a tax reform package planned for next year. But tax reform has been on the agenda here for year after year after year, and these credits expire this year, December 31.

With countless jobs at stake across the country, punting this to next year after a year in which it failed to be brought up and addressed has real world implications in my State and States across the country. So, after mistakenly, admittedly by error, dropping this extension a year ago, leaders promised that this issue would be addressed. A year later, it has not been. So on the stack of reasons why I will cast an unprecedented no vote on the CR tonight, this is just one more reason—a failure to fulfill a longstanding promise that these tax credits would be extended.

Companies can't invest and grow if they can't have a predictable path forward for investment and know about what is the possibility for their incremental investment in R&D and manufacturing. Real American businesses today, like Bloom Energy in my State and hundreds of others, need this reliability. There is no reason this could not have gotten done. There is no reason promises made could not have been kept. There is no reason this could not have been resolved.

So with real disappointment and regret, I am going to vote no for the first time on a continuing resolution that puts at risk keeping this government open because of a whole series of missed opportunities in this year's bill. It is my hope, it is my prayer, that next year, with a new Congress and with a new President, we will renew an attempt to find a bipartisan consensus around what it is we have to do to be competitive as a country, to sustain an all-of-the-above energy strategy, and to work together to find solutions that will grow manufacturing in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### COAL INDUSTRY

Mr. SULLIVAN. Mr. President, a number of my colleagues were down on the floor a little bit ago, talking passionately about the challenges our coal miners in the United States face. I want to mention Senator MANCHIN from West Virginia, in particular, who is someone who speaks with a lot of passion on this issue as was mentioned—so much so that I cosponsored the bill that he has been advocating, largely on the basis of his strong advocacy and, to be perfectly honest, the great respect I have for Senator MANCHIN.

I do find it a bit ironic that what we have not heard from any of my colleagues on the other side of the aisle, when talking about coal miners' challenges, is that we have just had an 8-year war against the coal industry and

coal miners, waged by the President of the United States Barack Obama, and all of his Federal agencies—8 years—unprecedented, illegal from my perspective.

Where is the outrage? There have been a number of us who have been trying to fight this war against coal miners for the last 8 years. Where is the outrage about that? The war on coal is what has hurt many of these miners. I am confident and hopeful that the incoming Trump administration will help those miners with real jobs, not continue to purposefully put them out of work as the Obama administration has done.

So when we talk about coal miners, taking care of them, we also need to talk about who has been waging that war and who has been fighting against it. That is what we really need to do to protect coal miners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

Mr. FRANKEN. Mr. President, first I wish to associate myself with Members who came to the floor this evening to talk about the CR. I will be voting against it. This isn't about shutting the government down. This is about the House putting forward a bill really without consultation with Senate Democrats—there was some, but at first there was none—and then leaving town. I feel that we could easily do a very short-term CR to hash out a few of these matters—the health care for miners and their widows being foremost in my mind. That easily could have been done. It is not as if we worked in this body too many days this year, and I think we could have worked next week to iron this out, to hash this out. I will be voting no because if we really care about the working people in this country, we really ought to be protecting their pensions and their health care.

#### REMEMBERING CAPTAIN LUIS MONTALVAN

Mr. President, I rise today to honor a very special man and friend of mine, CPT Luis Montalvan, one of my personal heroes.

On Monday I received the news that Luis had died last Friday. This has been a difficult week, and I am grieving Luis's death. Luis deserves to be honored because he dedicated his life to helping other veterans cope with the same struggles he faced after returning from war. I hope to do him justice because his story deserves to be told.

I met Luis in January of 2009 at an IAVA event—Iraq and Afghanistan Veterans of America. Luis was there with Tuesday, his service dog. I love dogs, and so I immediately went to Luis and to Tuesday. He told me that he could not have been there if it weren't for Tuesday. I asked him what Tuesday did for him. He told me he had

severe PTSD, and he had been an agoraphobic, which is why he couldn't have been there without Tuesday. I asked him what Tuesday did for him. He said Tuesday could anticipate when he was going to have a panic attack by the smell of his perspiration or changes in his breathing pattern and that Tuesday would nuzzle him, and he wouldn't have the panic attack.

Luis talked about how he had debilitating nightmares. If he started thrashing in his bed, Tuesday would jump on the bed, wake him up, and he wouldn't have to endure a debilitating nightmare.

He said he was agoraphobic, so he didn't go out. He got Tuesday as a service dog. He had been drinking very heavily, alcoholically, and he was offered this opportunity—this chance to have a service dog, to be paired with this service dog. He was trained with Tuesday. Tuesday had been trained a couple of years beforehand, including by a prisoner who had been serving a sentence for second-degree murder and had been a big part of Tuesday's training. That man was released from prison and now trains dogs for a living. He has a business doing it.

He brought Tuesday back to his apartment in Brooklyn, a small apartment that he couldn't leave. He said he learned something about having a dog. You have to take a dog out at least twice a day. He learned something else, which is that people don't go up to scruffy-looking wounded vets—he walked with a cane because of part of his wounds in Iraq—but they will go up to a scruffy-looking wounded vet with a beautiful dog. Having Tuesday broke his isolation. He got out of his apartment, into life, and starting attending Columbia University School of Journalism.

I was so inspired by meeting Luis and Tuesday that, while I was waiting for my election to the Senate to be resolved in 2009, which took about 6 more months—I met him in January of 2009—I spent a lot of that time during my recount and then the legal actions after that researching service dogs and the benefits they bring to their owners.

When I got to the Senate, the first piece of legislation I introduced was quickly passed into law. JOHNNY ISAKSON of Georgia was my lead cosponsor. The bill was designed to increase the number of service dogs for veterans. Luis inspired that.

In 2011, after graduating from journalism school, Luis turned his story into a book entitled: "Until Tuesday: A Wounded Warrior and the Dog Who Saved Him," which chronicled his journey after returning from Iraq. It was a very candid and deeply moving account of his struggle. I have always admired the bravery it took for Luis to share his story. In the year since the book came out, he had been traveling around the country, sharing his story with lots of people, giving speeches and interviews about his experience. He even had the chance to appear on the David

Letterman Show with Tuesday. It was something I know Luis really enjoyed.

Luis wrote two children's books about Tuesday. His book "Tuesday Takes Me There: The Healing Journey of a Veteran and his Service Dog" is one of my grandson Joe's favorite books. Luis wrote these children's books so kids could learn about how Tuesday changed his life and helped him by helping him through his daily activities.

This year had been a difficult year for Luis. Despite Tuesday's steady presence, Luis was still feeling pain in his leg when he walked. Sometimes that made it difficult to get around. To ease the pain, he had his leg amputated a few months ago, and he was in an intensive therapy program to relearn to walk with a prosthetic.

He had other physical difficulties though. I talked to Luis's parents this week to call them and tell them how sorry I was for their profound loss, and they told me that among other health difficulties, he was suffering from very severe heart problems. So he was going through a difficult period.

I wish to celebrate the legacy he leaves behind, his legacy of helping veterans cope with life after combat. Because of Luis, more veterans are now able to access service dogs.

Let me tell you something about these amazing dogs. Obviously, a service dog can't do everything, but they do a lot to help. Service dogs raise their master's sense of well-being. They help reduce depression. They ward off panic attacks—as they did with Luis. They assist when their owner needs help standing back up after falling. They do so many things—and not just for veterans. They do it for diabetics. They can smell when the blood sugar is too low. They can be companions for autistic kids. The parents had told me that they could take their child to the mall now because they won't act out because they are taking care of their service dog while their service dog is taking care of them.

For veterans living with service-related injuries, these dogs can make a tremendous difference between veterans having a very good life—a decent life—and a very difficult one. My bill was a step in the direction to make sure that all veterans who need a service dog are able to get one.

Still, we must realize that so many of our veterans still struggle mightily, sometimes years and decades after they come home. The hard truth is that in many ways we are family—our vets.

The VA estimates that upwards of 20 percent of veterans of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan suffer from PTSD. Twelve percent of gulf veterans and 30 percent of Vietnam veterans have suffered PTSDs during their lifetime.

These statistics should serve as a sobering reminder of the pain that so many veterans live with. It should re-

mind us that unless you yourself have seen combat—which I have not—there is really no way to ever fully understand what they have gone through. I know I certainly don't, but I do know that these men and women put themselves in harm's way in service to our country, and it is our obligation to do everything we can to help them when they come back.

As Members of Congress, it is our responsibility—more than anyone else's in this country—to do right by them. I certainly do not have all of the answers, but I do know we can do better.

Luis was my friend. He was a good man who loved his country and wanted nothing more than to help ease the pain that so many of his fellow veterans experienced. I don't have the words to describe the sadness I feel knowing Luis is gone.

There is a lot to learn from Luis's book about what these men and women endure when they come back from war, but learning about the relationship between Luis and Tuesday is really one of my favorite parts.

Here is one of my favorite passages. And remember that one of the things Tuesday could do for Luis is anticipate panic attacks. Here is the quote, and this is from his book.

Tuesday quietly crossed our apartment as I read a book and, after a nudge against my arm, put his head on my lap. As always, I immediately checked my mental state, trying to assess what was wrong. I knew a change in my biorhythms had brought Tuesday over, because he was always monitoring me, but I couldn't figure out what it was. Breathing? Okay. Pulse? Normal. Was I glazed or distracted? Was I lost in Iraq? Was a dark period descending? I didn't think so, but I knew something must be wrong, and I was starting to worry . . . until I looked into Tuesday's eyes. They were staring at me softly from under those big eyebrows, and there was nothing in them but love.

Luis, I want you to know that while you are not with us anymore, I am so proud of you. I am so proud that you were brave enough to serve your country for 17 years, and then brave enough to share the story of the hardship you faced afterward. I am so proud of you for giving hope to other veterans who faced the same struggles you did. Your book sits on my Senate desk still and always will. It will stay there as a reminder of the man I am proud to have called my friend.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

BLACKFEET WATER RIGHTS SETTLEMENT BILL

Mr. DAINES. Mr. President, today the Senate can make history in Montana. The Senate has the opportunity to send the Blackfeet Water Rights Settlement Act to the President for his signature with the passage of this WRDA bill, an issue I have been working on since I first came to Congress.

Modern efforts to settle the Blackfeet tribe's water rights date back to 1979. After long negotiations and after being introduced four times in the Congress since 2010, this year, the compact

passed the Senate for the very first time, and with the passage of this bill, it will finally become law. The Blackfeet Tribe has waited long enough. It is time to get this compact across the finish line, and we are very, very close.

This compact will not only establish the tribe's water rights but irrigation for neighboring farmlands. We call that area Montana's Golden Triangle. It is some of the most productive farmland in our State. In fact, it is where my great-great-grandmother homesteaded.

Today is a historic day for the Blackfeet Tribe, for Montana farmers, and for Montana families. The Blackfeet water compact will update decades-old infrastructure, and it will strengthen irrigation for agriculture, while also protecting habitat.

I want to commend the Blackfeet Tribe and its chairman, Harry Barnes, who have been diligent and patient in seeing this settlement forward. I commend our State for its commitment to the Blackfeet Tribe and Indian Country in Montana. I urge the support of my colleagues in passage of this WRDA bill.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, today the Senate will vote to put the government on autopilot for the next 4 and a half months. Coupled with the continuing resolution we are currently under, that is 7 months of fiscal year 2017 priorities funded—or not—under the terms of the fiscal year 2016 omnibus bill. Freezing in place an earlier year's priorities—ignoring the many hearings and the committee work and the debates and the oversight that the Appropriations Committees have invested in genuine, full-year funding bills for next year—by definition means this stop-gap bill is chock-full of great mismatches between our current priorities and those set long ago for an earlier fiscal year. By definition it means wasted diversion of funds to past priorities and giving short shrift to changing circumstances, needs and priorities.

What does that mean to Vermonters? It means cuts to food assistance needs. It means halted homeland security preparedness grants. It means uncertainty for affordable housing developers and transportation planners. It means we here in Congress didn't get our job done.

What makes the vote on this continuing resolution all the more frustrating is the fact that we didn't need to be in this predicament today. The Senate Appropriations Committee carefully considered 12 individual appropriations bills. All but one were reported with broad if not unanimous support. Through September, October, and into November, we negotiated in good faith and in a productive way with our counterparts in the House of Representatives. That is until the order came to stand down. The word was that the President-elect didn't want us to pass a responsible, full-year budget. The word was that he wanted Congress once again to kick the can

further down the road. Then Democrats in both the Senate and House were shut out of the process—no consultation and no negotiations.

In the absence of what could have been an achievable omnibus appropriations bill, this continuing resolution does fulfill a few key priorities. It avoids a government shutdown, just before the holiday season. It provides the millions of dollars authorized earlier this week in the 21st Century Cures Act to fight opioid abuse and cancer. It rejects the National Defense Authorization Act's proposal to increase base defense spending through an increase in overseas contingency operations funds. It provides billions of dollars in emergency disaster assistance for recent natural disasters. It supports additional funds to care for unaccompanied children from Central America and Mexico. And at long last, it provides overdue funds—fully offset through the Water Resources Development Act authorization—to address the shameful lead contamination crisis in Flint, MI. The people of Flint have waited far too long, while Congress has dragged its feet, to finally have access to the needed resources for the children and families suffering there.

These are, surely, all reasons to support this continuing resolution. But, as with most things, there is another side to this story.

The continuing resolution extends, without desperately needed reforms, the EB-5 immigrant visa program. I opposed the current continuing resolution for this same extension. As I have said numerous times, the EB-5 program has become mired in fraud and abuse. Almost everyone agrees it is broken. It is time we fix it. If EB-5 cannot be reformed due to a paralysis of leadership, the time has come for it to end, not be extended, without debate, in a continuing resolution.

This continuing resolution—again, negotiated behind closed doors by Senate and House Republicans—does nothing to resolve the questions about how to sustain health care for miners and miners' widows. The Senate Finance Committee approved legislation in September to address this crisis in a bipartisan vote of 18 to 8. The Republican leadership has chosen—chosen—to not bring that legislation forward. Instead, now mine workers will be forced to spend the last dollars in their multiemployer health plan to cover this 4-month extension. What promises do we have that there will be a real commitment to provide for these men and women come next May? None. These mineworkers cannot afford thousands of dollars in monthly health care bills on the small pension payments they receive.

Further, the continuing resolution includes a troubling, precedent-setting provision to expedite consideration of waiver legislation for the President-elect's announced nominee to serve as Secretary of Defense. The Framers of the Constitution provided that the

Senate should provide advice and consent in the appointment of such Cabinet nominees. Congress subsequently sought to implement limitations on who could serve as Secretary of Defense, thereby ensuring that America's military would remain under civilian control. Circumventing these limitations requires an act of Congress. It has been done just once before and not with any deal of levity. This continuing resolution, however, seeks to truncate the Senate's debate over granting, for only the second time in history, such a waiver. My opposition to the inclusion of this language stands apart from the nominee himself, as well as the legislation granting such a waiver, each of which should be debated fully. I oppose limiting the Senate's debate over the granting of such a waiver. That is what this language does. The Senate is the most deliberative body in the world. With this provision, we cede that designation, at least a bit, and pave the way for further erosions.

Nonetheless, we face what is ironically both a complicated and straightforward decision: allow for a government shutdown, 2 weeks before the winter holidays, or approve this continuing resolution that casts aside Congress's responsibility to enact meaningful appropriations bills for the fiscal year. As the incoming vice chairman of the Senate Appropriations Committee, I don't take this decision lightly. I want the record to be clear. To Senate Republican leaders and Republican leaders in the House; to the President-elect and the Vice President-elect: Democrats will not rubberstamp a partisan agenda in the 115th Congress. We will not tolerate being shut out of negotiations about how our taxpayers' dollars are spent. And we will not allow Congress to continue to buck its constitutional duties to quite simply do its job.

Mr. DURBIN. Mr. President, I had hoped to offer two amendments to the continuing resolution, CR, we are considering to fund government operations through April 28, 2017. I want to say from the outset that I am disappointed the Republican majority has decided to consider another CR rather than pass full appropriations bills.

This is an abdication of our responsibility to govern, and there are real negative effects for the American people. As vice chairman of the Defense Appropriations Subcommittee, I can tell you that 4 more months of a CR poses significant funding issues for the Department of Defense, DOD.

Given the thousands of funding lines that make up the DOD budget and the changing needs from one fiscal year to the next, it does not work to simply continue spending from year to year. For example, rolling the fiscal year 2016 DOD budget into fiscal year 2017 means that procurement accounts are overfunded by \$6 billion, while operations and maintenance accounts—those primarily concerned with main-

taining military readiness—are underfunded by \$12 billion. This is not the support our men and women in uniform deserve.

To mitigate the worst of these effects, the bill before us contains a very small number of changes to particular funding needs, so-called anomalies. The two amendments I filed today suggest two more such changes, to ensure that important DOD medical research efforts and significant increases in spending for Israeli missile defense programs move forward.

Just this summer, during the consideration of the fiscal year 2017 National Defense Authorization Act, the Senate voted in a strong, bipartisan fashion to maintain a comprehensive DOD medical research program. We debated at great length the important contributions DOD medical research continues to make for our Active Duty personnel and their families, as well as our military retirees, veterans, and the American public.

Under a CR, because the bulk of DOD research dollars—over \$1 billion—are added by Congress, much of this work will stop cold. No new projects will be funded, with impacts on fiscal year 2016 research projects as well. Passing this amendment will ensure that this critical work and medical advances for our soldiers, airmen, sailors, and marines are not delayed by allowing \$1.8 billion contained in the fiscal year 2017 Defense Appropriations bill to be spent.

At the same time, over the last decade, Congress has overwhelmingly supported significant increases for Israeli missile defense programs, including Iron Dome, David's Sling, and Arrow. The fiscal year 2017 Defense Appropriations bill includes a \$113 million increase for these programs—totaling \$600.7 million—and this spending is necessary to get new technologies into the field in a timely manner.

I think we can all agree that 7-month CRs are not the way we should be funding our government. While we should be considering all of our appropriations bills, passing both of these amendments would enable important programs to maximize their impacts in fiscal year 2017.

Mr. PETERS. Mr. President, today I wish to speak, once again, about how critically important it is to pass legislation that will finally help the people of Flint repair their devastated drinking water system. We have before us a water resources bill that was identified a long time ago as the vehicle to assist Flint during their still-ongoing water crisis. We have been working for months and months on this. We have had strong commitments from leaders in both parties and on both sides of the Hill.

The Water Infrastructure Improvements for the Nation Act, formerly known as the WRDA bill, includes funding authorizations for communities that have had a drinking water emergency, as well as language authorizing increases in health funding and



lead exposure prevention. But the actual appropriations funding for these provisions are contained in the Continuing Resolution.

The bottom line is this: For Flint and any other future communities with drinking water emergencies to receive money, this body must pass both the water resources bill and the continuing resolution. This may be the last, best chance to secure the long-overdue assistance that the people of Flint deserve.

The families in Flint have suffered through unspeakable hardships over the last couple years. To this day, many are still using bottled water to drink, cook, wash their dishes, and even take sponge baths. After Thanksgiving, it broke my heart to see the famous "Little Miss Flint" post on social media about how it took 144 bottles of water to prepare Thanksgiving dinner.

Can you imagine having to open 144 bottles of water simply just to cook your Thanksgiving meal? These same people have heard promise after promise that they will get the help that they need to put new pipes in the ground. Some of that work has started, and the water quality is slowly starting to improve. Still, the fact remains that Flint residents still cannot access clean drinking water directly from their taps.

We shouldn't forget that the Flint provisions in the water resources and the CR also contains language to set up nationally significant programs and policies to help prevent and respond to any future emergencies that are similar to the Flint water crisis. The bills include money for a lead monitoring registry and an associated expert advisory committee, as well as for a childhood lead prevention and a better public notification process.

The water resources legislation also has nationally significant, bipartisan provisions to restore some of our Nation's great bodies of water, such as the Great Lakes, Everglades, Lake Tahoe, the Delaware River Basin, and more. Not to mention this bill contains critical projects for reducing the risk of flood damage, as well as maintaining our navigational waterways and harbors. But I must recognize that this bill is flawed and imperfect. I was very disappointed to see last-minute changes to provisions that threatened the bill's strong, bipartisan support.

The WRDA bill passed the Senate by a vote of 95-3 just a few months ago, but these new changes to the text threaten to dismantle that support. We must make tough decisions in Congress, and the vote on this compromise bill will certainly be a hard choice for several of my colleagues. But I would ask you think hard about the balance of this bill and measure all the benefits of the many positive provisions. And I would ask you to think about our responsibility to care for communities in crisis.

We will soon have a chance to deliver on a long-standing promise for some

unbelievably resilient and strong people. I urge you to follow through on that promise by voting in support of the water resources bill and continuing resolution. Thank you.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S. 290

Mr. MORAN. Mr. President, I wish to call to the attention of my colleagues S. 290. S. 290 is a piece of legislation passed unanimously by the Senate Committee on Veterans' Affairs. It is a bipartisan bill that was crafted by the ranking member, the Senator from Connecticut, Mr. BLUMENTHAL, and me, and it deals with accountability at the Department of Veterans Affairs.

This legislation has a number of components, but the one I wish to focus on this evening is one that has a consequence to those in senior executive positions at the Department of Veterans Affairs who commit felonies in the scope of their employment at the Department of Veterans Affairs. This legislation, S. 290, would eliminate their pension if convicted of a felony in a court of law and only that portion of their pension that was accrued after the conduct that resulted in the felony conviction.

That is the circumstance that was approved by the Veterans' Affairs Committee a year ago this month. That bill has yet to come to the Senate floor. During that time in which we have been waiting for consideration of this legislation, certain terribly unfortunate events occurred at the VA hospital at Leavenworth, KS.

I have been on the Senate floor speaking to this issue previously, but the basic facts are that a physician's assistant committed sexual acts with his patients—veterans who came to the VA hospital at Leavenworth, KS, for care and treatment, and we learned of this reprehensible conduct from newspaper reports in 2015.

That conduct has affected many veterans in Kansas and in Missouri who sought the care and treatment of a physician's assistant and who relied upon the VA to provide that care for them. In fact, Mr. Wisner was never discharged from the VA; he resigned a month after the conduct was reported to the inspector general. Veterans have now sued Mr. Wisner in court, and at least a dozen veterans are seeking redress, and criminal proceedings are pending in the District Court of Leavenworth County, KS, against Mr. Wisner.

One of the things the veterans who have called our office to talk about this circumstance—and we believe there are many other veterans who have suffered the consequence of this sexual abuse by a VA employee who is a health care provider—one of the consequences has been phone calls to our office asking for our help. One of the common conversations is: It is so difficult for me to get my pension, my benefits from the VA. Why would Mr. Wisner, if convicted of these crimes, receive his?

So I have authored an amendment to S. 290 that would add an additional category of Department of Veterans Affairs employees who also would suffer the loss of their pension should they be convicted in a court of law for conduct they committed in caring for patients at the VA, and that reduction in pension would occur from the point of time of the conduct that resulted in the felony conviction of that VA employee.

What we are talking about is adding positions such as physicians, dentists, podiatrist, chiropractors, optometrists, registered nurses, and physicians assistants to the language; the theory being if it is appropriate to remove the pension benefits of a member of the upper echelon—the executive team at the VA for conviction of felony conduct—why would it not be appropriate to also add those who can do even more damage to a veteran by felony conduct against them while seeking care and comfort and treatment from the VA?

So what we now present to the Senate—in fact, we have asked for unanimous consent on two previous occasions for this to be considered. We have hotlined this legislation. It has cleared the Republican side twice but has yet to clear the Democratic side of the Senate. So the request soon will be that S. 290, as amended by a Moran amendment, the language of which was negotiated between me and the ranking member, Senator BLUMENTHAL of the Veterans' Affairs Committee, be added to the original S. 290, the bill that Senator BLUMENTHAL and I created to create accountability at the Department of Veterans Affairs.

Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 290 and the Senate proceed to its immediate consideration; I further ask that the Moran substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Reserving the right to object, we have to be back here in 2 hours anyway. I would ask my friend if he would be willing to come to the floor at about 10 minutes to 10 again to renew his request. I have a few calls I need to make to make sure the matter about which this side has raised a concern is valid.

So if Senator MORAN would be willing to come back in a couple of hours, we can take a look at it.

Mr. MORAN. I appreciate the remarks of the distinguished leader, and I am happy to accommodate.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MORAN. Mr. President, based upon the conversation and dialogue that occurred with the Senator from Nevada, I withdraw my unanimous consent request. I will renew my request

later and look forward to the majority leader being present at that time.

The PRESIDING OFFICER (Mr. CRUZ). The request is withdrawn.

The Senator from Colorado.

UNITED STATES ENERGY

Mr. GARDNER. Mr. President, over the past several years, we have heard from our allies around the globe about the need for U.S. energy. The fact that the United States can produce abundant and affordable energy is the envy of the world, and allies from Eastern Europe to Asia look at the United States as a place where they can achieve and get that abundant, affordable energy supply they need to help grow their economy so our allies aren't dependent on countries in the Middle East that aren't necessarily friendly to them for their energy supply and energy sources.

When it comes to energy production, we know across this country the shale revolution has created hundreds of thousands of jobs. In my home State of Colorado alone, it has created over 100,000 jobs. It is an incredible opportunity that we have to gain North American energy independence and security.

We also know we have an overabundance of natural gas supplies right now. At the very same time that our allies are asking for American energy supplies, we have an abundance of American energy. Especially in the Rockies, we have the potential for an asset to become stranded—an asset that we can produce a lot of but lack the markets to send it to.

As energy developments have occurred in the Northeastern part of the United States, we have seen that Northeastern States are now able to get their energy resources, natural gas, and others, from right in their backyard instead of relying on the Western United States. Those of us in the West have urged the construction of LNG terminals in the gulf along the west coast so we can export that natural gas through LNG terminals to our allies who desperately need it.

That not only gives our allies the energy they desire, but it also makes sure we can continue producing energy in Colorado and the West and not result in a stranded product that can no longer go east but has an outlet to the west. Because of this demand by our allies and because of the incredible success we have had producing that energy, the Jordan Cove LNG terminal has been proposed for construction in Oregon. Jordan Cove would provide an outlet for Colorado and other States' energy productions to have an outlet to Asia.

I am chairman of the East Asia Subcommittee on Foreign Relations. When I visited across and throughout the region, one of the key conversations I have had with leaders, government leaders, and business leaders in those nations is the conversation surrounding energy, and they talk about what we can do to expedite and to in-

crease energy exports from the United States.

This Senate has made great progress, this Congress has made great progress when it comes to exporting energy. In fact, earlier this year, we allowed for the export of crude oil for the first time since Jimmy Carter made it impossible decades ago. We also know we continued to work on LNG Exports expediting the permanent approval process for LNG terminals. Legislation that was included in the Energy bill would have allowed those approvals, required those permits to be approved in an expedited fashion. Unfortunately, the Energy bill did not get approved. It does not look like it is going to move at the end of this Congress, but I certainly hope it will next year, and I certainly hope we will get language expediting LNG terminals.

One of the most clear outrages, though, of this administration's policies over the last year—8 years has been its outright hostility to energy development. Unfortunately, many of our commissions and agencies in our government continue to reflect that hostility toward the development of our energy resources.

Let's just take a decision that was announced mere hours ago as it relates to Jordan Cove. Once again, FERC denied the application of Jordan Cove to exports, shutting down their pipeline, preventing them from getting the resources they need to open the facility to be able to export to our allies in Asia.

They claim that Jordan Cove has not demonstrated a market. They don't have enough of a market proven to approve the pipeline necessary to feed the terminal to export to LNG. Jordan Cove has substantial customer base in Asia. They have proven it to FERC. This is nothing but the continuation of a denial in March that FERC made to shut down exports of LNG, to shut down our ability to get energy out of the Rockies and send it to our allies in the West.

Over the next several years, luckily we will be asked to confirm a number of nominees from commissions and agencies across the government, including FERC. It is my hope this body, as it looks to these nominations and approvals, will start asking some very difficult questions to those people who are going to be filling these commissions about whether we are serious about energy production in the United States and whether we are serious about allowing States such as Colorado the ability to produce energy and then to export it to our allies around the globe.

If people—like FERC right now—have their way, their answer is, no, shut it down, keep it in the ground. That is extreme and an activist point of view, and it is an outrage. It is denying the people of Colorado economic opportunity. It is denying the people in the West economic opportunity, and it is letting the government decide what is right and wrong in the marketplace.

FERC, this government shouldn't be in the business of picking winners and losers. Yet that is what it continues to do. Jordan Cove has tremendous bipartisan support. Republicans and Democrats alike believe that facility is important to Japan, that facility is important to opportunities in Korea, that facility is important to our allies throughout Asia, throughout the West, and it is my hope that as this process moves forward, we can get a deep expression and understanding from FERC about why they continue to deny these jobs, deny these opportunities.

The demand is there. The need is there. The economics are there, and we certainly need the jobs there in Colorado with the approval of this pipeline and that facility at Jordan Cove.

I thank you for the time this evening, and I certainly hope we can at least make some progress over the next few years with people in agencies and people in commissions who believe in the American economy instead of the American bureaucracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ACCOMPLISHMENTS OF THE 114TH CONGRESS

Mr. HELLER. Mr. President, as we approach the end of this Congress, I rise to discuss not only what we have accomplished in this Chamber but also specifically what we have accomplished for the State of Nevada. I am especially proud that many of my priorities have been able to move forward to help Nevadans thrive—from veterans to health care, to infrastructure.

These accomplishments prove that this majority was prepared to work and produce lasting results. I look forward to advancing even more priorities that benefit Nevada in the 115th Congress. As a member of the Senate Committee on Veterans' Affairs, I have been proud to advocate on behalf of Nevada's brave heroes. My focus has always been on issues impacting Nevada's veterans most. I will give you some examples: guaranteeing our veterans have access to care, ensuring they receive care quickly, working to hire more VA doctors, providing health care for rural veterans, and addressing the disability claims backlog we have been working on for years.

In this Congress, there has been a lot of progress. As a cochair of the Senate VA Backlog Working Group, I have been holding the VA's feet to the fire on the disability claims backlog. The VA has adopted many of the working group's policy recommendations, and this pressure has helped reduce the backlogs from 405,000 claims in 2014 to 92,000 today.

Although, clearly, there is much more room for improvement, Nevada's veterans are far better off submitting a claim to our Nevada VA Regional Office today than they were 2 years ago. Nevada was once the worst in the Nation and now it is in the top 25 percent for performance.

Another issue plaguing veterans in Nevada and nationwide is VA doctor

shortages. It is hard for VA to recruit and retain medical professionals, and that impacts how quickly our veterans can get their care.

I have asked the Government Accountability Office to examine the VA's current policies for recruitment and retention and report back to me on what improvements can be made. I look forward to receiving that report next year and enacting to ensure we address this issue that affects urban areas, such as Las Vegas, and our rural veterans in Elko, Ely, and Winnemucca.

When it comes to bringing high-quality care to Nevada, I am also proud that the VA finally opened a brandnew VA clinic in Pahrump. While there have been many positive steps forward for Nevada's veteran community, clearly there is more to accomplish in the next Congress.

In fact, I am working to pass legislation through the Senate right now that would bring greater accountability to the VA by reporting each year on bonuses awarded to critical positions like VA hospital directors.

We still have a 20-percent disability claims backlog and a growing appeals backlog. The VA Choice Program must be revisited in 2017 for reauthorization and improvements. The VA still struggles to fire employees who are poorly performing. Rural veterans still struggle to find doctors to serve in their area. These are priorities for Nevada's veterans that I am committed to advancing every day that I am in the U.S. Senate.

I am also particularly proud of the work we have done in the 114th Congress on infrastructure. Those efforts yielded major results for the State of Nevada. Last year, we enacted the first long-term highway bill in nearly a decade called the Fixing Americans Surface Transportation Act, or better known as the FAST Act.

This 5-year bill provides States with resources and the tools to advance high-priority projects, such as the new Interstate 11 connecting Phoenix to Las Vegas, the Carson City freeway, and the widening of the Las Vegas busiest freeway, Interstate 15 in Las Vegas.

The bill also included in my top infrastructure priorities the expansion of Interstate 11 to Northern Nevada. I have been working for years to improve mobility from Las Vegas to Reno. Surface transportation projects like these spur economic development opportunities. It reduces congestion and increases safety—the recipe for creating short-term jobs and long-term economic growth.

In July, the FAA Extension, Safety, and Security Act was enacted into law. This important legislation implemented important reforms that make U.S. air travel safer, more efficient, essential to tourism destinations, such as Las Vegas, Reno, and Lake Tahoe.

Again tonight, we will debate yet another important infrastructure bill—

the Water Infrastructure Improvements for the Nation Act. Included in that package is a bill I sponsored and have been working on with my Nevada and California colleagues for nearly a decade—the Lake Tahoe Restoration Act. This initiative will reduce wildfire threats, jump-start transportation and infrastructure projects, combat evasive species at Lake Tahoe, and ensure the jewel of the Sierras is preserved for generations to come.

It also includes a provision I crafted with Senator HEINRICH that improves the water security of rural western communities. I hope my colleagues will agree to quickly take up and pass this critical, important legislation for my State, sending it to the President's desk before the end of the year.

With a new majority in the Senate, we were also able to make good on a number of promises to the American people on the health care front. First and foremost was being able to send an ObamaCare repeal bill to the President's desk within the first year of our new majority. One of my top priorities in our ObamaCare repeal efforts was to repeal the 40-percent excise tax on employee health benefits.

In Nevada, 1.3 million workers who have employer-sponsored health insurance plans will be hit by the Cadillac tax. I knew the devastating impact this tax would have on Nevadans, but I also knew that in order to get anything done, we needed a bipartisan effort. My friend Senator HEINRICH from New Mexico and I teamed up to successfully include a delay of the Cadillac tax in the omnibus bill at the end of last year. Rest assured, I will continue to fight for a full repeal in the next Congress.

This week, we were able to pass the 21st Century Cures Act, which has a 2-year process to work in a bipartisan way to advance medical research and clear out government redtape at the Food and Drug Administration. I was very pleased two of my bills that focus on mental health and protecting seniors' Medicare benefits were included in this health care package.

First, my bill, Bringing Postpartum Depression Out of the Shadows Act, was included in the mental health title of the bill. After working with mental health care providers in my home State, I learned that Nevadans lack access to the appropriate treatment, screenings, and community support needed to provide effective care for new mothers struggling with postpartum depression.

I worked with Senator GILLIBRAND and HELP Committee Chairman ALEXANDER on this important piece of legislation, which builds upon existing State and local efforts by providing targeted Federal grants to assist States in developing programs to better screen and treat maternal depression.

Another bill we were able to pass as part of the Cures Act was my legislation, the Medicare Advantage Coverage

Transparency Act. This legislation requires more transparency of the Medicare Advantage and prescription drug benefits enjoyed by seniors throughout the State.

It will also ensure that these benefits continue to provide meaningful coverage to seniors and will help us protect important health care benefits for current and future retirees.

More than 30 percent of Nevada's seniors enjoy their Medicare Advantage benefits, and enrollment continues to grow in my State. Successfully passing a number of health care bills will surely set the tone early next year when the united Republican government finally repeals ObamaCare.

I am optimistic that with a willing partner in the White House, we can build on these successes. I plan on using my role on the Senate Finance Committee; Senate Commerce, Science, and Transportation Committee; and the Senate Committee on Veterans' Affairs to tackle the challenges facing Nevadans across the State.

I know we will do everything in our power to protect our constituents' access to care as we transition out of ObamaCare and into a new era of a 21st century care system that works for patients.

I know we will honor our veterans by improving the quality of care and benefits they have earned.

We will invest in roads, bridges, clean water, a modern and reliable electricity grid, telecommunications, and other pressing domestic infrastructure needs.

I look forward to working with my colleagues in the U.S. Senate on these important priorities in the coming year.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 3394

Mr. SHELBY. Mr. President, I will take just a few minutes. I rise to call up for consideration H.R. 3394, the CAPTIVE Act. I have long advocated for the Senate to pass the CAPTIVE Act, which passed the House by unanimous consent in July.

In 2003, a group of Department of Defense contractors were on a counter-narcotics mission in Colombia when their plane crash-landed. These Americans were captured by members of the Revolutionary Armed Forces of Colombia, which we know as FARC, which is a violent guerrilla group that is heavily involved in drug trafficking.

My fellow Alabamian Thomas J. Janis, the pilot of the plane, tragically lost his life at the hands of these terrorists on February 13, 2003. The three

other Americans abroad the flight were kidnapped, held hostage, and tortured for more than 5 years until they were finally rescued by the Colombia military. These heroes are now seeking justice for themselves and their families against those who carried out unthinkable acts of violence.

The CAPTIVE Act is simple. It would make it easier for all U.S. victims of terrorism to recover court-awarded damages. I believe that the family of Tom Janis and all of the victims of terror deserve nothing less than for the Senate to swiftly pass the CAPTIVE Act. I urge my colleagues to join me in supporting that.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3394, which was received from the House; I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mrs. ERNST). Is there objection?

The Senator from Ohio.

Mr. BROWN. Madam President, reserving the right to object, I share Senator SHELBY's and other colleagues' strong desire to ensure that this small group of Americans who suffered such violence at the hands of FARC is compensated for their ordeal. Earlier this week, at the behest of Senator NELSON and others, I met with some of those former hostages. I heard of their suffering firsthand. I have read about it. I have talked to them. I cannot imagine what they went through. While the victims have already received a portion of the compensation awarded them by Federal courts—around \$16 million so far—out of a total of \$318 million awarded, they still have a long way to go.

The administration, including the Treasury Department, which overseas our efforts to combat the narcotics trafficking that is having such a devastating impact on our country and others around the world, has expressed serious concerns that the CAPTIVE Act would undermine our successful anti-narcotics efforts.

I want to help these victims. It is terrible what happened to them. They were trying to serve our country—they were serving our country when this happened. But I have serious concerns about this legislation written in this way, how it would undermine successful anti-narcotics efforts.

Since the administration's concerns and the risk to our anti-narcotics efforts have not been addressed—and I think we can address them, I hope early in January once we have coordinated and gotten this information in a way to present it back to Congress in another piece of legislation that preserves these anti-narcotics efforts and at the same time fulfills our commitment to compensation. But because of all of that, I must object.

The PRESIDING OFFICER. Objection is heard.

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

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

WRDA

Mr. MERKLEY. Madam President, I rise to share a few thoughts on the Water Resources Development Act, or, as it is referred to, the WRDA Act. This is a bill which has a tremendous number of water projects across America that in general will work to make many communities' economies work far better. These are widely distributed across the country, and they are widely needed. It was worked out through a tremendous amount of effort on the Senate side and on the House side. There are certainly projects there I have fought for that will be of assistance on the Columbia River and to the tribes who were affected by the dams on the Columbia River and on the WIFIA, the Water Infrastructure Finance and Innovation Act—a vision I have been working on for years to put in place.

All of that is very good, but I have real concerns about a provision that was airdropped into the conference. This is not just a little one-sentence rider; this is 90 pages called the California Drought Act.

Picture the big vision here. For years, the Central Valley of California has been a massive consumer of water for agriculture. We have had years of drought. During those years that the Central Valley was a massive consumer of water, they planted a lot of crops that consume a lot of water. Crops like almonds—it takes a gallon of water for every almond. There are crops like rice, where you have to flood the paddies of rice and there is massive loss to evaporation. But the agricultural community there wants to continue growing the same crops even throughout the drought, and so they are looking for ways to pull more water out of the Northern California rivers and ship it to the Central Valley.

Why is this a concern? This is a concern because these rivers in the northern part of the State are key rivers for salmon. If you drain these rivers to fulfill the water needs of the Central Valley, you will do enormous harm to the salmon and to the salmon fishermen.

When salmon go downstream and head out to sea for 5 or 6 years, they swim north. They have a huge impact and role to play off the Oregon coast and off the Washington coast. That is why during the course of this debate you have seen two Senators from Washington State, MARIA CANTWELL and PATTY MURRAY, talk about how concerned they are and why you have seen my colleague from Oregon, RON WYDEN, talk about how concerned he

is—because we have at play here a battle between the salmon fishermen and that industry and its iconic species and all it provides to the Northwest and the agricultural growers of the Central Valley.

It isn't as if the growers in the Central Valley haven't benefited from taking water from north California—from the northern rivers; they have been doing it for decades. They have been increasing the amount of water for decades. Now they are asking to use this drought, through this California drought bill, to give them authority to take even more water despite a negative impact on the salmon.

That is why I am troubled, and there are some key provisions that I thought are worth talking about specifically because some folks have come to this floor and said: Don't worry, be happy. Nothing in here is going to change the provisions and applications of the biological opinions that control how we make sure we sustain a healthy environment for the fish. Others have come and said: Don't worry, there is nothing that changes the application of the Endangered Species Act. But unfortunately that is just not accurate. I thought I would give some insight into how this works.

Section 4001 in the bill provides an opportunity to bypass biological opinions by setting up a pilot project and then studying the outcome of the pilot project. It uses the pilot project as a way to do an end run around the biological opinions and the Endangered Species Act.

Just to share a little bit of the language, quoting directly from the bill, “[T]he California Department of Water Resources . . . [will] implement a pilot project to test and evaluate the ability to operate the Delta cross-channel gates daily or as otherwise may be appropriate to keep them open to the greatest extent practicable . . . and maximize Central Valley Project and State Water Project pumping.”

Here is the thing. What you have is a river coming down, and salmon that are coming back from the ocean swim up that river in order to spawn. But along the way are these gates that control water that can move into the delta toward the Central Valley. If those gates are opened, the salmon, instead of going upstream to spawn, get diverted, and it has a big impact on the species, so those gates are kept closed in order to protect the success of the spawning salmon.

This basically says: Do a pilot project and open the gates. Then it proceeds to say that what we will do about that is to collect data on its impact. I will quote again:

[W]ith respect to the operation of the Delta cross-channel gates described in (1), collect data on the impact of that operation on . . . species listed as threatened or endangered.

So it is a direct impact on the Endangered Species Act. It gives permission through this so-called pilot project to

open the gates and then to collect data on how much harm it does to the fish. That is very unlike the information that has been presented by some on this floor.

Here is another provision within the 4001 section. It instructs adoption of “a 1:1 inflow to export ratio for the increment of increased flow,” and it gives a bunch of details about that, and it says this must happen “unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects.”

It doesn't say you can do this 1:1 flow unless it causes adverse effects; it says you can't do this 1:1 flow unless the Secretary of the Interior and Secretary of Commerce say it will cause bad effects. So essentially here is another end run around the biological opinion and around the Endangered Species Act by just giving the Secretary of Commerce and Secretary of the Interior of the incoming administration the power to just let this water be diverted unless they act. That is not something that can be challenged in court because there is no standard being applied for violating the biological opinion, no standard being applied for violating the Endangered Species Act, except the opinion of the Secretary of the Interior and the opinion of the Secretary of Commerce.

Those two things are in section 4001. Let's turn to section 4002.

Section 4002 says essentially there is a range at which a biological opinion allows you to drain a river. When you normally think of water being taken out of a river, you picture the river flowing down, and maybe there is a place where some of that water is pulled out of the river, but the rest of the river keeps flowing on down. But in this case, the amount of water taken out is called a negative flow because it actually ends the river. It pulls the water back. That is very dramatic.

This bill has specific instructions, and in that range of possibilities that might be considered within a biological opinion, they are instructed to pump at the maximum rate, a rate that will not be less negative “than the most negative reverse flow”—I am reading from this bill—“the most negative reverse flow rate prescribed by the . . . biological opinion.”

So they are instructed specifically not to find the right space within the judgment of the scientists and the biological opinion, but if there has been an estimate—as it could be from here to here—to take the very maximum rate, and this rate is so high that it causes this negative flow of water, which is why they talk about rivers running backward to feed water to the Central Valley.

So that is a precise instruction that changes the normal application and work of scientists who are evaluating the effect, under all the various conditions, of how much water to pull out,

and so it very much affects the biological opinion and very much affects the Endangered Species Act.

There is a way that this can be overridden recent, but not by challenging it in court—the only way it can be overridden is if the Secretary of the Interior or the Secretary of Commerce shall document in writing that it is going to go have a very bad impact. So, again, this is giving no recourse to those who see enormous damage to the fish because they have no power. All the power is given to the Secretary of the Interior and the Secretary of Commerce.

Let's go to another section, 4003. The language itself essentially says that the Central Valley projects and the State water projects should take the absolute maximum flow rate that is allowed and then go beyond that.

In section 4002, it was like: Here is the range. Take the top end of the range. Don't use your scientific judgment about where you should really be to protect the fish and the salmon industry. This one says: Here is the range from here to here, but you have to go further, take even more. This is almost unbelievable. I have never seen anything like it.

I will quote: “authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in OMR flows more negative than the most negative reverse flow rate prescribed by the . . . biological opinion.”

So when some of my colleagues have come to this floor and said this doesn't affect the biological opinion a bit, yes it does. It says it in plain language. Here is the opinion; you have to be between here and here. And the law, if passed, if adopted, says: No, no, no. Go further, go beyond the range of the biological opinion.

This language is unambiguously inconsistent with the requirements of the biological opinion. It just says in plain, straight language: Ignore it. Go beyond it.

It also says that these transfers through delta water for the State water project can occur even if they violate the 1992 Central Valley Improvement Act—even if they violate it.

So what is in that section (a)(1)(H) of the Central Valley Improvement Act that can be violated? I pulled up that language. Let's just check this out. It refers to contractual obligations or fish and wildlife obligations under this title.

So, in other words, this bill says you can ignore the obligations related to fish and wildlife. So, once again, we see a provision aimed at ignoring the impact upon fish or upon wildlife and authorizing the raiding of water from Northern California for more almonds in the Central Valley.

Now, 20,000 people work in the salmon industry, and a huge part of this are the salmon that come out of these streams—streams that are already compromised. So the reason there is

such a profound objection from Senator BOXER of California, from Senator MURRAY of Washington, from Senator CANTWELL of Washington, from Senator WYDEN of Oregon, and from me is that this is a blueprint for running over the top of carefully crafted biological opinions designed to prevent the extinction of key species. In this case, it is not just the extinction. It is also a key commercial enterprise—the salmon industry.

So I am offended that this overrun of the salmon, this permission slip to drain the rivers of the north to feed the Central Valley, is being presented as having no impact on the biological opinions for the Endangered Species Act. It is a full-fledged bulldozer running over the top of the poor protections for the salmon.

This is a terrible precedent for Congress because each time an industry is threatened, there will be those who will point to this precedent and say: Look, when the almond farmers were threatened because they didn't have enough water in the Central Valley, we gave them permission to destroy the salmon. So when something else is threatened, let's give permission to run over some other aspect of the Endangered Species Act or some other aspect of the biological opinion. This is an unacceptable precedent for anyone who cares about the balance between our commerce and the diversity of species in our States and other competing industries. This is not just almonds against the survival of a species; it is almonds against 20,000 fishermen who depend upon the salmon runs that will be so grievously impacted by this bill.

So I encourage folks to read it. Read the fact that it lays out specific instructions that require the maximizing of water beyond the highest levels already existing within a biological opinion. This is wrong.

I will be opposing closing debate on this bill because this air-dropped provision did not go through the House side, and it did not go through the Senate side. It sets a precedent that should be fully debated in committee. The American people should have a chance to respond and know about this air-dropped provision—an attack on the Pacific salmon—before this Chamber votes on this bill.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE 114TH CONGRESS

Mr. MCCONNELL. Madam President, the day after the election I said that we had two main priorities for this postelection session of the Senate: Pass the 21st Century Cures bill and fund the government.

We passed the Cures bill already, and we will be voting shortly to keep the government running. Soon after that vote, we will pass the bipartisan water resources bill, which directs assistance to families in Flint and supports important waterways projects in nearly every one of our States. It is testament to the hard work of so many and Chairman INHOFE, in particular.

Under the leadership of Chairman MCCAIN, this week we also passed the Defense authorization conference report, which addresses many of the national security challenges facing our country. I would also like to point out that the Cures bill, which passed earlier this week, simply would not have happened without Chairman LAMAR ALEXANDER. And it is impossible to overlook the unending, unyielding work of Senator MURKOWSKI on the Energy bill, as well, or our indispensable Finance Committee chairman, Senator HATCH, who has been involved in almost every bill from the doc fix to the tax extenders that come through this Chamber.

I would like to note the great work of the Appropriations Committee, specifically for its efforts to ensure that individual bills and an omnibus were prepared for consideration. We know they have been putting in long hours, especially this week, and for that we are certainly thankful.

This Congress, the Senate has passed nearly 300 bills, and nearly 200 of those are now law. But what really matters isn't the number of bills passed; it is what we can achieve on behalf of the American people, and by that standard, I am incredibly proud of what we have been able to accomplish for our country.

Over the past week I have had the opportunity to pay tribute to many colleagues who have made such a lasting impact on the Senate during their tenure. But as the 114th Congress comes to a close, I would like to take a moment to recognize another set of individuals whose work makes the business of the Senate possible in the first place.

It goes without saying that keeping the Capitol running is a vast undertaking. It requires a passion for service, round-the-clock work, and great sacrifice by everyone employed. The legislative process simply wouldn't be possible without the dedicated work of so many. On behalf of the Senate, I would like to acknowledge their efforts and say thank you to the following:

To my leadership team for their wise counsel; to our committee chairs and ranking members for so much great work over the past 2 years; to the many, many colleagues in both parties for working so hard to make this Senate a success; and, to those we are saying farewell to—Senators COATS, BOXER, MIKULSKI, REID, VITTER, KIRK, and AYOTTE—for your service to our country, I say thank you.

To my chiefs of staff, Sharon Soderstrom and Brian McGuire, for their indisputable talent and for lead-

ing a team that is second to none, every member of which I would thank individually if I could, I say thank you.

To the floor staff, Laura Dove and Gary Myrick and their teams, for keeping the floor running, for running it smoothly, and for making it look effortless every single time—even though we know it is anything but; to the Parliamentarians and clerks who sit on the dais whenever the Senate is in session, making sure our operations are smooth and by the book; to the Secretary of the Senate and her team for protecting the rich history of this body and for overseeing so many different legislative and administrative operations, I say thank you to all of these folks.

Off the Senate floor there are so many more to thank too: the Capitol Police, for putting themselves in harm's way to protect everyone who works in or visits this institution; the Sergeant at Arms staff for overseeing a dizzying range of efforts—from setting up rooms and enacting security protocols to preparing for next year's inauguration; the Architect of the Capitol staff, which is always hard at work making the Capitol the best it can be—from the conservation of these illustrious hallways to the extensive restoration of the Capitol dome; and to literally countless others: the doorkeepers, the legal counsels, the committees and their staff, the pages, and all those whom I have not mentioned, we appreciate what you do. Please know that your service and your dedication does not go unnoticed.

Let me also again recognize the Democratic leader for his more than three decades of service. As I said yesterday, HARRY and I clearly have had some different views on many things throughout the years, but we have shared similar responsibilities as the leaders of our respective parties, and I think we can both agree that none of this would have been possible without the support of our staff. I want to recognize HARRY's team, past and present, and thank them for many years of partnership with my office.

We now turn the page on one Congress and get ready to write a new story in a different one.

I am proud of the work this Republican-led Senate has done the past 2 years. My colleagues should be proud of their work as well. It has been incredible to see what we have been able to achieve already. We know our work doesn't end here, though, and I know each of us is eager to get started in the 115th Congress. For now, I want to thank my colleagues for a productive Congress, and I want to wish each of you a happy holiday season and a happy New Year.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise for a final time as the vice chair of the Appropriations Committee. Tonight, as we get ready to vote, these will be the last votes I will cast in the

U.S. Senate. The ones we do today and possibly tomorrow will write my final chapter as a voting Member of the U.S. Senate.

I am very proud to be the first woman and the first Marylander to chair the Appropriations Committee. I am going to thank my fellow members of the Appropriations Committee and especially Chairman COCHRAN, who has been my friend and ally on moving these bills forward.

I wish to also express a special thanks to my colleague and partner on the Commerce-Justice Subcommittee, Chairman RICHARD SHELBY, for his steadfast advocacy for the important needs facing this country.

The Appropriations Committee is a problem-solving committee. Our mark-ups are vigorous and rigorous, but at the end of the day, we do try to find compromise without capitulating on our principles. That is why I wish I was standing here today presenting the Senate with a full-year funding bill instead of a temporary bill through April 28.

Throughout the year, I have come to the floor seeking additional funding for fighting heroin and opioid abuse, helping the people of Flint, MI, and also dealing with the Zika response treatment. I am happy to report to my colleagues the Zika bill did pass in September, and this continuing resolution would have done all three.

This bill includes important needs for our country. First of all, it meets our national security needs. There is funding in here for our troops overseas and money to enhance humanitarian relief and also very crucial needs related to embassy security. There are also other needs facing the people, and this goes to the disaster relief for victims of floods and Hurricane Matthew. While we are looking at the disasters of floods and hurricanes, there is also help for Flint, MI—\$170 million, subject to authorization.

We also looked at the other challenges facing our communities. One of the things we see is the big challenge of opioid abuse. I have heard it in my State and from my Republican Governor. I know the Presiding Officer has heard it in the great State of Iowa, and this terrible scourge and challenge knows no party, nor any geography, and we have an important downpayment in fighting that with \$500 million.

Also in the Cures Act, there is money to deal with the dreaded "c" word, cancer. With the advocacy of the Vice President and again working across the aisle and across the dome, we have come up with something called the Cancer Moonshot. In other words, if we could send someone to the Moon and return them safely, as our beloved John Glenn pioneered, then we can also have a Moonshot to find a cure for cancer. I am so pleased that as we wrap up our time here that that is there, although I am disappointed the funding for Flint is subject to authorization in the Water Resources Development Act



and that the extension of the miners' health benefit lasts only through April 30. I believe promises made should be promises kept, and the miners deserve permanent extension of these benefits. I also support Senator MANCHIN's efforts on his behalf.

I am disappointed our Republican colleagues wrote the CR behind closed doors and that we began to have to fight between coal miners versus Flint, MI, and others, pitting one group against another. I hope we can have a different approach in the next Congress. I will not be here, but I am here now as we try to finish this work.

We hear a lot of Washington words, words that people don't understand—CR, stopgap, shutdown. I want to talk about what appropriations are, not in the technical bills but saying that we fund government doesn't mean anything. It means that we tried to find solutions, we tried to make sure we stood up for national security, that we promoted economic growth, and that we met compelling human needs and invested in what we as a nation value.

This appropriations bill does pay for our troops in the field and the people back home to make sure they have the equipment and supplies they need to do their job. It also supports diplomacy, our Foreign Service Officers, and also our foreign aid to make sure we meet compelling human needs in our own country and around the world.

It does fund the Homeland Security, while at the same time looking out for our Coast Guard, clearing the ice and keeping our ports open. It is the FBI, and here we make a downpayment on the new, much needed FBI facility to meet the new changes they have—fighting domestic terrorism and cyber security.

We all want to put people back to work. That is why the Appropriations Committee does make investments in transportation because we know transportation not only moves goods and cargo, but it provides good jobs today: airports, seaports, roads, bridges, transit, and rail.

To develop new ideas, we need to continue to lead the way. That is why we have made major efforts in innovation: in energy, agriculture, weather, climate, and astronomy. I am not going to sound like an accountant. I am ready to give an accounting to the people of Maryland, to this Nation about how we are spending their money. We want to spend the money to give the people of Flint safe drinking water, give people treatment to kick their prescription drug habit, to find cures for disease from cancer, Alzheimer's, and I am proud of the resources we provide to make our communities better and safer.

I am proud of my service as the Democratic leader of the Appropriations Committee. I am proud to have worked with my colleagues. I have the best subcommittee chairs or rankings that anyone could have. We have an excellent staff, and we have all tried to work together.

Today, as I bring this bill—the continuing resolution before the Senate—I say to you, I ask you to vote for the continuing resolution. It has parity for defense and nondefense. It doesn't have poison pill riders, and it has additional money for Flint, heroin, and opioid abuse. This continuing resolution accomplishes the goals we set out for this year. I am sorry that it only funds the government to April.

This is my last set of votes. I hope you vote for the continuing resolution, and I hope in March, with the good work of Senator LEAHY, who will then be the Democratic vice chair of the Appropriations Committee, working with Senator COCHRAN, who is so able and so skilled and yet such a man of principle, you will be able to arrive at a full-year funding for the Appropriations Committee.

I do hope in the next Congress we do return to regular order. This committee is capable of it if the Senate is capable of it. In other battles, I have always said to my colleagues, and you know this when I have said to the women of the Senate: Let's put our lipstick on, square our shoulders, and get out there and fight.

As we get here to vote on this continuing resolution, my final sets of votes, I want the people of Maryland to know and the people of America to know, I have my lipstick on, my shoulders are squared, and I am ready to get out there and vote, and although this will be my last fight in the U.S. Senate, it will not be my last fight to help America be the great country it is.

God bless you, God bless this honorable body, and God bless the United States of America.

Madam President, I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

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

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

Mr. MCCONNELL. I yield back time on our side.

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

#### CLOTURE MOTION

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

The legislative clerk read as follows:

#### CLOTURE MOTION

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

Mitch McConnell, Roger F. Wicker, Orrin G. Hatch, Johnny Isakson, John Cornyn, Thad Cochran, Mike Crapo, Pat Roberts, Bill Cassidy, John Hoeven, John Barrasso, Thom Tillis, John Boozman, John Thune, Daniel Coats, Marco Rubio, Roy Blunt.

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 to the Senate amendment to H.R. 2028 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 160 Leg.]

#### YEAS—61

Alexander	Fischer	Reed
Ayotte	Flake	Risch
Baldwin	Gardner	Roberts
Barrasso	Grassley	Rounds
Bennet	Hatch	Rubio
Blunt	Heinrich	Scott
Boozman	Hoeven	Sessions
Burr	Inhofe	Shaheen
Cardin	Isakson	Shelby
Cassidy	Johnson	Stabenow
Coats	King	Sullivan
Cochran	Kirk	Tester
Collins	Leahy	Thune
Corker	McConnell	Tillis
Cornyn	Mikulski	Toomey
Crapo	Moran	Udall
Daines	Murkowski	Vitter
Donnelly	Murray	Whitehouse
Enzi	Nelson	Wicker
Ernst	Perdue	
Feinstein	Peters	

#### NAYS—38

Blumenthal	Graham	Merkley
Booker	Heitkamp	Murphy
Boxer	Heller	Paul
Brown	Hirono	Portman
Cantwell	Kaine	Reid
Capito	Klobuchar	Sanders
Carper	Lankford	Sasse
Casey	Lee	Schatz
Coons	Manchin	Schumer
Cruz	Markey	Warner
Durbin	McCain	Warren
Franken	McCaskill	Wyden
Gillibrand	Menendez	

#### NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38.

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

Cloture having been invoked, the motion to refer falls.

Under the previous order, all postcloture time has expired.

MOTION TO CONCUR WITH AMENDMENT NO. 5139  
WITHDRAWN

Mr. MCCONNELL. Mr. President, I ask unanimous consent to withdraw the motion to concur with further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that there now be 2 minutes of debate equally divided before a vote on adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.  
The Senator from Arizona.

Mr. MCCAIN. Mr. President, what we are doing here is we are cutting defense spending, we are increasing nondefense spending, and we are locking in the legitimacy of the nondefense spending according to the Budget Control Act. So what we are doing by passing a continuing resolution is putting in sequestration again, while even reducing defense spending.

In the words of the four uniformed chiefs of our military, you are—and I quote them directly—“putting the lives of the men and women serving this Nation in uniform at greater risk”—at greater risk. You are putting the lives of the men and women who are serving in the military at greater risk because we want to get out of here for Christmas. Shame on you.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. For tonight's schedule, we hope to have the WRDA vote around midnight, and we will seek to get a limited time agreement during the vote that is about to occur.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 2028.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—63

Alexander	Feinstein	Nelson
Ayotte	Fischer	Peters
Baldwin	Gardner	Portman
Barrasso	Grassley	Reed
Bennet	Hatch	Roberts
Blumenthal	Heinrich	Rounds
Blunt	Hoeven	Rubio
Boozman	Inhofe	Scott
Burr	Isakson	Sessions
Cantwell	Johnson	Shaheen
Capito	Kaine	Shelby
Cardin	King	Stabenow
Cassidy	Kirk	Sullivan
Coats	Klobuchar	Tester
Cochran	Markey	Thune
Collins	McConnell	Tillis
Cornyn	Mikulski	Toomey
Daines	Moran	Udall
Donnelly	Murkowski	Vitter
Enzi	Murphy	Whitehouse
Ernst	Murray	Wicker

NAYS—36

Booker	Casey	Cruz
Boxer	Coons	Durbin
Brown	Corker	Flake
Carper	Crapo	Franken

Gillibrand	Manchin	Risch
Graham	McCain	Sanders
Heitkamp	McCaskill	Sasse
Heller	Menendez	Schatz
Hirono	Merkeley	Schumer
Lankford	Paul	Warner
Leahy	Perdue	Warren
Lee	Reid	Wyden

NOT VOTING—1

Cotton

The motion was agreed to.  
The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. For the information of all colleagues, I think we are headed toward completion here. Therefore, I ask unanimous consent that there now be 80 minutes of debate on the House message to accompany S. 612; that following the use or yielding back of time, the Senate vote on the cloture motion with respect to the House message. I further ask that if cloture is invoked, all time postcloture be considered expired, the motion to concur with further amendment then be withdrawn, and the Senate vote on the motion to concur in the House amendment. I further ask that following adoption of the House message, H. Con Res. 183 be considered and agreed to. Further, I ask that 60 minutes be under the control of Senator BOXER or her designee and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Reserving the right to object, I am not going to object, but you said 80 minutes. Who has the other—the reason I am asking is, I didn't know if I needed to yield time to the other side, which I prefer not to since you have your own time, right? That is fine with me.

Mr. MCCONNELL. Madam President, I modify that to designate 20 minutes under the control of Senator INHOFE.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Let me say that hopefully the 80 minutes will not be used. Hopefully, much of it will be yielded back. A lot has already been said. The night is late, but if all the time is used, it is going to occur around 12:30 a.m.

GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The PRESIDING OFFICER. The Senate will resume consideration of the House message to accompany S. 612, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 612, a bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse.”

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 5144, to change the enactment date.

McConnell amendment No. 5145 (to amendment No. 5144), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Environment and Public Works, with instructions, McConnell amendment No. 5146, to change the enactment date.

McConnell amendment No. 5147 (the instructions (amendment No. 5146) of the motion to refer), of a perfecting nature.

McConnell amendment No. 5148 (to amendment No. 5147), of a perfecting nature.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to say to my friends, this is my last moment on the floor of the U.S. Senate. I already gave my farewell, and I thought that was the end of it. I find myself filibustering my own bill, which is really a bizarre way to end my career here. As I said, I always came in defending the environment, and I guess I will go out the door in the same way. I feel that this is something I have to do.

The Water Resources Development Act is a beautiful bill. We are going to be voting on it. But, very sadly, at the last minute, a midnight rider was added in the House by KEVIN MCCARTHY, which essentially, according to every fishing group in my State—and I mean every single fishing group and every single fishing group on the west coast, and that covers Oregon, Washington, California—is a major threat to their livelihood, to their future.

As everybody talks about the message of this election being the protection of hard-working people, here we have a rider that is slipped in. No one even saw it but 2 hours before, and it turns out that the water the fishermen need to have a thriving business is going to be diverted away from them and done in such a way that it goes against the Endangered Species Act.

You will hear people stand up and say: No, it is not true. There is a savings clause; we say no way. The fact is, when you dictate what kind of operations you are going to have in terms of moving water and you say you shall move this water and the other side has to prove it is dangerous, everybody knows where this is going. Everybody knows it is going to be impossible to save the salmon.

Here we have the salmon fisheries on the west coast up in arms. Here we have a rider that doesn't even belong in the Environment and Public Works Committee. It should have been discussed with the Energy Committee. It is out of order.

The question is, Are we going to vote for a beautiful bill? I just said today that I got more things in here for California than I probably should even talk about because I got so much. There are 26 different provisions for my State, from Lake Tahoe to the Salton Sea,