

of millions—would lose coverage and see premiums rise. Up to 133 million Americans—close to half of us—who have preexisting conditions would see their protections vanish. Yet Leader MCCONNELL has not allowed this Chamber to vote on whether the Senate can intervene in that lawsuit, let alone on any legislation that would improve our healthcare system. Astonishingly, many Republicans—many Senate Republicans—are publicly rooting for the Trump administration's lawsuit to succeed, even if it means plunging our country into a healthcare crisis.

## CLIMATE CHANGE

Mr. President, as I mentioned, healthcare is far from the only subject Leader MCCONNELL has prevented the Senate from debating. Later today, my friend from Hawaii Senator SCHATZ will host the first hearing of the Senate Democrats' special committee on the climate crisis, bringing mayors from across the country to talk about how their cities are combating climate change.

This Senate, because of Senator MCCONNELL's graveyard, will sit on its hands and do nothing, but our cities and States have no choice but to do something. They are closer to the people. They are doing stuff. We will hear about it today.

Climate change is the greatest threat to our planet, and Leader MCCONNELL will not even let the Senate debate the issue. This will go down in history poorly for all of our Republican friends who back that up, which is just about everyone.

We had to form our own committee because Republicans wouldn't join a bipartisan committee to discuss this. In his time as majority leader, Senator MCCONNELL has brought forward exactly one bill to address climate change, and it was so his party and he could vote against it—a sham, a ruse, a trick, which flopped.

Many Republicans don't support every Democratic idea to address climate change. I understand that, but Leader MCCONNELL has provided no way for the Senate to even debate the matter. How are we supposed to compromise or make progress if the Senate leader refuses to allow us to debate any legislation? How can America make progress, even when the House moves forward, when the Senate has become a legislative graveyard for so many issues?

On climate change, healthcare, and so many other issues, Leader MCCONNELL's legislative graveyard is standing in the way of progress for average American families.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I ask that the 11 o'clock vote series start now.

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

The PRESIDING OFFICER. Under the previous order, the amendments to the treaty are withdrawn.

The amendments (No. 912 and No. 913) were withdrawn.

The PRESIDING OFFICER. The clerk will report the resolution of ratification.

The senior assistant legislative clerk read the resolution of ratification as follows:

Resolution of Advice and Consent of the Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010 (the proposed Protocol) (Treaty Doc. 112-1), and a related agreement effected by an exchange of notes on September 23, 2009 (the related Agreement).

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) and the Senator from California (Ms. HARRIS) are necessarily absent.

The yeas and nays resulted—yeas 95 and nays 2, as follows:

(Rollcall Vote No. 210 Ex.)

## YEAS—95

Alexander	Gardner	Reed
Baldwin	Gillibrand	Risch
Barrasso	Graham	Roberts
Blackburn	Grassley	Romney
Blumenthal	Hassan	Rosen
Blunt	Hawley	Rounds
Booker	Heinrich	Rubio
Boozman	Hirono	Sanders
Braun	Hoeven	Sasse
Brown	Hyde-Smith	Schatz
Burr	Inhofe	Schumer
Cantwell	Johnson	Scott (FL)
Capito	Jones	Scott (SC)
Cardin	Kaine	Shaheen
Carper	Kennedy	Shelby
Casey	King	Sinema
Cassidy	Klobuchar	Smith
Collins	Lankford	Stabenow
Cornyn	Leahy	Sullivan
Cortez Masto	Manchin	Tester
Cotton	Markey	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Menendez	Udall
Daines	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Warren
Enzi	Murphy	Whitehouse
Ernst	Murray	Wicker
Feinstein	Perdue	Wyden
Fischer	Peters	Young
	Portman	

## NAYS—2

Lee Paul

## NOT VOTING—3

Bennet Harris Isakson

The PRESIDING OFFICER (Mr. SASSE). On this vote, the yeas are 95, the nays are 2.

Two-thirds of the Senators having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

## TREATIES APPROVED

PROTOCOL AMENDING TAX CONVENTION WITH SWISS CONFEDERATION (TREATY DOC. 112-1)

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent Subject to a Declaration and Conditions.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010 (the "proposed Protocol") (Treaty Doc. 112-1), and a related agreement effected by an exchange of notes on September 23, 2009 (the "related Agreement") subject to the declaration of section 2 and the conditions in section 3.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Protocol is self-executing.

Sec. 3. Conditions.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 2 years after the Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the Protocol, the Secretary of the Treasury shall transmit to the Committee on Finance and the Committee on Foreign Relations of the Senate and the Joint Committee on Taxation the text of the rules of procedure applicable to arbitration panels, including conflict of interest rules to be applied to members of the arbitration panel.

(2)(A) Not later than 60 days after a determination has been reached by an arbitration panel in the tenth arbitration proceeding conducted pursuant to the Protocol or any of the treaties described in subparagraph (B), the Secretary of the Treasury shall prepare and submit to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to laws relating to taxpayer confidentiality, a detailed report regarding the operation and application of the arbitration mechanism contained in the Protocol and such treaties. The report shall include the following information:

(i) For the Protocol and each such treaty, the aggregate number of cases pending on the respective dates of entry into force of the Protocol and each treaty, including the following information:

(I) The number of such cases by treaty article or articles at issue.

(II) The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report.

(III) The number of such cases for which arbitration proceedings have commenced as of the date of the report.

(ii) A list of every case presented to the competent authorities after the entry into force of the Protocol and each such treaty, including the following information regarding each case:

(I) The commencement date of the case for purposes of determining when arbitration is available.

(II) Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner.

(III) Which treaty the case relates to.

(IV) The treaty article or articles at issue in the case.

(V) The date the case was resolved by the competent authorities through a mutual agreement, if so resolved.

(VI) The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced.

(VII) The date on which a determination was reached by the arbitration panel, if a determination was reached, and an indication as to whether the panel found in favor of the United States or the relevant treaty partner.

(iii) With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration panel pursuant to the Protocol or any such treaty, the following information:

(I) In the case of a dispute submitted under the Protocol, an indication as to whether the presenter of the case to the competent authority of a Contracting State submitted a Position Paper for consideration by the arbitration panel.

(II) An indication as to whether the determination of the arbitration panel was accepted by each concerned person.

(III) The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available.

(IV) The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration panel.

(B) The treaties referred to in subparagraph (A) are—

(i) the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, done at Berlin June 1, 2006 (Treaty Doc. 109-20) (the “2006 German Protocol”);

(ii) the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol, done at Brussels July 9, 1970 (the “Belgium Convention”) (Treaty Doc. 110-3);

(iii) the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital, signed at Washington September 26, 1980 (the “2007 Canada Protocol”) (Treaty Doc. 110-15); and

(iv) the Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris August 31, 1994 (the “2009 France Protocol”) (Treaty Doc. 111-4).

(3) The Secretary of the Treasury shall prepare and submit the detailed report required under paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of

an arbitration panel, and noted as such in prior reports may be omitted.

(4) The reporting requirements referred to in paragraphs (2) and (3) supersede the reporting requirements contained in paragraphs (2) and (3) of section 3 of the resolution of advice and consent to ratification of the 2009 France Protocol, approved by the Senate on December 3, 2009.

### PROTOCOL AMENDING THE TAX CONVENTION WITH JAPAN

The PRESIDING OFFICER. The clerk will report the next treaty.

The bill clerk read as follows:

Treaty document No. 114-1, Protocol Amending the Tax Convention with Japan.

Pending:

McConnell amendment No. 914, of a perfecting nature.

McConnell amendment No. 915 (to amendment No. 914), to change the enactment date.

The PRESIDING OFFICER. Under the previous order, the amendments to the treaty are withdrawn.

The amendments (No. 914 and No. 915) were withdrawn.

The clerk will report the resolution of ratification.

The bill clerk read as follows:

Resolution of Advice and Consent to Ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and a related agreement entered into by an exchange of notes (together the “proposed Protocol”), both signed on January 24, 2013, at Washington, together with correcting notes exchanged March 9 and March 29, 2013.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) and the Senator from California (Ms. HARRIS) are necessarily absent.

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

The yeas and nays resulted—yeas 95, nays 2, as follows:

[Rollcall Vote No. 211 Ex.]

YEAS—95

Alexander	Cardin	Duckworth
Baldwin	Carper	Durbin
Barrasso	Casey	Enzi
Blackburn	Cassidy	Ernst
Blumenthal	Collins	Feinstein
Blunt	Coons	Fischer
Booker	Cornyn	Gardner
Boozman	Cortez Masto	Gillibrand
Braun	Cotton	Graham
Brown	Cramer	Grassley
Burr	Crapo	Hassan
Cantwell	Cruz	Hawley
Capito	Daines	Heinrich

Hirono	Murkowski	Shaheen
Hoeben	Murphy	Shelby
Hyde-Smith	Murray	Sinema
Inhofe	Perdue	Smith
Johnson	Peters	Stabenow
Jones	Portman	Sullivan
Kaine	Reed	Tester
Kennedy	Risch	Thune
King	Roberts	Tillis
Klobuchar	Romney	Toomey
Lankford	Rosen	Udall
Leahy	Rounds	Van Hollen
Manchin	Rubio	Warner
Markey	Sanders	Warren
McConnell	Sasse	Whitehouse
McSally	Schatz	Wicker
Menendez	Schumer	Wyden
Merkley	Scott (FL)	Young
Moran	Scott (SC)	

NAYS—2

Lee

Paul

NOT VOTING—3

Bennet

Harris

Isakson

The PRESIDING OFFICER (Mr. LANKFORD). On this vote, the yeas are 95, the nays are 2.

Two-thirds of the Senators voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to as follows:

PROTOCOL AMENDING THE TAX CONVENTION WITH JAPAN (TREATY DOC. 114-1)

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent Subject to a Declaration and Conditions.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, and a related agreement entered into by an exchange of notes, both signed at Washington January 24, 2013, as corrected by exchange of notes on March 9 and 29, 2013 (the “Protocol”) (Treaty Doc. 114-1), subject to the declaration of section 2 and the conditions in section 3.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Protocol is self-executing.

Sec. 3. Conditions.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 2 years after the Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the Protocol, the Secretary of the Treasury shall transmit to the Committee on Finance and the Committee on Foreign Relations of the Senate and the Joint Committee on Taxation the text of the rules of procedure applicable to arbitration panels, including conflict of interest rules to be applied to members of the arbitration panel.

(2)(A) Not later than 60 days after a determination has been reached by an arbitration panel in the tenth arbitration proceeding conducted pursuant to the Protocol or any of the treaties described in subparagraph (B), the Secretary of the Treasury shall prepare and submit to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to laws relating to taxpayer confidentiality, a detailed report regarding the operation and application of the arbitration mechanism contained in the Protocol and such treaties. The report shall include the following information:

(i) For the Protocol and each such treaty, the aggregate number of cases pending on