

stuck and unable to move forward even in the face of a looming government shutdown. There are just a few legislative days until the government runs out of funding. Democrats have seen this coming for months and Republicans should have seen it also. Maybe they did but just ignored it.

That is why we have called for bipartisan budget negotiations. We are running out of time. That is an understatement. Last week, the Republican leader told this body:

We only have so much floor time in the Senate. We are going to try to use it on serious proposals that have a chance of becoming law.

I am sure he should read that to himself again today, yesterday, and maybe tomorrow. But after having made the statement, instead of voting on this key priority—that is, funding the government—we are spending time on cynical show votes even though everyone knows the result. Despite the fact that a shutdown looms in a matter of days, the Republican leader is turning the world's greatest deliberative body into the "show-vote" Senate.

Ensuring that the government has the funds it needs to operate is the basic responsibility of the Senate. That Republicans have let this crisis build instead of joining Democrats at the bargaining table is an embarrassment to this institution. The Republican leader and I don't see eye to eye on all political issues, but we both support a clean bill to stop a government shutdown. That is what he wants. A clean bill is the only way to prevent a government shutdown, no riders, no tricky things in it at all.

Just yesterday, the Republican Leader said, the sequester-level spending caps should be lifted. Thank goodness he said that. I agree with him. I agree with Senator MCCAIN and Senator LINDSEY GRAHAM, who have talked about this on the Republican side. We all know how this ends. The Senate will pass a clean continuing resolution. I hope that is the ending we all see because that is what we should see.

When I say a clean bill, I mean no policy riders, no procedural loopholes, just a clean funding bill devoid of tricks. So what are we waiting for? Why are we dragging the country to the brink of another shutdown when the solution is staring us in the face? There is nothing to gain from delaying the inevitable and much to lose. The reality of the Senate is that the longer we wait, the more difficult the path forward will be. In the past, Republicans' inability to govern responsibly has amplified the voice of government shutdown advocates like the junior Senator from Texas. Every moment the Republican leader wastes increases the likelihood that one Senator's objection can raise enough procedural problems to force the entire government to shut down. I am not making this up, it happened 2 years ago.

Captains of chaos want nothing more than for the Republican leader to twid-

dle his thumbs. Every day we wait increases the leverage of those who want to shut down the government. We have seen this drama before. It happened 2 years ago. The Republican leader will need to file cloture at least twice if any single member of the caucus objects.

So if the Republican leader wants to avoid a government shutdown, he should start the process of bringing a bill to the floor by Thursday at the absolute latest. Time really is running out. Next week, Pope Francis will address Congress. We expect half a million people to come for the Pope's visit to Capitol Hill. The President of China will make his visit the very next day to the Nation's capital. It will be his first visit.

So there will be 3 or 4 days in session next week at the most. We are ready to move forward. There is no reason to wait any longer. It is time for Republicans to skip the manufactured drama, pass a clean funding bill today, and get something done around here for the American people. For months, Democrats have been clear about our priorities: First, any appropriations measure cannot be hijacked for ideological or special-interest riders. Second, any funding increase for the Pentagon must be matched by at least a dollar-for-dollar increase for domestic programs, including domestic anti-terror programs.

These are commonsense principles that should form the basis of any budget agreement, but Republicans have refused to negotiate. They are now focused on scoring political points at the expense of the American people. We voted twice. Why waste this time again on another vote? There will only be a few days of session next week.

When we return the following Monday, we will have just 3 days before the government funding expires. That is October 1. We should act now, pass a clean continuing resolution preventing a government shutdown, and then responsibly negotiate a compromise. It should be a short-term CR. Any other decision is a waste of precious time that we do not have.

#### HEALTH INSURANCE COVERAGE

Mr. REID. Finally, the number of Americans without health insurance dropped dramatically last year. All the press yesterday and this morning are reporting this, but this comes as no surprise. The good news happened as the Affordable Care Act's major coverage provisions took effect. This is further evidence the Affordable Care Act is working. The share of people without coverage dropped in every State in the Union in 2014. That is the first time in the history of the Census reports that every State has improved.

States that expanded Medicaid under the Affordable Care Act did better than those that did not. States that adopted the new law's Medicaid expansion had a 3.5-percentage-point drop in their uninsured rate. That is about 1½ times the 2.3-percentage-point decline in States

that did not expand the program. Overall, the national uninsured rate dropped by 2.9 percentage points.

Now, all these numbers mean that the uninsured rate is now at the lowest in the history of our country—the lowest ever. Once again, the Affordable Care Act, ObamaCare, is working.

#### RESERVATION OF LEADER TIME

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

#### HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 61, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 61) amending the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Pending:

McConnell amendment No. 2640, of a perfecting nature.

McConnell amendment No. 2656 (to amendment No. 2640), to prohibit the President from waiving, suspending, reducing, providing relief from, or otherwise limiting the application of sanctions pursuant to an agreement related to the nuclear program of Iran.

McConnell amendment No. 2657 (to amendment No. 2656), to change the enactment date.

McConnell amendment No. 2658 (to the language proposed to be stricken by amendment No. 2640), to change the enactment date.

McConnell amendment No. 2659 (to amendment No. 2658), of a perfecting nature.

McConnell motion to commit the joint resolution to the Committee on Foreign Relations, with instructions, McConnell amendment No. 2660, to prohibit the President from waiving, suspending, reducing, providing relief from, or otherwise limiting the application of sanctions pursuant to an agreement related to the nuclear program of Iran.

McConnell amendment No. 2661 (to the instructions) amendment No. 2660), of a perfecting nature.

McConnell amendment No. 2662 (to amendment No. 2661), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, my calculation is there are about 36 minutes remaining before the vote. I ask unanimous consent on the Democratic side that I be given 3 minutes, Senator CARDIN 5 minutes, Senator MENENDEZ of New Jersey 5 minutes, Senator CARPER of Delaware 5 minutes—Senator CARPER 3 minutes, and Senator KAINE 2 minutes.

The PRESIDING OFFICER. Would the Senator please restate those.

Mr. DURBIN. Yes, 3 minutes for myself, 5 minutes for Senator CARDIN of

Maryland, 5 minutes for Senator MENENDEZ of New Jersey, 3 minutes for Senator CARPER, 2 minutes for Senator KAINE.

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

Mr. DURBIN. Mr. President, we listened to the comments of Senator MCCONNELL, the Republican leader. He has given us a "litany of horrors" when it comes to the conduct of the nation of Iran. He has given us fair warning that this is a country that we cannot trust because of past conduct. I think the point that needs to be made at this moment is I don't disagree with his premise or his conclusion. But I ask him and all others in his similar political position: How can Iran with a nuclear weapon be a better thing for this world, for the Middle East, or for Israel?

I think the answer is obvious. That is why the President, in league with our major allies and some not so frequent allies, has brokered an agreement to send in international inspectors to destroy the centrifuges which are building these nuclear weapons, to put a concrete core in the reactor that produces the plutonium, and to continue the inspection of Iran nonstop so that they do not develop a nuclear weapon.

That to me is an ultimate positive outcome. Does it cure all of the horrors that have been listed by the Senator from Kentucky? Of course not. But how can he imagine that Iran with its record would be in a better position—or that we would be in a better position—if Iran had a nuclear weapon? I do not think so. That, I think, is the issue before us. I have to harken back to the statement made yesterday by my colleague from Michigan. She is in contact with the family of one of the prisoners being held there. They are concerned, I am concerned, that dramatizing these four prisoners as part of our political debate on the floor, which is what the Republicans have done with their amendment is a risky process. We want these prisoners to come home safely. We voted that way overwhelmingly.

Playing them as part of a floor strategy by the Republicans is risky. I wish we would not take the risk at their possible expense. So I would urge my colleagues to join me in voting against the cloture motion that is going to come before us at 11 o'clock to move forward on this particular amendment.

I will close by saying, the press reports last night explained why we are here wasting a week in the Senate: Because of the Republican presidential debate and because of the fact that even some of the Republican presidential candidates reserved a vial of venom to be used against the leader here, the majority leader of the Senate and the Speaker of the House.

It is clear they are under immense pressure to show their Republican manhood. That is what this exercise is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, the next vote we are going to take on the Iran agreement will fundamentally change the resolution before us. It is out of compliance with the review act. The Iran review act gives Congress three options: approve the agreement, disapprove the agreement or take no action. This amendment would provide conditional approval of the Iran agreement.

Let me make clear to our colleagues that the framework of the agreement is to provide Iran sanctions relief in exchange for stopping Iran from becoming a nuclear weapons state. That is the yardstick. It provides for inspections and enforcement, preserving our options if Iran participates in terrorism, human rights, and ballistic missile violations, and the bottom line is whether Iran is in better or worse shape to acquire a nuclear weapon under this agreement.

I reached my judgment on it, as did 100 Senators. I opposed the agreement, but this amendment takes us in a different direction. This amendment says that if Iran recognizes Israel and releases four hostages, that sanctions relief will be granted to Iran. I hope Iran does recognize Israel, but I must tell you I would have no confidence in their statement or trust in their statement if they issued a statement recognizing Israel.

Senator STABENOW has already talked about whether this is the most effective way to bring back our hostages. One can challenge that. So this conditional approval gives up any of the disapproval resolution on the nuclear part of the agreement. That makes absolutely no sense whatsoever.

Let me remind our colleagues that this is September 17. This is the 60th day of the congressional review, the last day of the congressional review. Quite frankly, this vote is a political exercise, and this issue is way too important for us to be engaged in a political issue on the review.

We have worked very hard over 60 days to get information. The committee has worked very hard. We are very proud of the record of the Senate Foreign Relations Committee in this regard. We shouldn't be participating in this political battle. It is clear this Iran agreement will be implemented.

Now it is time for this body to stop taking show votes and instead pivot to the serious work of addressing the problems with the deal. This means making sure we are working with the Government of Israel on a security package that will now enable Israel to defend against conventional and terrorist threats from Iran; it means making sure we are working with our partners in the Gulf Cooperation Council to make sure we are collectively prepared to counter destabilizing any Iranian activities; it means making sure we are prepared to counter Iranian terrorism, ballistic missile proliferation, and

human rights abuses; it means making sure we are working effectively with our European allies to prepare for Iran potentially cheating on the deal.

Let's turn to the serious work we have in front of us and recognize that we all need to be together to prevent Iran from becoming a nuclear weapons State. We stand for Israel's security, we stand for the return of our hostages, but let's also make sure we have the strongest possible decision to make sure we prevent Iran from becoming a nuclear weapons State. Let's work together.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise as an opponent of the Iran nuclear agreement, and I have set forth at length—both on the Senate floor and in a speech at Seton Hall University School of Diplomacy and International Relations—my reasons why, but I am also an opponent to the McConnell amendment that would support the deal if Iran recognizes Israel and releases American hostages.

I have said on this floor—and will say again—that I have a problem with the underlying nuclear agreement. As much as I wish to see the hostages released—and have voted in a resolution that the Senate passed calling for Iran to do so—and have them come home to their families, and as much as I would like Israel to be recognized by Iran as a sovereign, independent nation, I am not certain I would want to give my imprimatur to the agreement even under those conditions, which this amendment would do. This, in essence, makes—if adopted—a conditional agreement. We in the Senate would be voting to say the agreement can move forward if the hostages are released and if Iran recognizes the State of Israel as a sovereign and independent state.

I must say I want the hostages back, as does everyone in this Chamber. I want Israel to be recognized as a sovereign and independent state, although I believe that any such recognition by Iran at this point in time would be temporal, at best, and can only be meaningful by actions, not just simply by such a declaration.

So at the end of the day, for all the reasons I have heard my colleagues on this floor talk about the consequences of the nuclear deal, surely you cannot be of the thought that as desirous as the releasing of the hostages is or the desire to have Israel recognized by Iran as a sovereign state, that that would then give you a clear sailing for the underlying nuclear agreement. That, in essence, is what this amendment would provide for.

We have many concerns as we move forward with Iran. We already see that. Even as this agreement is being moved forward, Iran has given its OK to Russia to overfly Iran and then Iraq, where we have spent so many lives and national treasure, to send military hardware into Syria to prop up the Assad

regime—which Iran has also been a patron of—and at same time to maybe very well establish a military base for Russia. So there are going to be a lot of concerns, notwithstanding this agreement that we have with Iran, but I, for one, do not want to give any idea that we would support this agreement—as someone who opposes it—simply because the hostages would be released and Iran would recognize Israel.

Some might believe that will never happen, so therefore the agreement wouldn't move forward, but if the agreement is as good as so many of my colleagues have said it is for Iran, then it might not be a price they would find too high to pay in order to have the agreement move forward.

In any event, whether Iran thinks it is a good agreement for them and would do so, I simply do not want to support the underlying agreement by virtue of a sleight of hand on something that is desirable and, independently, this body would be united on—getting all of the hostages back and doing everything necessary to achieve that and at the same time making sure Israel is truly, truly recognized, not only in words but in deed. That is why I will be voting against the amendment.

There are far more serious things, such as renewing the Iran Sanctions Act, in the days ahead that I think are critical. Many of the things Senator CARDIN has been talking about in his proposed legislation will be critical to having the type of response we want in Iran against its hegemonic interests in the region as well as its nuclear ambitions. For that, I will be voting against the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### THE ECONOMY

Mr. CARPER. Mr. President, going back to the elections of last November, there are three takeaways—enduring takeaways—for me from that election: No. 1, people want us to work together; No. 2, they want us to get things done; No. 3, they want us to find ways to further strengthen the economic recovery of our country.

Today the Department of Labor released the most recent weekly information on filers of unemployment insurance in this country. They do it every Thursday. They have been doing this for years. Today the number is 264,000 people. It sounds like a lot—well, compared to what?

The week that Barack Obama and JOE BIDEN were inaugurated as President and Vice President, that number was not 264,000, it was 628,000. Anytime that number is over 400,000 we are losing jobs. Anytime the number is under 400,000 per week, we are adding jobs. That number has been under 300,000 for the last 28 straight weeks. I don't know that there has ever been a time when we have seen a number that low for that long.

We are strengthening the economic recovery. We ought to continue to do

that. There are a number of things we ought to do on this floor to further strengthen the economic recovery. We need to avoid a budget shutdown. We need to put in place a responsible spending plan for the next year. Our country is under cyber attack 24/7—companies, businesses of all kinds and shapes. We need to have tax certainty. We need to put in place a tax plan for our country rather than stop and go. We need to fully fund a 6-year transportation plan. Those are just some of the things we can do to further strengthen the economic recovery.

Are we dealing with those? No, we are not. We are coming back again to vote—really—on the same thing we voted on before.

Let me just say, with all due respect, do I want the hostages released? You bet. Have I let the Iranian officials, senior officials whom I know, know that? You bet, every time I talk to them and meet with them.

The best way to make sure the hostages are released, the best way to hasten the day that Israel has a kind of relationship with Iran that they had not all that many years ago is to put in place and to fully implement the plan that is before us, one that will make it very difficult for the Iranians to develop a nuclear weapons program and ensure that if they do, we know about it.

My message to Zarif—the Foreign Minister of Iran who has been the lead point person on their negotiations for the last 2 years—this is my message to him and to the Iranian officials: No. 1, you could have a stronger economy; No. 2, you could have a nuclear weapons program. You cannot have both. There is a whole new generation of people who have grown up in that country, 78 million people. The average age is 25. Does the Revolutionary Guard like the agreement? No, they don't. They want to kill it.

How about the young people who have grown up in that country who like Americans, who want to have a better relationship with us, what do they want?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. They want us to take yes for an answer, and I would take no for an answer with the measure that is before us today.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I just wish to say a few words about the vote we are about to take and about this process.

I do not favor this agreement. I have indicated I would vote against it. I would like to get to a final vote on the subject and not just have endless cloture votes. It has been offered on the Democratic side that we would go to a final vote if the margin was set at 60. We have a 60-vote threshold. I say take it. Let's get to a final vote. We have seen the end of this movie already. The President has the sufficient votes to

sustain the veto. Therefore, this would simply be an exercise to send something to the President that he would veto and then have that veto sustained. I see no value in doing that. There is no value to our allies to see that there is a split in Congress or between Congress and the Executive on this issue.

The President is in his last term, he is not hurt politically by this, and there is no reason to do that. So I don't know why in the world we want to go through that exercise or insist on going through that exercise simply to force cloture.

I would like to send the disapproval motion to the President—that would be fine—but to not get to a final vote because we are insisting on doing that seems to me misguided. Let's agree and go to a final vote and set it at a 60-vote threshold. That would be fine. We know the end of this movie already.

With regard to the amendment itself, the text of it, we are talking about our desire to have the hostages who are in Iran released. Everyone would like that. Everyone would like to see Iran recognize Israel. But should a whole agreement be based on those two items? No. There are a lot of other things that need to be done as well.

As I said, I don't believe this was negotiated well. I think it could have been better. That is why I will vote against it if I have a chance.

But let's give the Members of this body that chance. Let's have a vote on the final product, the process that we set up with the Corker-Cardin legislation, and not insist on sending something to the President that would be sent back and that we know the result.

I want to register my support of having a final vote, regardless of where that vote threshold is.

With that, I yield back.

Mr. CARPER. Will the Senator from Arizona yield for a moment?

Mr. FLAKE. I yield to the Senator.

Mr. CARPER. First, let me thank Senator FLAKE for a very thoughtful statement. It reminds me a little bit of what Senator REID has been asking for by unanimous consent for a week or two; that is, to actually forgo cloture votes and that sort of thing. Let's just go to a final vote, but we want a 60-vote threshold. I think the expectation has been for months that there would be a 60-vote threshold.

If the Senator from Arizona is comfortable with forgoing all of this parliamentary procedure and to going to an up-or-down vote with a 60-vote threshold, I think that is the way to do it. That is the way we ought to do this. I applaud the Senator for what he said.

Mr. FLAKE. Thank you. I do think that this is a serious matter. This is an agreement that is important, that is going to last beyond this administration and beyond the next one. Congress should be on record on this issue with more than just a procedural vote. I understand the desire to have a vote by simple majority—that would be the preference—but if we cannot get there,

and this is a body of compromise, then let's have a vote, a final vote on the subject.

As to the matter of—let me just say, with these amendments, I will vote with my colleagues on this side of the aisle on a cloture vote to get to a final vote on these amendments, but if it comes to it, I will vote against those amendments, not that I don't want the hostages released or Israel recognized, but the entire agreement should not be based on those two items. There are other important aspects of the agreement, and to pick two as a way to go forward doesn't make sense to me. So I will vote with my party on cloture to move ahead to vote on the amendment, but if it comes to that, I will vote against those amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise to speak today about President Obama's nuclear deal with Iran.

I have now cast multiple votes to proceed to an up-or-down vote on this nuclear deal. However, according to President Obama and his administration, Congress's review period ends today, even though there is still controversy about that.

I want to applaud the ranking member of the Foreign Relations Committee and the chairman—the ranking member, Senator CARDIN, who is here today, and Senator CORKER—for getting us to this point. In a unanimous vote in our committee, we got this bill, brought it to the Senate, and we had a 98-to-1 vote in a bipartisan effort to bring this before the American people. Today, we are here with a very small minority of Americans who actually support this deal.

This administration chose not to consider this as a treaty but as a non-binding political agreement. That means in a little over a year, our next President can determine whether he or she will abide by this deal with Iran.

My question is this: What can we do now—right now—in the Senate, over the next 14 months, to continue to fight this President's nuclear deal with Iran? I speak today to confirm that I will continue this fight, individually, if necessary. In the next 14 months I am committed to finding ways we can mitigate the effects of this dangerous deal with Iran.

We need to ratchet up sanctions on Iran for terrorism and human rights violations and continue to be vigilant in both of those areas. We need to be prepared with sanctions that can be snapped back swiftly when, not if, Iran cheats, even if that cheating is only incremental. We need a strategy to deal with the increase in terrorism and aggression we will see from Iran after they get over a \$60 billion payday from this deal. We need a plan to reassure our allies in the region and to counter the nuclear and conventional arms race this deal is sure to trigger.

I have been saying this for months, which is why I ensured the passage of

an amendment in the State Department authorization bill that calls on the administration to produce such a strategy. I refuse to accept the world's deadliest weapons getting into the hands of this rogue regime.

Hearing this administration sell the Iran deal, I am so often reminded of President Clinton's deal in 1994. In 1994 President Clinton promised our country this nonbinding agreement with North Korea would make America and the world safer. Look at where we are today. Just 12 short years after Clinton's deal, North Korea completed its first nuclear detonation test. Today North Korea has a nuclear bomb, and it is cooperating with Iran on Iran's program. Just this week North Korea announced it is bolstering its nuclear arsenal and is prepared to use nuclear weapons against the United States of America.

I fear President Obama's deal with Iran will yield similar results. We cannot allow Iran to obtain a nuclear weapon—not now, not in 10 years, not ever. For the security of our children and our children's children, our country, our world, and our future, we absolutely have to make sure that Iran never becomes a nuclear weapons state.

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. CORKER. 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. CORKER. Mr. President, today we have a series of votes that I know may be difficult for the American people, who may be looking on, to understand. In the Senate we have a procedure called cloture, which signifies whether Members are ready to end debate and move on to the vote on the substance of the bill we are now discussing.

We have been on this now for 2 weeks. We have had 12 hearings in the Foreign Relations Committee, with my distinguished friend Senator CARDIN as the ranking member, and we have had all kinds of debate on the floor. Almost every Senator in the Senate has spoken. Yet we find ourselves in this place where a bipartisan majority of Senators wish to send a vote of disapproval to the President and 42 Senators are keeping us from doing so.

If I could just walk through this, first of all, in a strong bipartisan, almost overwhelming manner—almost four times since 2010—this body has put sanctions in place against Iran to bring them to the negotiating table. I want to commend people on both sides of the aisle for making that happen. My friend, BOB MENENDEZ, and MARK KIRK on our side, together with all the rest of us helped to make those things happen.

When this body saw that the President, after we helped to bring Iran to

the table, was going to negotiate a deal that cut us out—that, in essence, caused him to be able to go straight to the U.N. Security Council and cause a deal to be implemented—I worked with my friend Senator CARDIN, and others, and we put in place something called the Iran review act, which gave us this ability to have 60 days to look at the proposal, to go through it, and to voice our approval or disapproval. We have had that debate.

Unfortunately, because the President did not achieve what he said he was going to achieve—and by the way, if he had, there would be 100 Senators today voicing their approval. The President, when he began the negotiations, said he was going to end Iran's nuclear program. Unfortunately, from my perspective, he squandered—squandered—that opportunity.

We had a boot on the neck of Iran, a rogue nation. We had some of the greatest countries in the world involved in the negotiations to end their program. Instead, we capitulated and have agreed to the industrialization of their nuclear program. We have agreed to let them continue their research and development so they can do what they are doing in an even quicker manner. We have allowed them to continue their ability to deliver intercontinental ballistic missiles.

We all know they have no need for their program other than to develop a nuclear weapon. We know that. They have no practical need. So a strong bipartisan majority of this body wants to send to the President a resolution of disapproval. Yet today what is happening, I fear—for the third time—is that a minority—a partisan minority, I will say—of 42 Senators are going to block that from occurring.

Now, look, I understand procedures around here. I do. I understand the cloture vote. I knew that when we agreed to this bill. We agreed to it being dealt with under what is called “normal procedures.” We agreed to that. I just want to remind people, though, that back in the gulf war, this body decided it was going to support President Bush—the first President Bush, Bush 41—when he really didn't need to come to Congress. But he came to us for the authorization of the use of military force and that was passed on a 52-48 vote—52-48.

What we have happening today, though, is that we have 58 Senators here who disapprove of what the President has negotiated. They feel he squandered the opportunity given to him with our support. Instead of ending their program, he has allowed it to be industrialized. And so we have 58 Senators here who want to express themselves and to send to the President this resolution of disapproval. We have 42 Senators on a procedural vote who are keeping us from doing so—42 Senators.

In essence, they are saying, I guess, we haven't debated this enough. Almost every Senator has expressed

themselves. We have had 12 hearings in the Committee on Foreign Relations, with all kinds of classified briefings. The Committee on Armed Services had hearings, and the Select Committee on Intelligence had hearings.

I just want to say that I know many people spent a lot of time. I know the ranking member looked at this backwards and forwards before he came to his own conclusion. This, to me, really is taking on a tone of Members of this body protecting the President—protecting the President—from having to veto something this body would send to him, which is a resolution of disapproval.

So I am disappointed we are where we are. I am disappointed the Senate functions in the way it does today, where a majority of Senators who wish for something to happen cannot make it happen. In this particular case it is happening in a manner, in my belief, to really keep the President from having to veto this, which is what a majority of Senators in the Senate would like to see happen.

With that, I hope that at least a couple of Senators here will decide that we have discussed this long enough and that we will allow this body to vote on the actual underlying substance. That is, by the way, what the Iran Nuclear Agreement Review Act was about. On a 98-to-1 basis Senators in this body said they wanted the ability—98 of us; 1 Senator was missing or we would have had 99—to weigh in on this topic, and now that is not going to occur.

I believe my time is over. I understand the minority may have about 2 minutes left and then we will proceed to a vote. But I want to thank my good friend Senator CARDIN, who I think serves in a very distinguished way. I could not have a better partner. So I thank him for his comments as they are about to come and also for his cooperation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, Senator CORKER and I have been in agreement for 53 days of the 60-day review. And he is absolutely correct that 58 Senators disapprove of this agreement and don't think it should go forward. He and I are in agreement on that. We both believe we could have done better and we should reject the agreement, but 42 Senators believe we should go forward.

I thought the colloquy that took place just a few moments ago on the floor between Senator CARPER and Senator FLAKE was the way we should have completed this issue, then have a final vote with a 60-vote threshold. That is where I thought we were headed when we went into the August work period.

We have understood the process, and Americans know where every Member of the Senate stands on this agreement. Americans also understand the 60-vote threshold in the Senate. And they certainly understand the 67 votes necessary to override a veto. This

agreement is moving forward. We all know that. We should all be talking about how to move forward on the agreement.

What I don't understand is the next vote. I don't understand why the majority leader decided to bring forward an amendment to change a resolution of disapproval into a resolution of conditional approval. To me, that is totally inconsistent with the review act, and it is counterproductive for those who either support or disapprove of the agreement. It is not fitting and not consistent with the work done during the first 53 days of the review, where we worked very hard in committee so that every Member of the Senate could get as much information available to make their individual judgments whether to vote for or against the agreement. And 58 voted for, 42 against.

This vote I don't understand, and I would urge my colleagues—befitting the Iran review and the Senate's responsibilities here, we should be voting no on the amendment that is offered by the majority leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I think I understand the frustration expressed by the ranking member. The ranking member knows I worked with him to ensure that when we had this debate, we stayed away from those issues that divide us. He knows I took multiple tough votes, as did others, to keep things in balance.

There are Members of this body who feel as if this amendment the Senator is talking about is one on which they would have liked to have expressed themselves. Since we are in a place where it appears that 42 Senators are going to keep us from actually being able to go forward with the vote on whether we agree or disagree—the Senator and I are in the same place on this. But since that has occurred, I think out of frustration and knowing there were a number of Members who wanted to express themselves on the way this next amendment is—I think that is the reason that has occurred.

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senator have an additional minute so he can yield to me.

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

Mr. CARDIN. If the Senator will yield, do the people who are suggesting that this amendment be voted on recognize that they are making this a conditional approval vote and therefore that if Iran were to recognize Israel, if this were to become law and if Iran were to recognize Israel and release the four hostages, that the agreement would go forward? Do they understand this is not one of the options provided under the Iran review act and it is inconsistent with the discussions I think we have always had as to what the votes would be on the floor of the U.S. Senate?

Mr. CORKER. Mr. President, if I could respond through the Chair, I think what people understand is that 42 Senators are causing a filibuster to take place and that we are not ever going to be able to get to that vote of conscience all of us have wanted to make. And since they know that, they understand this deal is going to go forward, and therefore, in order—since these people really never had the opportunity to express themselves in this manner—there never was an amendment during the debate relative to the amendment we now have before us. I think since they know it is going to go forward, since in essence the filibuster is underway that keeps this final vote from occurring and a motion of disapproval from going to the President, there is a divergence off of that to express themselves in a different way.

Mr. CARDIN. Mr. President, I ask unanimous consent for 1 additional minute for the chairman of the committee.

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

Mr. CARDIN. If the chairman will yield, I understand the frustration. There is a lot of frustration on not getting votes when we want to get votes. But I remind the chairman that every request for a vote on the Iran review act came from the Republican side of the aisle. There were none from the Democratic side of the aisle. We had votes on Republican amendments. If you recall correctly, it was a Republican effort that ultimately led to no option other than to cut off further amendments by the majority leader.

Let me also suggest that on two occasions we have attempted to allow for a final vote with a 60-vote threshold so that we wouldn't have to use any filibuster. The Democratic leader consented to a motion to proceed without the necessary cloture vote because we don't want this to be procedure, and I think everyone wants to vote and has voted their conscience.

Mr. CORKER. If I could, and I very much appreciate—first of all, I could not work with a more thoughtful, diligent Member of the U.S. Senate than the ranking member.

I think what the Senator's side needs to understand—and I have tried to articulate this—is that during these negotiations, we tried to set up a privileged motion where it was set up not unlike one, two, three agreements that we have. We understood that the minority leader—and I respect this—does not like privileged amendments, that the leaders like to control the floor, and in this case he wanted to be able to control his side. So we were not able to set this up as a privileged vote. As the Senator knows, we then agreed to do it under regular order—regular order—and the Senator and I agreed to those negotiations.

What the Senator would be asking our side to do to move to a 60-vote debate is actually raise the threshold from a simple majority, which is the

way regular order works. The Senator would ask us to raise the threshold to a 60-vote threshold, which is above and beyond regular order. So the Senator can understand how people don't understand why we would agree to raising that threshold.

So, look, we understand what is getting ready to happen. The Senator and I have a lot of business to do relative to Syria, relative to Iraq, relative to refugees and others.

I am disappointed that the Senate functions in the way it does. As I mentioned, back under the gulf war, back in 1991, instead of a filibuster, Members allowed us to vote on a—I wasn't here then, and I don't think the Senator was here then—on a 52-to-48 basis, people moved beyond the filibuster and allowed the majority to express themselves.

I hope at some point in time the Senate will move to a place where we allow the majority to express themselves. This is not happening on a significant vote of conscience. I am disappointed in that, but I understand what the outcome is going to be, and I look forward to working with the Senator on other issues.

#### CLOTURE MOTION

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

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 2656.

Mitch McConnell, John Cornyn, Roy Blunt, John Thune, Deb Fischer, John Barrasso, Roger F. Wicker, Michael B. Enzi, Shelley Moore Capito, Orrin G. Hatch, Rob Portman, Mike Crapo, Richard C. Shelby, Pat Roberts, Thad Cochran, Mike Rounds, David Perdue.

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 amendment No. 2656, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.J. Res. 61, 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 Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

#### YEAS—53

Alexander	Burr	Collins
Ayotte	Capito	Corker
Barrasso	Cassidy	Cornyn
Blunt	Coats	Cotton
Boozman	Cochran	Crapo

Cruz	Isakson	Roberts
Daines	Johnson	Rounds
Enzi	Kirk	Sasse
Ernst	Lankford	Scott
Fischer	Lee	Sessions
Flake	Manchin	Shelby
Gardner	McCain	Sullivan
Graham	McConnell	Thune
Grassley	Moran	Tillis
Hatch	Murkowski	Toomey
Heller	Perdue	Vitter
Hooven	Portman	Wicker
Inhofe	Risch	

#### NAYS—45

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Tester
Cooms	Menendez	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden

#### NOT VOTING—2

Paul Rubio

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

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

The majority leader.

#### CLOTURE MOTION WITHDRAWN

Mr. MCCONNELL. Madam President, I ask unanimous consent to withdraw the cloture motion on H.J. Res. 61.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### SENATOR COLLINS' 6,000TH VOTE

Mr. MCCONNELL. Colleagues, before the next vote, Senator ANGUS KING and I wish to make a couple of observations for a few moments.

Former Maine Senator Margaret Chase Smith was once known for a nearly unbeatable attendance record. She hadn't missed a single rollcall vote in more than 13 years of service, but that came to an end one day in 1968 when Senator Smith narrowly missed casting her 2,942d consecutive vote. She had been recovering from surgery hundreds of miles away from here. So it was understandable. Yet I am not sure if surgery, a Tsunami or the most wicked Maine nor'easter could stop a woman who occupies Margaret Chase Smith's seat today because not only is the senior Senator from Maine a fierce admirer of her pioneering predecessor, she is also nearly unstoppable once she puts her mind to something, and we have all experienced that.

Since assuming her seat in 1997, one of those somethings that she is so fixated on has been to never miss a single vote. She blew past her idol's record nearly a decade ago. The senior Senator then marched on to 3,000 consecutive votes, 4,000, 5,000, and the next vote will be her 6,000th vote in a row. Only two other Senators have ever achieved a longer unbroken streak. Former Senator Proxmire took 10,252 consecutive votes, and our colleague, the senior Senator from Iowa, has

voted more than 7,440 times in a row. This means our colleague from Maine hasn't missed a single vote during her entire Senate tenure. She has not had one sick day in more than 18 years. It is really remarkable, and so are the tales of what it took to get here. One time she twisted her ankle as she tore down a corridor, sprinting back to the Capitol from a ready-to-depart plane. Just ask her about the logistics of planning a wedding and honeymoon around the recess calendar.

Our colleague is willing to do just about anything to ensure that she is here in this Chamber representing the people of Maine.

I ask the entire Senate to join me in congratulating her as she celebrates this notable milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, it is no surprise to me that SUSAN COLLINS is such a hard worker. She started as a young woman, digging potatoes for 30 cents a barrel at a neighbor's farm in Caribou, ME.

I have learned a lot about her over these years. I have served with her now for almost two full decades. Hard work and diligence is her byword. We have worked on some things together that have been extremely important for the country. Some of the things I won't bring up because they might not sit well with some of my Republican friends, but she is a person who is truly an independent Senator. I admire the work she has done. She, of course, has a good education.

I started out really thinking the world of her when she was first elected because I learned where she was trained. One of my favorite Senators whom I have served with here in the Senate has been Bill Cohen from Maine. He was a terrific Senator and a fine man. I am convinced that one of the reasons she is as good as she is is because of what she learned in Senator Cohen's office.

I served under him. He was chairman of the Aging Committee. I served with him on other matters. He and I were both in the House of Representatives. We shared lockers, in that little room that they give us back there, for many years. I so admired him. I knew when she came here, her having worked there, that she would be good, and she has been really good.

I am also impressed with her ability to work with our Independent Senator, ANGUS KING. They have worked so well together. They don't always agree on issues, but they are always agreeable on every issue. I admire both of them, and I am so proud to join in lending my voice to congratulate this good woman, the senior Senator from the State of Maine.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I know it is not the usual protocol to follow the two leaders who have spoken,



but I wish to exercise a personal privilege of being the senior woman in the Senate and say that on behalf of all the women in the Senate, we congratulate Senator COLLINS on this enormous and significant milestone. She is certainly in the tradition of a very esteemed predecessor from the State of Maine, Margaret Chase Smith, who was, herself, a historic figure.

Senator Smith was known for her devotion to Maine, her advocacy for her constituents, her fierce independence, and for always being at the forefront of being an advocate for what is right. Senator COLLINS continues to do that.

We want to congratulate her because she is a fierce fighter for Maine. She is absolutely independent. For her, it is not about the other side of the aisle; for her, it is not about aisles, it is about building bridges.

I believe that if Margaret Chase Smith were alive today, she would walk over and give Senator COLLINS a great big hug and say: Keep at it. Keep at it. We say to Senator COLLINS: Keep at it for many more votes and for many more good years to come.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise to congratulate my colleague, my esteemed colleague, my esteemed senior colleague for this accomplishment. I think it is important to realize—we all know the logistical challenges of making every single vote. What she has done is symbolic of her service to this country and to the State of Maine. It is not just making every vote. It is symbolic of an intense, fierce commitment to this body and to this institution and to the country. I am delighted that the majority leader and the minority leader have recognized her today.

I had the occasion to sit next to her at a function in Maine when the vote record came out. It comes out about quarterly or every 6 months. I looked at mine. I had it in my hand. I leaned over to her and I said: Look, I have a 98.6-percent attendance record of voting in the Senate. She leaned back and said: You will never catch me. It is true.

Of course, as has been mentioned, she sits in the seat of Margaret Chase Smith, one of Maine's important leaders of the mid-20th century, one of the most important Members of this body. Every day that Margaret Chase Smith appeared on the Senate floor, she had in her lapel a red rose. So in order to recognize Senator COLLINS today, I wish to present her with a rose symbolic of her kinship to Senator Margaret Chase Smith.

Senator COLLINS, what an accomplishment. Thank you on behalf of the people of Maine and the people of this country.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, quickly, before the next vote, there will be no more votes this week.

The next vote will be on cloture on the motion to proceed to H.R. 36, the Pain-Capable Unborn Child Protection Act, on Tuesday morning. The Senate will be in session on Monday to debate the pain-capable bill, and I hope all Members will be here to join in that discussion.

I yield the floor.

#### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 2640.

Mitch McConnell, John Cornyn, Roy Blunt, John Thune, Deb Fischer, John Barrasso, Roger F. Wicker, Michael B. Enzi, Shelley Moore Capito, Orrin G. Hatch, Rob Portman, Mike Crapo, Richard C. Shelby, Pat Roberts, Thad Cochran, Mike Rounds, David Perdue.

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 amendment No. 2640, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.J. Res. 61, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 267 Leg.]

#### YEAS—56

Alexander	Ernst	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cardin	Heller	Sasse
Cassidy	Hoeven	Schumer
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shelby
Corker	Kirk	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Enzi	Menendez	

#### NAYS—42

Baldwin	Franken	Murphy
Bennet	Gillibrand	Murray
Blumenthal	Heinrich	Nelson
Booker	Heitkamp	Peters
Boxer	Hirono	Reed
Brown	Kaine	Reid
Cantwell	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Shaheen
Coons	Markey	Stabenow
Donnelly	McCaskill	
Durbin	Merkley	
Feinstein	Mikulski	

Tester	Warner	Whitehouse
Udall	Warren	Wyden

#### NOT VOTING—2

Paul	Rubio
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The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

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

The majority whip.

Mr. CORNYN. Madam President, by twice denying this Chamber the opportunity for a simple up-or-down vote on the President's nuclear deal with Iran, our Democratic colleagues have all but assured that a bad deal—an executive agreement that many of them have also criticized—will go into effect without the American people having their say on this deal.

It is clear from public opinion polls and actually from counting noses here and in the House that a bipartisan majority of both Houses opposes this bad deal, but by using procedural blockades, our Democratic friends have prevented that up-or-down vote and the accountability that should go along with it. For what? For what? To protect the President.

As the majority leader has pointed out, the President is proud of this deal. This is about his legacy. He thinks this deal is perfect. So why are our friends on the other side of the aisle trying to protect the President from vetoing a piece of legislation he is proud of?

Well, during the debate, these very same colleagues who have filibustered this bill have stressed that although they support the President's deal, they remain deeply devoted supporters of the State of Israel. They say they remain deeply concerned about the plight of American citizens held hostage by an Iranian regime. But just a moment ago, these very same colleagues, when they had an opportunity to prove it, well, let's just say their actions speak louder than their words.

The vote we just had should have been a straightforward vote. The legislation the Democrats have filibustered would have prohibited the President from providing any sanctions relief to the Iranian regime until two things happen: No. 1, the Iranian regime acknowledges Israel as a sovereign state, and No. 2, the regime releases U.S. prisoners it currently holds. But with only one exception, every Senator on the Democratic side of the aisle voted against both of those provisions. Well, to be sure, they are consistent about one thing: shielding the President, who is desperate to protect his legacy, from having to make tough decisions.

I don't see the President particularly shy about making a decision, even when it is not authorized by the law, when it exceeds his authority under the Constitution. This President has been the most reckless of any President I have read about or seen in my lifetime when it comes to observing the limitations and constraints based on the law and the Constitution.

To say the blockade of these important bills is a disappointment is an understatement.

I know that many of us will continue to work to promote the bilateral relationship with Israel—between the United States and Israel—over any sort of association with the world's foremost state sponsor of terrorism. Many of us—myself included—will continue to call on the administration to bring our citizens home safely from Iran. We are not giving up. We are not going to quit.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

This Chamber does have a lot of important work ahead of us. For the remainder of my time, I would like to discuss how we can come together to protect the most vulnerable among us; that is, our unborn.

Earlier this summer, horrific videos were released depicting Planned Parenthood executives discussing the harvesting of organs from unborn babies. The most recent video was released just a few days ago. In these videos, the blatant disregard for human life was underscored by a cavalier attitude on full display by Planned Parenthood executives. They flippantly and callously discussed the selling of body parts from babies who never had a chance for life.

Without a doubt, these videos show a dark, ugly side to our humanity. How people could become so desensitized that they do not recoil in shock at these videos and what they depict is beyond me. All I can conclude is that people somehow have ignored the right to life and the potential for life these babies represent, under handy catch phrases like “choice.” These videos rightly shock the conscience of many in our country, stirring even supporters of Planned Parenthood to publicly denounce them as “disturbing.” And yes they are, but they are more than that.

As our Nation unites behind this very basic understanding of our moral mandate to defend those who cannot defend themselves, we will have a unique opportunity to make an important stride to support an agenda that promotes life over death. Next week the Senate will consider a piece of legislation called the Pain-Capable Unborn Child Protection Act—legislation I cosponsored along with I believe 45 cosponsors in the Senate—that would prohibit nationwide nearly all abortions after a pregnancy has reached 5 months.

Many States, including my State, have a ban on abortions once the baby becomes viable outside the womb. A friend of mine who is a neonatologist has told me privately what anybody can find on the Internet or anywhere else, which is that roughly at about 20 weeks, the baby becomes viable outside of the womb. So this legislation will prohibit abortions after that baby becomes viable, which under this legislation is 5 months. At 5 months, an unborn child's fingerprints and taste buds are developing. It is at this stage that many doctors and experts believe an

unborn child can experience pain. Banning nearly all abortions after 5 months—at the point unborn children can feel pain—should be an obvious moral imperative for all of us.

I understand that the issue of abortion divides our country and that some believe abortion should be available on demand at all points during a pregnancy. Well, we took an important step here in the Congress just a few years ago in banning the barbaric practice of partial-birth abortion—the actual delivery of a child alive and then literally killing the child as part of an abortion once they are born alive. Regardless of whether you are pro-choice or pro-life, hopefully we can come together and draw a line—a very clear line—at viability of that baby.

I would like to point out how vital this legislation is for those who, like me, believe we ought to be advancing a culture of life in this country. Very simply, the Pain-Capable Unborn Child Protection Act would save the lives of thousands of unborn children a year. That is why this legislation has garnered the support of groups such as National Right to Life and the Susan B. Anthony List.

This Chamber is long overdue in taking a hard look at the practices depicted by Planned Parenthood in these videos and examining our own conscience and our Nation's policies that affect the unborn.

It is important to point out that, contrary to what some in our country would believe, the United States has been one of the most liberal and most permissive countries in the world with regard to abortion. As a matter of fact, the commonsense consensus of most democracies, most civilized countries around the world, is that abortion after 5 months is unequivocally wrong. There are actually only seven countries in the world that allow abortions after 5 months, after viability of the fetus. Sadly, the United States is one of those seven. We should not be proud of the fact that we are right there alongside of China, North Korea, and Vietnam. Virtually almost all other civilized countries in the world—even if they allow elective access to abortion, they draw an important line at viability, at 5 months. America can and must do better than this. Every life is a precious gift of God, and we must protect those who cannot protect themselves.

At the same time the Senate will be considering this legislation, the Pain-Capable Unborn Child Protection Act—which, by the way, the House has already passed—the House will be voting on two additional pieces of legislation, I believe perhaps as early as tomorrow, one that would provide that children born alive during the process of abortion be protected—this is the Born-Alive Abortion Survivors Protection Act, and I believe that will pass the House of Representatives and be available for the Senate to take up later—and also a defund Planned Parenthood

bill introduced by Representative BLACK, which would put a 1-year moratorium on funding to Planned Parenthood while the investigation of their practices depicted on those videos is completed.

Right now there are four congressional investigations underway—the Senate Judiciary Committee, the House Energy and Commerce Committee, the House Judiciary Committee, and the House Oversight and Government Affairs Reform Committee. Those investigations are meticulous, they will be thorough, and we will be able to find out, No. 1, whether Planned Parenthood and their affiliates are complying with existing law, which prohibits profiteering from the sale of baby body parts, and whether the mothers, who presumably grant consent, actually know exactly what is happening to their unborn babies; that is, being sold for research and other purposes.

Just this year in the 114th Congress, we have also passed other important pro-life legislation: the Justice for Victims of Trafficking Act, where we preserved the Hyde amendment, which prohibits and has prohibited since 1976 the use of tax dollars to fund abortions, with some exceptions, and then the Medicare Access and CHIP Reauthorization Act of 2015, which reiterated the law of the land since 1976, the Hyde amendment—named for Henry Hyde, former Congressman from Illinois—that applies these types of protections to funding for community health centers.

These videos have perhaps reawakened the conscience of many of us and made some of us who were not aware of these barbaric practices depicted in these videos—made it crystal clear to us that there are things we need to do in response, particularly for those who believe every human life ought to be treated with dignity and respect.

There should be no hesitation from either side of the aisle to ensure we are doing our very best to protect precious human life, so in addition to the ongoing investigations I mentioned, in addition to the legislation we have already passed to make sure tax dollars are not used to fund abortions, we must also respond with legislation like that which the House will pass either later this week or next week that I mentioned a moment ago and legislation like the Pain-Capable Unborn Child Protection Act which would fundamentally protect the rights of unborn children. Next week this Chamber will have the opportunity to make this the law of the land.

Mr. REID. Madam President, today marks the last day of the 60-day Congressional review period that was established in the Iran Nuclear Agreement Review Act of 2015, which the President signed into law. As has been noted numerous times, by supporting that legislation the Senate voted to consider three possible outcomes: no action at all, a resolution of approval,



or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed. In fact, it failed on three separate occasions. Thus, the agreement will go into force. This issue has been decided.

However, numerous Republicans have claimed on the Senate floor that because this historic international nuclear agreement with Iran is not a treaty, and because Congress did not expressly approve the agreement, the deal will not carry into the next presidential administration. That could not be further from the truth.

Let's set the record straight: history has proven that international agreements are an essential element of diplomacy and have longevity far beyond a single administration.

Examples of recent nonproliferation agreements in place through more than one administration include: the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

It is absolutely clear that the Iran agreement can remain in force beyond the Obama administration, as have many other important executive agreements. The Senate has spoken on this issue and the Iran agreement will stand.

Mrs. FEINSTEIN. Madam President, I concur with the statement of Democratic Leader REID.

The P5+1 agreement is an executive agreement that can remain in effect beyond this administration. In fact, portions of the agreement last 20 and 25 years, and others are forever binding on Iran.

The United States has concluded other international agreements, such as the Helsinki Final Act and the Missile Technology Control Regime, that have endured. The Comprehensive Joint Plan of Action between the P5+1 and Iran is no different.

Mr. DURBIN. Madam President, on July 14, President Obama announced a landmark agreement between key world powers and Iran, the Joint Comprehensive Plan of Action, JCPOA, that removes Iran's path towards a nuclear weapon. This is a truly historic agreement that rolls back Iran's nuclear infrastructure, places severe limits and inspection on any such future work, and commits Iran to never build a nuclear weapon.

And while Iran's behavior in the region remains deeply troubling, particularly in terms of threats to Israel, this agreement ensures that such belligerence will not occur with a nuclear threat.

Per the Iran Nuclear Agreement Review Act, the announcement of the agreement set in motion a congressional review period which ended today.

In the past week, the majority leader has tried three times to pass a resolution of disapproval and three times it failed. During these debates, I have lis-

tened to many of my Republican colleagues make some outlandish claims with regard to the Iran deal. And now, instead of accepting this fact, some in this body have taken their displeasure a step further by claiming that because the JCPOA is not a treaty, it will no longer be in force in a new administration.

Nothing could be further from the truth.

Throughout our history, the United States has entered into executive agreements, like the JCPOA, without congressional approval on a wide range of subjects, including nonproliferation, international security, and bilateral cooperation.

When President Nixon negotiated the Shanghai Communiqué in 1972 with China, which led to the normalization of relations with a country that was as mistrusted then as Iran is now, did anyone try and claim that it would no longer be valid once Nixon left office?

I also do not recall this argument being made just a couple of years ago when President Obama negotiated the Framework for Elimination of Syrian Chemical Weapons, another example of an executive agreement. And of course there are many other examples, including the Algiers Accords, numerous status of forces agreements, and the establishment of the Organization for Security and Cooperation in Europe.

Claiming now that the JCPOA ends when President Obama leaves office is a terrible break from congressional tradition and threatens to undermine American international credibility. Who would negotiate with the United States if they believed such agreements would be abrogated with a new President?

These statements are truly reckless. Let it be clear once and for all that this agreement can and will extend beyond the current administration.

Mr. LEAHY. Madam President, today is the final day of the 60-day congressional review period that was established in the Iran Nuclear Agreement Review Act of 2015. By supporting that legislation the Senate voted to consider three possible outcomes: no action, a resolution of approval, or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed not once, not twice, but three times. The agreement memorializes the commitments of the countries whose governments signed it. It will now go into force, and it is the solemn responsibility of each of the signatories to the agreement to fulfill their commitments.

However, many Republicans, as if singing from the same sheet of music, have suggested that because this nuclear agreement with Iran is not a formal treaty, and because Congress did not expressly approve the agreement as opposed to defeating successive attempts to disapprove it, the deal will not continue into the next presidential administration. That is false.

There is a long history of international agreements signed by Repub-

lican and Democratic presidents that have longevity far beyond a single administration. If that were not the case, if the only way to negotiate commitments between countries was through the formal treaty process, our diplomacy would be in dire straits today. In fact, most international agreements are not treaties, yet they govern international relations on a wide range of critically important issues, from trade to public health to taxation to navigation, the list goes on and on.

If those who are now suggesting otherwise were correct, agreements signed one year, often after protracted negotiations to resolve matters of great complexity, would automatically become null and void soon thereafter. What would be the point? I doubt there is a Republican or Democratic administration in the history of this country that would subscribe to such an unworkable and illogical notion.

We asked the Department of State for examples of recent non-proliferation agreements that have carried on through more than one administration. It did not take long to get an answer. They include: the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

There are countless other examples of international agreements negotiated throughout our history, by Presidents of both parties that have never received formal congressional approval. They continue in effect unless explicitly repudiated. To suggest that they automatically expire, or are no longer in effect, after the end of the administration that negotiated the agreement, would cause incalculable disruption to our international relations and global security.

In this case, that would mean that on January 21, 2017, Iran could immediately restart its nuclear weapons program and refuse international inspections. It is absolutely clear that the Iran agreement can and is designed to remain in force beyond the Obama administration. The Senate has also spoken on this issue. For these reasons, and historical precedent, it will continue in effect.

Ms. MIKULSKI. Madam President, Congress has been reviewing the Joint Comprehensive Plan of Action for the last 60 days. This was the process set up by the Iran Nuclear Agreement Review Act of 2015, which the President signed into law and 98 Senators supported. We have now come to the end of that process. A resolution of disapproval, to stop the deal from going forward, failed three times here in the Senate. I know my colleagues and our constituents have very strong feelings on this issue. This was a very tough vote for me and one that I took very, very seriously. But now this issue has been decided.

But that is not enough. Now Republicans are saying that since the Iran agreement isn't technically a treaty, and because the Senate did not explicitly approve it, the deal doesn't carry

forward into the next Administration. If history is any indication, we know international agreements are a critical part of diplomacy and many have lived on well after the President who signed them leaves office. This is how America conducts its foreign policy with its allies—and its adversaries.

Many other agreements have lived on through more than one Administration. These include the Helsinki Final Act, the Vienna Document, the Proliferation Security Initiative, and the Missile Technology Control Regime.

It is clear that the Iran agreement can and should remain in force beyond the Obama administration, just like other important agreements that have come before it. The Senate has spoken on this issue. The Iran deal blocks the paths for Iran to get a nuclear bomb and is the best available option on the table. It can and should remain in force through the next Administration.

Mr. REED. Madam President, I would like to echo the comments of the Democratic leader. As of today, the Joint Comprehensive Plan of Action goes into effect. As the leader said, it is also my assessment that this agreement is an enduring agreement that will extend beyond the end of the Obama administration. The leader cites a number of critical nonproliferation agreements that both Republican and Democratic administrations have agreed to over the decade and they have endured the test of time and change of administrations.

Let's also remember that while this agreement's congressional review period is complete, there is much that needs to be done by Iran before any sanctions relief is provided to them. Iran must, as verified by the IAEA, demonstrate that it has implemented the necessary steps with respect to No. 1, the Arak heavy water research reactor; No. 2, its overall enrichment capacity; No. 3, its centrifuge research and development; No. 4, the Fordow fuel enrichment plant; No. 5, its uranium stocks and fuel; No. 6, its centrifuge manufacturing; No. 7, completing the modalities and facilities-specific arrangements to allow the IAEA to implement all transparency measures and the Additional Protocol and Modified Code 3.1; No. 8, its centrifuge component manufacturing transparency; and No. 9, addressing the past and present issues of concern relating to PMD.

I also want to reiterate one point that I have made previously: while rejecting the resolution of disapproval and other similar efforts was important for the future of this deal, it is effective, unrelenting implementation of the JCPOA that will be the real test, and it is where I hope the critics of this agreement will focus their attention. Holding Iran's feet to the fire under this agreement is the critical piece at this point, and it is critical that both the President and the Congress ensure that efforts to monitor and sustain the provisions of the agreement are

unstinting. This will demand constant attention and ample funding for an extended period. In this vein, I would note that the State Department has appointed Ambassador Stephen Mull as Lead Coordinator for Iran Nuclear Implementation. Ambassador Mull is a professional with a long resume. I look forward to working with him moving forward.

I thank the Democratic leader for his comments and I appreciate working with him and my colleagues as we look toward the implementation phase of this agreement—both in the near term and beyond January 2017.

Mr. BROWN. Madam President, I want to concur with the statement of the distinguished Democratic Leader on the long-term durability of the Iran agreement.

Assuming Iran complies with the agreement and takes the key steps necessary to substantially reduce its stockpiles of enriched uranium, scale back its centrifuges, make changes to the Arak reactor to render it inoperable and unable to produce weapons-grade plutonium, and takes the many other steps necessary to qualify eventually for sanctions relief next year—and then continues thereafter to comply with their obligations—this agreement can and should last for many years.

Today is the last day of the 60-day congressional review period established in the Iran Nuclear Agreement Review Act, which the President signed into law. As the leader noted, by supporting that legislation the Senate voted to consider three possible outcomes: no action at all, a resolution of approval, or a resolution of disapproval. Republicans brought a resolution of disapproval before the Senate and it failed. In fact, it has now failed on three separate occasions.

In recent days, many of my Republican colleagues have claimed on this floor that because this historic international nuclear agreement with Iran is not a treaty and because Congress did not expressly approve the agreement, it will not carry into the next Presidential administration. That is not true. While it is true that the next President could decide—even in the face of continued compliance by Iran and strong objections from our allies in the P5+1—explicitly to withdraw from the agreement, I don't expect that to happen. And unless and until that happens, the terms of the agreement and the obligations of the U.S. Government—and all other governments that are party to the agreement, including Iran's—to comply do not end when this administration ends in January 2017. Leader REID has outlined in his statement numerous similar agreements that have stood the test of time, from administration to administration, over the years. I commend Leader REID for his statement, and agree wholeheartedly with him.

Mrs. FEINSTEIN. Madam President, I rise today to express my dismay over

the votes that took place earlier today on the Senate floor. The resolution of disapproval of the Iran nuclear agreement has now been voted on three times in the Senate, and it has failed to advance three times.

Likewise, the House has failed in its own efforts to move a resolution of disapproval. The fact of the matter is that the nuclear agreement with Iran is a done deal, and the President now has every right to move ahead with its implementation, period.

Yet we were on the Senate floor this morning, voting on a highly charged Iran amendment that the majority leader introduced. Unfortunately, the amendment was yet another political attempt to undermine the agreement. This amendment would prevent the President from providing sanctions relief to Iran—thereby scuttling the entire agreement—unless Iran does two things: recognize the State of Israel and release four Americans wrongfully imprisoned in Iran.

I voted no on cloture on this amendment, and I want to take a moment to explain why. To be clear, my vote does not mean that I endorse Iran's position on Israel nor does it mean that I don't care about the American prisoners in Iran. Just because I support this diplomatic agreement does not mean I support Iran's reprehensible policies.

In fact, I want nothing more than for Iran to recognize Israel as a sovereign state. I have always stood by Israel, and its security and future well-being are foremost in my mind. For those of us who are personally connected to Israel and care for her deeply, this vote is nothing more than an attempt to embarrass us and score political points.

It should be obvious to the American people that, of course, we all stand with Israel—Democrats and Republicans. Since 2008, we have provided more than \$25 billion to support Israel's defense. At \$3.1 billion per year, Israel is the largest annual recipient of U.S. military assistance, which can be used to purchase U.S. defense equipment and services. We've also provided \$3 billion specifically for missile defense systems, such as the Iron Dome, David's Sling, and Arrow. In fiscal year 2015 alone the Congress provided \$351 million for Iron Dome—twice the president's budget request.

We all want Iran to recognize Israel and stop threatening its existence. We all want Iran's support for terrorist proxies on Israel's doorstep to cease. We all are disturbed by the Ayatollah's calls for Israel's destruction. But the way to truly have Israel's back is not through this amendment.

On the prisoners currently held in Iran, it must be said and reiterated: No American, let alone any member of Congress, wants any of our citizens wrongfully imprisoned in Iran. These detainees deserve to be brought home, safe and sound, to their loved ones. But, again, a partisan amendment does not make that happen.

The vote today was nothing more than an attempt to extract a political

price for our previous vote in support of the nuclear agreement. Playing politics with one of the most important national security votes of our time does nothing to actually support Israel, nor does it do anything to free the prisoners. If my counterparts truly wanted to enhance Israel's security and free the Americans, they would stop trying to undermine the nuclear agreement with Iran—which I believe is our best opportunity to begin to turn a new page with Iran.

I stand ready and eager to work with my Republican counterparts to achieve our shared goals of supporting Israel and getting our prisoners out of Iran. But we have a far better chance of achieving that through bipartisan cooperation and working together to make sure the nuclear agreement is fully implemented.

It is time to move past the repeated attempts to overturn the nuclear agreement. It is extremely unfortunate we had to take the vote today, especially given all the other pressing matters before the Senate.

I yield the floor.

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

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

#### GOLD KING MINE SPILL

Mr. BARRASSO. Madam President, I want to speak today about a tragedy that hit the American people, the American West last month, and it is something that didn't get nearly as much attention as it should have. I am talking about what has been called the Gold King Mine spill. It happened on August 5. That was when the Environmental Protection Agency spilled 3 million gallons of toxic wastewater into a tributary of the Animas River in Colorado—3 million gallons.

This is water that contained toxic substances, such as arsenic and lead. The agency was doing some work on an old mine when water under high pressure started rushing out. This disturbing incident raises serious questions about how the EPA, the so-called Environmental Protection Agency, does business.

First of all, it raises significant questions about this agency's responsiveness. After the EPA had this accident, apparently it never occurred to them to immediately call the towns downstream and to let anyone know this toxic plume was headed their way. The Animas River connects to the San Juan River, which connects to the Colorado River and to Lake Powell. These are some of the most beautiful natural resources in all of America. It is the source of water for communities all along the way. They provide recreation, water for irrigation for crops and for homes.

This water that was polluted by the Environmental Protection Agency flows from Colorado to New Mexico and into Utah. It flows through the land of the Navajo Nation and the Southern Ute Indian Tribe. These waterways are a sacred part of the culture for Native Americans who live near them. So why didn't the EPA get on the phone? The Navajo Nation was not informed until a full day after the spill. It got the news from the State of New Mexico, not from the agency that caused the disaster—the EPA.

At first, EPA didn't even want to admit how bad the spill was. They said: Oh, it was a million gallons of wastewater. Days later they admitted they had actually spilled three times the amount they said at first. Four days after the spill, the EPA still hadn't reported to Navajo leaders the presence of arsenic in the water—arsenic. It still hasn't reported it. It took 5 days for the agency to set up a unified command center in Durango, CO.

Yesterday, I chaired a hearing of the Indian Affairs Committee that looked at how this disaster affected tribes along the route. The agency's explanation was disappointing—very disappointing. The disaster happened over 6 weeks ago. The EPA is still not giving out detailed answers about what went wrong.

This tragedy also raises questions about the EPA's basic competence. According to a preliminary review by the agency, the EPA failed to take basic precautions—failed to take basic precautions. The agency never even checked how high the water pressure was in the mine, but the report did say the EPA knew about this risk—the risk of a blowout—14 months earlier, before it actually happened. They knew about it. They knew the risk and never bothered to figure out what the worst-case scenario would be and what they would do if water actually started rushing out. But that is what happened, and they knew it could.

The people who live along these rivers are frustrated by this agency's incompetence, but they are also frightened. People are afraid of what the long-term health effects might be for them and for their children. Farmers and ranchers are being devastated by the disaster. They are uncertain about whether the agency will be compensating them for their losses—losses that are the result of the EPA's own incompetence.

At our hearing yesterday we heard from Gilbert Harrison. He is a Marine Corps veteran, and he has a 20-acre farm on the Navajo reservation. He grows corn, alfalfa, watermelons, and other crops. He estimates he is going to lose 40 to 50 percent of some of his crops because he couldn't use the water to irrigate. The farmer told our committee yesterday:

This spill caused by the U.S. EPA created a lot of chaos, confrontation, confusion, and losses among the farming community.

This was a man-made disaster, and the Obama administration's EPA in-

flicted it upon Americans in these communities. I have spoken with tribal leaders who say the EPA has mishandled the spill, and the EPA's mishandling of the spill has seriously damaged their trust—the tribe's trust—of this agency. And I don't blame them.

Finally, the EPA's failure in this incident raises lots of questions about the agency's priorities. After all, the Obama Environmental Protection Agency has expanded its authority—expanded and seized control over one area after another. Look at its destructive new rules on waters of the United States. This agency has declared that only Washington can be trusted to protect America's rivers and streams.

That is what the Environmental Protection Agency says: Only they can be trusted to protect America's rivers and streams. How then do they justify grabbing all of this new power when they can't even protect rivers from themselves? They caused this problem. Look at this photo I have in the Chamber. Does this look like the work of a bureaucracy that should be in charge of protecting America's precious waterways? Look at that before-and-after: beautiful blue water running through, then this—sludge, dirty, polluted, and toxic. The EPA caused this. Does this look like the work of a bureaucracy that should be in charge of protecting our national precious water?

The Obama administration has focused on its radical climate change agenda and has neglected its most basic responsibilities. This photo should not give anyone confidence that the Obama administration is up to the job. They are not.

Do we really think that Washington should have more control over rivers like this when they caused something like this? Does anybody in America believe that? Washington did this. The EPA did this. Washington poisoned this river this way. The Environmental Protection Agency—the so-called Environmental Protection Agency—must be held accountable.

When any private company is accused of violating the Clean Water Act, the EPA aggressively pursues civil fines against that company and any of the individuals involved as well. Even criminal prosecution occurs. If this were a 3-million-gallon toxic spill caused by private citizens, the EPA would act aggressively against those people. The EPA would never accept the kind of feeble, half apologies and explanations we have heard so far from this administration and from the Director of the EPA who testified yesterday. There is clearly a double standard between the way the EPA treats itself and the way it treats everyone else.

The EPA failed—it failed—to do the proper planning before it caused this disaster. I believe it has also failed to do the proper work before writing regulations, such as its waters of the United States rule and its so-called Clean Power Plan.

With this spill, the agency's careless approach has done terrible damage to

Americans living along the Animas River and other waterways. Its reckless and irresponsible regulations will have a devastating effect on the jobs and the lives of millions of Americans all across the country.

At our hearing yesterday the EPA administrator continued to try to downplay the impact of its actions—downplay the impact of its actions. The agency needs to step back and rethink its priorities. This disaster happened because the EPA is inept at its job. There should be no more trying to deflect attention from the failure of the EPA—no more trying to grab additional power that it can use to do more damage.

The Environmental Protection Agency has been out of control for far too long. It is time for Congress and President Obama to hold the EPA accountable for its failures, and it is time to rein in this runaway bureaucracy before it does more damage to our communities, to our economy, and to our country.

Madam President, 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.

Mrs. FISCHER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### STRATEGY AGAINST ISIL

Mrs. FISCHER. Madam President, I rise today to discuss our strategy against ISIL.

Yesterday at our Armed Services Committee, we held a hearing on this topic. Instead of reassuring me that our mission was on the right path, the testimony provided further evidence that the administration must change their approach. I agree with the President's stated goal of degrading and destroying ISIL, but the steps we have taken thus far will not achieve ISIL's defeat. Indeed, the root of the problem seems to be that our strategy does not connect with events on the ground. There is no better example of this than our plan to train and equip the so-called moderate Syrian troops.

At the end of last year, Congress approved the President's request of \$500 million for the purpose of building a force of moderate Syrian fighters. Testifying in September of last year, then-Secretary of Defense Hagel laid out the administration's plan to build a force of about 5,000 fighters in 1 year. General Dempsey, the Chairman of the Joint Chiefs of Staff, added his assessment that about 12,000 fighters would need to be trained for the force to have an effect on the battlefield.

Initial results were expected within 8 to 12 months. At that time, many Members, including myself, questioned whether those goals were attainable and whether this assumption—that we could fight a war without taking on

significant risk because local partners would provide ground forces—was even realistic.

Let's consider where we are today, about 10 months later. According to public reports, the program produced about 60 fighters, and, upon their return to Syria, they were attacked by Al Qaeda-affiliated forces.

General Austin testified yesterday before our committee. In response to my questioning, he said that only four or five of those fighters remain. Again, we expected 5,000, and 4 or 5 remain. I wish I could say the complete failure of this strategy comes as a surprise. Unfortunately, I cannot. While ISIL has lost some territory in northeastern Syria, it has expanded its control in the western half of that country.

Iraq is a similar story. Recruits for U.S. training programs remain below expectations, with U.S. forces training just over half the number of Iraqis expected, and progress on the battlefield is uneven. It is plain to see why General Dempsey, our most senior uniformed military officer, has recently characterized the fight as “tactically stalemated.”

The question is, What are we going to do? How will our approach change? What can we do to break that stalemate? What can we do to begin rolling back this tremendous threat?

I attended yesterday's hearing with those questions in mind, and I was extremely disappointed to hear that no real change was in order. To be fair, press reports indicate that changes are being considered, such as deploying graduates of our training program in groups larger than 50 or in safer areas of the country.

But even if such minor adjustments are made, they will not alter the basic fact that the idea of a new Syrian force is a complete fantasy under our current approach.

Perhaps in recognition of this, another report has surfaced that suggests the administration is no longer attempting to build a moderate ground force in Syria. Instead, they will simply train Syrians to direct U.S. air strikes and then embed them within existing rebel brigades.

If our experience thus far indicates that very few moderate groups remain on the battlefield, we will either be providing air support to a contingent too small to make a difference or we will be providing it to groups that are too extreme to currently warrant any support from us.

Again, I support the President's goal to destroy ISIL, but I don't see how anyone can believe this program is going to accomplish it. Instead of providing a new direction, the message this administration is sending is that they will stay the course. I admit I share the complete confusion expressed by some of my colleagues yesterday when we learned of this situation.

This White House acknowledges that the training programs in Syria and Iraq—the linchpins of our strategy—

have vastly underperformed. They express moral outrage at ISIL's barbarity, as well as grave concern for the plight of the 4 million refugees that have fled the country and sorrow for the 250,000 that have lost their lives. Our military characterizes the conflict as a stalemate. But, apparently, the administration feels no change is necessary. We are told the long-term trajectory is favorable, and ISIL's future, as General Dempsey put it, is “increasingly dim.” I appreciate the fact that patience is required when it comes to military operations, but at the same time, patience doesn't fill the fundamental gaps in this administration's strategy. And the idea that we can wait ISIL out seems to overlook the death, destruction, and collateral damage its continued presence inflicts on the neighboring countries or to at least suggest that it is tolerable.

I have visited the region several times. Our allies there cannot sustain the strain of this conflict for years on end. I have visited a Syrian refugee camp in Turkey. Those people cannot wait there forever. Lest we forget, colleagues, this conflict has been raging for 4 years. Sadly, the flood of refugees reaching Europe was entirely predictable.

And how long before a divided Iraq becomes irreparable? As long as ISIL exists and continues to exercise initiative on the battlefield, it will draw recruits, expand its global network, and inspire those “lone wolf” attacks. Its ability to execute attacks against Europe and the United States will improve as more foreign fighters pass through its ranks and then return to their home countries. These are the very reasons Congress supported taking military action against ISIL in the first place, but I certainly did not support the deployment of forces to establish a stalemate.

When our soldiers are put in harm's way, we shouldn't be content to just “patiently” leave them there, with no strategy to achieve our goals. As my colleague Senator McCain—who has been a tireless advocate on this issue—has pointed out, there are a variety of options available to the President between the current approach and deploying large amounts of troops on the ground. With only a stalemate to show for the thousands of soldiers we have deployed, the 5,000 air strikes that we have conducted, and the past year we have spent training Syrians and Iraqis, I think these options deserve reconsideration.

The President has stated that “all wars must end” and that our country “must move off a permanent war footing.” I believe the best way to do so is by crafting a strategy that plans for victory.

Before I yield the floor, I want to note my appreciation of Secretary Carter and General Austin for their frank testimony before the Senate Armed Services Committee. Both men have come before our panel and they have

provided honest assessments and also specific figures about the results of the Syria training program, for which they have received significant media scrutiny.

The point of a public hearing is to provide the American people and their representatives in Congress with the information they need to know so we can make informed policy decisions. I sincerely hope more witnesses follow their example and justly uphold the valuable tradition of congressional oversight by not shying away from discussing these very difficult topics.

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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Madam President, I ask unanimous consent to speak for up to 20 minutes as in morning business and to share the time with the Senator from Ohio, Mr. PORTMAN.

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

REMEMBERING CONGRESSMAN LOUIS STOKES

Mr. BROWN. Madam President, I am joined by my colleague on the floor today, both of us longtime friends of the now late Congressman Louis Stokes. Senator PORTMAN and I sat together at Congressman Stokes' funeral at Olivette Church in Cleveland just a couple of weeks ago. We both called Lou a friend. I wish to speak about him, and then I know Senator PORTMAN would like to speak about his friendship and his alliances and allegiances and work with Congressman Stokes.

He grew up in a Federal housing project in Cleveland. His father worked in a laundromat. His father passed away when Lou was 3, leaving his mother with two young sons to raise. A former sharecropper and descendant of slaves, she cleaned houses to support her sons and encouraged them to get an education.

Lou shined shoes to earn money for the family. He served in the Army during World War II—probably a pretty segregated Army. He served and went to college at Case Western at night on the GI bill.

From public housing, to public education, to public investment in our servicemembers, Congressman Stokes' life accomplishments show how government makes a difference in people's lives—something he passionately believed in—the partnership between government and communities, between the Federal Government and what we can do together as a country. In the 20th century, our country made great strides in that public investment and in expanding opportunity, paving the way for people like Congressman Stokes to become national and community leaders. What this country gave to

Lou Stokes he gave back many times over.

The seeds for his career of service were sowed in many places, in many fields, but particularly, he used to say, in the Army when he was stationed in the Deep South during the days of segregation. He was appalled by the inequalities he witnessed, even for those wearing the uniform and serving our country. He said once:

I remember being moved from Jefferson Barracks in St. Louis to Camp Stewart, Georgia, through Memphis. They stopped the train there to eat lunch. The first dining room was all white soldiers; the next dining room was German POWs. A black curtain separated the black soldiers from the German POWs. It was one of the first times it really hit me.

He would go on to dedicate his life to fighting those inequalities.

He and his brother Carl opened a law firm in Cleveland. The first cases were civil rights cases. Congressman Stokes took on cases both big and small, including the landmark stop-and-frisk Supreme Court case *Terry v. Ohio*. Again and again throughout his legal career, he fought for the interests of the powerless against the powerful—the same as he did in Congress.

In 1965 Louis and Carl Stokes represented the local NAACP in challenging Ohio's congressional map.

Around that time, Congressman Stokes' brother Carl was elected mayor of the city of Cleveland in a second attempt, and Cleveland then became the largest city in America which had elected a Black mayor.

The new district map created from the lawsuit I mentioned brought Ohio's first African-American majority district in 1968. Lou Stokes won that seat and became the first African American to represent Ohio in Congress. In only his second term in the House, he became the first African American in the Nation's history to serve on the House Appropriations Committee. He didn't use his success to seek glory for himself; he used his commanding position to expand opportunities not just in his own district in Cleveland—so important to those of us who live in Cleveland and those of us who represent Ohio—but he used his position to help African-American communities all over the country. He was immediately—and he earned it—more and more beloved in the Black communities in every city in Ohio, including from Mansfield, where I grew up, to Akron, to Columbus and Cincinnati, to Dayton and Toledo and the smaller cities.

He gave those who were too often ignored a voice in Washington, where it could make the most difference. He secured money for housing, urban development, health care, jobs programs, education, and for colleges primarily serving people of color.

He was a strong advocate for unions. He cared greatly about the trade union movement. He knew the trade union movement gave great opportunity to African Americans, especially in cities

like Cleveland. He stood up for collective bargaining. He stood up for the rights of workers everywhere. And to give a permanent and powerful voice to people of color, he helped to form the Congressional Black Caucus.

Congressman Stokes' accomplishments are many. We honor him today with our words and with this resolution Senator PORTMAN and I are introducing. We should strive to honor and continue to honor him each day.

Here is how we do it, and I will close with this. On a Sunday night, 2 days before the 2008 elections, Senator Obama—a colleague of mine at the time in the Senate—was campaigning in Cleveland for President. It was two nights before the election.

As Senator PORTMAN and I remind our colleagues, Ohio is perhaps the Nation's No. 1 swing State. I know the Presiding Officer thinks they elect Presidents in her State, but we really do elect Presidents in the State of Ohio.

So then—Senator Obama came to Ohio the Sunday night before the election to a rally estimated at between 70,000 and 80,000 people. As Presidential candidates almost inevitably and invariably are at the end of campaigns, he was about an hour late. Bruce Springsteen took the stage. A number of us spoke at the rally.

Before Senator Obama arrived, I had the honor—and it became one of my greatest memories ever of public service—I stood beside and behind the grandstand and had a conversation of about 45 minutes to an hour with Congressman Stokes, who was retired at that point; Rev. Otis Moss, who delivered his eulogy a couple of weeks ago; and Mrs. Edwina Moss. I just listened to them for 45 minutes talk about what it meant to them that we were this close to electing an African-American President. They, frankly, didn't think it would happen in their lifetimes. They weren't even sure, the polls notwithstanding, that it was going to happen in 2008. The excitement and the sense of history and the awe and the depth of feeling Congressman Stokes and Edwina Moss and Reverend Moss exhibited during that 45 minutes—talking, reminiscing about memories, thinking of the future—to my wife Connie and me was something I will never forget.

Since then, Citizen Stokes—former Congressman—who cared so deeply about this, was so happy we passed the Affordable Care Act. He was so happy we did things such as the auto rescue to get our State's economy back and going again. He cared so much about voting rights. He was so troubled by the Supreme Court decisions. He was so hopeful that our country could get back on track in a bipartisan way to build this economy, to pass voting rights, to do all of the things he devoted his life to first as a young lawyer, then as a Congressman, and then as one of Ohio's most prominent citizens, to continue to speak out on these issues that matter to all of us.

We should honor his life and legacy by continuing Congressman Stokes' work for equality and justice in the lives of others. We honor him. We considered him a friend, and I know Senator PORTMAN did too.

I am thrilled to be able to stand on the floor and speak for a few moments about my friend, the late Congressman Stokes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague from Ohio for his remarks and for joining me here on the floor to talk about our former colleague and friend, Congressman Louis Stokes. He was an amazing guy. He was a true American success story and a true son of Ohio who dedicated his entire life to public service, whether he was in elected office or not.

I think my colleague Senator BROWN has done a really nice job speaking about his humble beginnings.

Lou Stokes grew up without the benefit of having a dad around. He grew up in a poor household but with a lot of pride. His mom pushed him to get an education and to be the best he could, as clearly she did with her other son, Louis's brother Carl.

After growing up in Cleveland, he spent a few years in the Army, which had a big impression on him. He then went to Cleveland-Marshall College of Law. He was a successful attorney and actually argued three cases before the U.S. Supreme Court. So he had a career in law that was distinguished even before getting into politics.

Senator BROWN talked about his brother Carl and the fact that when he was elected the mayor of Cleveland, it then became the largest city in America which had elected a Black mayor. Louis Stokes told me he saw that and that is what inspired him to think maybe he should get involved in public service in that way as well. So he ran for office. He got elected to the House of Representatives. He was the first African-American Congressperson from Ohio; that was in 1968. He would later become the first African American to sit on the Appropriations Committee. So a lot of firsts.

As Congressman, he served for 30 years. He became a very influential Member. Senator BROWN and I had a chance to serve with him there. He represented his district faithfully, but he also played a pivotal role in broader issues well beyond his district. His involvement in civil rights was mentioned, as well as certainly education and justice issues.

I was a proud cosponsor of a number of bills with him. We collaborated on one project in particular called the National Underground Railroad Freedom Center in Cincinnati, where he helped me tremendously. This was in my hometown, not in his town. As a member of the Appropriations Committee, he was critical to getting that freedom center up and going, which is a national center that resides today on the banks of the Ohio River.

We also wrote legislation to connect all the Underground Railroad sites around the country, many of which were in disrepair and in danger of being lost, and that is the Network to Freedom Act that continues today to get the Park Service involved in protecting these sites.

It was always a pleasure to work with him, and he was a loyal and trusted legislative partner.

He then went to the Squire Sanders law firm, and I was honored again to call him a colleague when I worked there after leaving government and before running for the Senate. So we had a chance to get to know each other better outside of the legislative branch. He had a great career, as Senator BROWN just said.

What I admired about him most was his interest and ability in getting to a result. He was not about giving fancy speeches or rhetoric. He was about coming up with solutions to help the people he represented in Cleveland, and I think in his heart well beyond Cleveland, and that is why he was so effective.

He didn't get sidetracked by the partisanship and political attacks. He kept focused, and he made a big difference. He had a meaningful impact on lives in his district and well beyond.

All you have to do is go through Cleveland to see his impact. It is hard not to see a landmark named after him or his brother Carl. Among those is the Louis Stokes Public Annex to the Cleveland Public Library, as well as the Louis Stokes Health Sciences Center at Case Western Reserve University.

I remember going to his retirement party from the Squires Sanders law firm. I had rushed there from another meeting and had gone through town, and as I arrived I said: Let's just name the town after Lou Stokes, because I was on Stokes Street and went by the Stokes library and the Stokes Health Center. So those were all assessments of the impact he had on his community.

He was a very strong family man, a loving husband to his beautiful wife Jay of more than 50 years, and he was very proud of his kids. Each of them in their own right has gone on to distinguished careers. His grandchildren spoke at the funeral where Senator BROWN and I were, and, boy, were they articulate. They were just really impressive. He had so much to be proud of.

I had the opportunity to visit him just before he passed, and the last thing he said to me is: I am so lucky, ROB. I am so lucky to have had a great family. That is what he talked about to me in our final moments together.

He was determined and he was successful, no question about it, but he did it in a gentlemanly way. He had a great smile, a good sense of humor. His laughter could light up a room, and it did. I was just very grateful to call him a friend and to have him as a respected

colleague, to watch him as an effective leader. He has made an impression on me, and he has made an indelible impact on the State of Ohio. He will be missed as an effective leader, a great leader for Ohio, and a loyal friend.

I yield back my time.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Washington.

#### BUDGET DEADLINE

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, right now we are on a course for yet another Republican government shutdown in just 13 days. We know what this looks like and how damaging it is because we saw it 2 years ago when tea party Republicans dug in their heels and tried to use shutdown threats to repeal the Affordable Care Act.

We know that during the 16-day shutdown that followed the tea party tantrum, workers across our country didn't know when they would get their next paycheck, businesses felt the sting of fewer customers, and families across our country lost even more trust that elected officials in our country could even get anything done. After all that—after all the damage families and communities felt—we also know that the 2013 government shutdown actually did nothing to stop the Affordable Care Act.

Once that shutdown ended, I was proud to work with the Republican Budget chairman, PAUL RYAN, to do what we shouldn't have needed a shutdown to get done, and that was negotiate a 2-year bipartisan budget deal that prevented another government shutdown. It restored critical investments in priorities like education, research, and defense jobs, and it showed families their government can get something done when both sides are willing to come to the table and compromise.

I was hopeful that after the economy-rattling exercise in futility and the bipartisan deal that came out of it, Republican leaders would have learned a few lessons. Well, 2 years later, as our bipartisan deal is set to expire, here we are with another Republican government shutdown around the corner.

What are the leaders doing about this? What is their plan to avoid a repeat of 2013? Are they working with Democrats to keep government open and negotiate a budget deal as we have been pushing them to do for months? Unfortunately, the answer is no. Instead, just days away from a looming fiscal deadline, Republicans are back as far into their partisan corner as they can get and are focused on their political pastime—attacking women's health.

Instead of spending the coming weeks working to avoid a budget crisis, which is what we should be doing, Republicans are unbelievably planning to vote on yet another restriction on women's health and rights. This is transparent pandering that is bad for



women, bad for our economy, and bad for our country.

People across the country are watching this, and they are appalled. This particular bill that is coming to the floor next week is an extreme, unconstitutional abortion ban, which would restrict a woman's constitutionally protected right to make her own choices about her own health and her own body. That bill would mean that if a young woman endures rape or incest, she would have to go to the police before getting the care she needs, and it would take away the right to choose from adult victims of incest entirely. Finally, that bill would allow politicians in Washington, DC, to get between a woman and her doctor by making it a crime for doctors to provide health care their patients need.

This kind of dangerous, extreme legislation might appeal to the tea party, but it is going nowhere. Voting on it certainly will not keep the government open and, just like the Republican attacks on the Affordable Care Act 2 years ago, this latest GOP effort to turn back the clock on women's health is a dead end.

A new report from the CBO shows that if Republicans get their way and Planned Parenthood loses funding, as many as 630,000 women will not be able to get birth control. Hundreds of thousands of women, many of whom do not have convenient access to health care clinics or providers besides Planned Parenthood, would experience reduced access to their health care.

It is appalling that in the 21st century, my colleagues on the other side of the aisle are pushing to take health care away from women who need it.

Let me be very clear. Democrats are not going to allow Republican political pandering come before women's health and rights—not on our watch.

I want to be sure that families and communities across the country heard something that the majority leader did say yesterday. He said that “inevitably” Democrats and Republicans will have to work together to reach a bipartisan budget agreement.

Well, I think the workers and businesses who struggled through the last government shutdown are wondering what the holdup is. Why do we need another round of drama and brinksmanship before we can work together? Why do we need to see countdown clocks—once again—counting down the days until another shutdown? And why, once again, do women and their health care have to come under attack before Republicans can do the right thing?

I am certainly wondering, and I know my Democratic colleagues are too. I think it is clear that Republican leaders have a choice. As their leader said, they inevitably will have to work with Democrats, now or later. The only question is how much pain they are willing to put workers and businesses through before they drop the politics, stop pandering, and come to the table.

Democrats are ready to get to work, and I hope that, finally, Republican leaders are as well.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I would like to discuss my bill, S. 2035, the Federal Employee Fair Treatment Act.

I ask unanimous consent to speak as in morning business.

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

#### FEDERAL EMPLOYEE FAIR TREATMENT ACT

Mr. CARDIN. The legislation I have filed, S. 2035, the Federal Employee Fair Treatment Act, will help alleviate some of the fears of Federal workers when the Federal Government shuts down. I am pleased to have Senators REID, BALDWIN, CARPER, GILLIBRAND, HIRONO, Kaine, LEAHY, MIKULSKI, SHAHEEN, and WARNER as original cosponsors.

The bill is simple and straightforward. It requires that all Federal workers furloughed as a result of any lapse in appropriations that may begin as soon as October 1 will receive their pay retroactively as soon as it is practicable. It is the right thing to do. It is the fair thing to do. Federal workers don't want government shutdowns. They don't cause government shutdowns. They are dedicated public servants who simply want to do their jobs on behalf of the American people. They shouldn't suffer because some Republicans want to shut down the Federal Government in the misguided notion that it will somehow prevent Planned Parenthood from providing health care services to low-income women and their families. Two years ago, these same individuals thought that shutting down the government would prevent the Affordable Care Act from being implemented. They were wrong then, and they are wrong now.

As the Congressional Research Service has reported, in “historical practice,” Federal workers who have been furloughed as a result of a shutdown have received their pay retroactively “as a result of legislation to that effect.”

The language in the Federal Employee Fair Treatment Act is similar to the language used to provide pay retroactively to workers furloughed in previous shutdowns.

I am pleased that it is supported by the American Federation of Government Employees, the National Treasury Employees Union, and the National Active and Retired Federal Employees Association.

The Federal Employee Fair Treatment Act includes a new provision that allows exempted employees, those who are required to work during a shutdown, to take authorized leave. They, too, would be paid retroactively as soon as possible after the lapse in appropriations ends. During previous shutdowns, exempted employees have been prohibited from taking leave for

any reason, including planned surgery or major family events, such as a wedding, that may have been scheduled weeks or even months in advance, causing many of them to lose money on nonrefundable plane tickets, hotel deposits, et cetera.

I am using the process permissible under rule XIV of the Standing Rules of the Senate to place S. 2035 directly on the legislative calendar. I am doing that to expedite consideration of the bill so that the hardworking middle-class Federal employees know they will be treated fairly if there is another shutdown. They shouldn't have to worry about whether they will be paid when a partisan gridlock prevents them from doing their jobs.

Since 2011, Federal workers have contributed \$159 billion to deficit reduction. They have endured a 3-year pay freeze and two substandard pay increases since then, for a total of \$137 billion. They lost another billion dollars in pay because of sequestration-related furloughs. Federal employees hired in 2013 and since 2014 are paying an extra \$21 billion for their pensions. And each and every Federal worker is being asked to do more with less as agency budgets are frozen or cut. This is happening to hardworking, patriotic public servants, mostly middle class and struggling to get by like so many other Americans. Enough is enough.

Since the 1950s and 1960s, the U.S. population has increased by 76 percent and the private sector workforce has surged to 133 percent, but the size of the Federal workforce has risen just 11 percent. Relative to the private sector, the Federal workforce is less than one-half the size that it was in the 1950s and 1960s. The picture that emerges is one of a Federal civilian workforce, the size of which has significantly shrunk compared to the size of the U.S. population it serves, the private sector workforce, and the magnitude of Federal spending.

I would make the additional point that shutting down the government hurts veterans. Over 30 percent of the civilian Federal employees are veterans, as opposed to just 7.8 percent of the non-Federal workforce. In Texas, veterans comprise, for example, 37.5 percent of the civilian Federal workforce. In Kentucky it is 33.9 percent; in Florida it is 38.9 percent; in South Carolina it is 41.7 percent. Is this how we are going to honor the men and women who have stood in harm's way to defend our Nation, by telling them to stay home involuntarily and having them worry about whether they will be paid?

Preventing Federal workers from doing their jobs doesn't just harm them; it harms all Americans because Federal workers patrol our borders and make sure our air and water are clean and our food and drugs are safe. They support our men and women in uniform and care for our wounded warriors, they help our manufacturers compete abroad, they discover cures for life-

threatening diseases, they prosecute criminals and terrorists, they maintain and protect critical infrastructure, they explore the universe, they process passport applications, they make sure Social Security, Medicare, and other social safety net programs are functioning properly.

When Federal workers do their job, they are helping each and every American live a safer and more prosperous life. Our tasks here in Congress are simple: We need to keep the government open for business and keep Federal workers on the job. Later this year, we will need to raise the debt ceiling so we can continue to pay our bills and maintain the full faith and credit of the United States Government.

We need to return to regular order around here and negotiate a comprehensive budget deal to replace the sequestration, a budget that maintains critical Federal investments while spreading the burden of deficit reduction in a fair way and holding Federal workers and their families harmless after subjecting them to so much hardship over the past several months and years.

One of the great attributes of the American character is pragmatism. Unlike what some other Federal workers actually do, here in Congress balancing the budget is not rocket science. We know the various options. Former President Lyndon Johnson was fond of quoting the Prophet Isaiah: "Come let us reason together." That is what we need to do. We can acknowledge and respect our differences, but at the end of the day the American people have entrusted us with governing, with being pragmatic. Let's do our job so Federal workers can continue to do their job on behalf of all Americans.

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

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

228TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. HATCH. Mr. President, today marks the 228th anniversary of the signing of the Constitution. Two hundred twenty-eight years ago, 39 brave and wise men set their names to the document that has guided our government and our politics ever since. With each passing year, I am increasingly astounded by the genius of those who framed our Constitution.

The world was a very different place back in 1787. There was no electricity, no railroads, no air conditioning. Crossing the Atlantic Ocean took months, and news traveled slowly on horseback. Our Nation, which today covers the continent, comprised only 13 States with a combined population of 4 million people. That is roughly the current population of Oklahoma today.

Despite these vastly different circumstances, the Framers created a system that has endured for over 200 years and has become an example to the world of stability and strength. They did so by enshrining in the Constitution certain fundamental principles about government and the source of rights, coupled with an objective, honest view of the failings of human nature.

The Framers recognized that our rights come from God, not government, and that it is the role of government to secure, not create, rights. They recognized that government unrestrained is a threat to liberty and that in order to protect citizens from government's constant tendency to expand its sphere, ambition must be made to counteract ambition. Parchment barriers, as Madison famously intoned, will never suffice.

Thus, the Framers created the separation of powers: federalism, checks and balances; an independent judiciary; a bicameral legislature; and an executive that, while unified, lacked the power of the purse. Each branch of government would have to share power with the others, just as States and the Federal Government would have to share power as well. By preventing any one branch or any one level of government from being able to act unilaterally in its affairs, the Constitution ensured that no one individual or group would be able to run roughshod over any other. And just as important, the Constitution ensured that no major policy change could occur without substantial support from large numbers of Americans at all levels of government and society.

The genius of the Constitution lies in its insight that prosperity requires stability. Temporary majorities come and go. Their favored policies may or may not be wise. Some years ago there was a great concern that the Earth was cooling. Now there is worry in the same quarters that it is warming. Policies that may have seemed wise at one point in time later reveal themselves to be foolish, even dangerous. By dividing power among branches, States, and Washington, our Constitution helps avert sudden, large mistakes even as it enables more modest improvements supported by broad coalitions.

The Constitution's division of powers also protects against the natural inclination toward self-aggrandizement. This inclination occurs both at the governmentwide level and at the individual level. An unchecked Federal Government bent upon remedying all of society's ills will tend naturally to swallow the States, each of which has far fewer resources than the Federal Leviathan. At the individual level, officeholders competing for power and prestige battle against each other as they try to enact their visions into law. Our constitutional system ensures that the Federal Government does not altogether consume the States by limiting and enumerating the Federal Govern-

ment's powers and by promising that all powers not delegated to the Federal Government are reserved to the States. The Constitution also forces rival officeholders to work together in its design to prevent any one person from unilaterally making, changing or eliminating laws.

Madison famously said that "if men were angels, no further government would be necessary." He further posited that "if angels were to govern men, neither external nor internal controls on government would be necessary."

Well, as everybody knows, we are not angels, and we need controls on government to keep it in its proper sphere. The Constitution provides these controls by dividing and diffusing power and by forcing those who seek change to work with others who may not share their views.

Unfortunately, there are some who view the Constitution as an obstacle to overcome, a barrier to supposed progress. These individuals find fault with the fact that the Constitution makes change difficult and requires broad, long-lasting consensus in order to enact major reform. Surely the exigencies of the day, they argue, weren't by passing or even ignoring the separation of powers, federalism, and other elements of our constitutional structure. Although some of these individuals may be well-intentioned, they are fundamentally disguised.

The fact is that the Constitution is not an obstacle. It is a guide—a guide for how we should approach our contemporary problems, for how we should think about our roles as citizens and legislators, for how we should conduct ourselves as we debate the problems of the day.

The Constitution limits government in order to preserve freedom. It makes each branch the equal of the others and the States the equal of Washington, DC. It provides a check on all government action. It divides power among multiple sources because no one individual or office can be trusted with all authority, and it requires cooperation at all levels and all stages to ensure that changes in law are thoroughly vetted rather than rammed through by temporary majorities. These are the principles that should guide us as we seek solutions to our Nation's challenges.

These principles apply in any number of situations. A law that coerces States into coordinating or expanding programs against their will by threatening to cut off all funding for noncompliance makes States the subordinates, not equals, of the Federal Government. Executive action that purports to suspend vast swathes of our Nation's immigration laws does not honor Congress as a coequal branch, nor do state-ments threatening that if Congress does not act, the President will. The Constitution does not give the President a blank check. It requires him to work with Congress—a coequal

branch—to move the ball forward. Executive hubris is the antithesis of fidelity to the Constitution. More in line with what the Constitution teaches is a willingness to reach out to include fellow officeholders. A President who works all levers of government to find broad agreement understands the lessons of the Constitution. President Reagan did this with tax reform and entitlement reform. President Bush did it with education reform and financial sector reform.

Legislation that preserves the separation of powers, rather than delegating vast lawmaking authority to an unelected bureaucracy, also honors the Constitution's teachings, and so do regulations that stay within the bounds of agency authority. When agencies exceed their statutory mandate, they actually do violence to the Constitution's careful system of checks and balances. They assume power that is not theirs to take and remove decisions from the give-and-take of the democratic process. This is particularly problematic when the obvious purpose of the agency action is to bypass Congress.

EPA's recent carbon rules are but one example. When the administration found itself unable to pass cap and trade, even through a Democratic Congress, it turned to administrative fiat. It mattered not that the Clean Air Act provides no authority for the administration's exceptional harsh rules—rules that will depress economic growth and cause energy costs to soar, I might add. What mattered was the goal of reducing carbon emissions.

But the Constitution does not give the President power to right all wrongs, it requires him to work with Congress so the two bodies together can address our Nation's problems. Cooperation, the Constitution teaches, yields better results than imprudent unilateral action.

More generally, all laws that expand the government risk ignore the lesson of the Constitution. When we vote to expand government, we set ourselves against the very purpose of the Constitution to restrain the powers of the Federal Government. True, the Constitution created a more robust government to remedy the defects in the Articles of Confederation, but in creating a more robust government it placed check upon check upon check on that government. A government that can compel citizens to purchase products they do not want or to provide products repugnant to their most deeply held religious beliefs is a danger to liberty. Whenever we carve out new space for the Federal Government, we must be exceedingly careful not to upset the careful balance of the Constitution.

The Constitution also provides more subtle lessons on how we should conduct ourselves as Senators and elected officials. The overarching genius of the Constitution, as I have said, is its recognition that flourishing requires stability. Unchecked majorities are dangerous, not only because they tend to

invade minority rights but also because in their enthusiasm for change, they may enact policies that cooler reflection would reveal to be unwise.

The ongoing debacle of ObamaCare is an example of this inaction. Flush with the Presidency, a majority in the House and their first filibuster-proof majority in the Senate in over 30 years, Democrats enacted fundamental changes to American health care that have forced millions of Americans off their own plans, caused premiums to skyrocket, and further insinuated government into decisions that should be made between doctors and patients.

Had my colleagues on the other side of the aisle paid greater heed to what the Constitution has to teach, they might not have rushed so headlong into these problems. The Constitution teaches the virtue of prudence and incremental reform. Rather than seeking fundamental changes, as President Obama promised during the 2008 campaign, Democrats should have focused on retaining those aspects of American health care that work well, including doctor choice, innovation, and quicker access for treatment, even while attempting to correct deficiencies.

A more modest package that sought to preserve what worked, rather than an anonymous bill so large no one had any time to actually read it, could have avoided many of the problems ObamaCare is now causing. It might even have retracted some Republican votes. Instead, my colleagues on the other side of the aisle chose a party-line vote using an obscure legislative procedure that became necessary only after the people of Massachusetts—Massachusetts—elected Scott Brown, to block the bill. They did so in such a rush, as Speaker PELOSI so memorably revealed, that they didn't know what was in their bill. My colleagues across the aisle, along with the rest of America, are now paying the price for their improvements.

My remarks on this Constitution Day have focused on the lessons the Constitution has to teach, as well as the dangers we risk when we ignore its wisdom. I wish to close by calling upon my colleagues to pay greater heed to the lessons of the Constitution when writing and voting on legislation. There is an unfortunate tendency, in my view, to think of the Constitution as the courts' domain, to leave it entirely up to the courts to decide whether a law is constitutional. We in Congress just write laws; it is up to the courts to do the constitutional stuff.

This tendency to leave things to the courts diminishes our role in the constitutional system and misses the many lessons the Constitution has to teach. The judiciary's role in assessing constitutionality is a narrow one. Courts have not asked whether any law is consistent with the Constitution's overall spirit or the principles that animate it. Rather, they ask whether it satisfies some legal role announced in a previous case. Is the regulated activ-

ity commerce? Is the punishment for noncompliance a tax or a penalty?

But fidelity to the Constitution is about much more than narrow, legal reasoning. Honoring the Constitution involves looking to the principles that undergird it—values such as individual liberty, separation of powers, federalism, respect for civil society, and democratic accountability. In determining whether a given course of action is wise, all of these things are important.

ObamaCare again provides an example. ObamaCare, in my view, is unconstitutional, not only because it exceeds Congress's power under the Constitution but also because it violates many of the enduring principles made manifest in the Constitution. It invades liberty by compelling individuals to purchase insurance against their will and undermines federalism by coercing State governments to expand Medicaid. It dilutes the separation of powers by transferring vast legislative authority to the Executive—and on and on.

The same is true of the President's order suspending immigration laws for up to 5 million illegal immigrants. It attempts to transmute legislative authority to determine who may lawfully enter our country into an unbounded Executive prerogative not to enforce the law, it end runs democratic accountability by ignoring the wishes of the people's duly elected representatives, and it undermines the respect for civil society by sanctioning conduct contrary to our laws.

Whether a law meets whatever legal test the Supreme Court has set forth does not end the inquiry for those of us who seek the Constitution as our guide. We would do well to revive what James Ceaser and others call political constitutionalism: the notion that it falls mostly to political actors such as ourselves making political decisions to protect and promote constitutional goals.

For some programs, such as ObamaCare, it means repealing the program root and branch and replacing it with one that is both more effective and more in line with our constitutional values. For other programs that have become more embedded in the fabric of American society, advancing the cause of constitutionalism will involve more incremental reform. All of our entitlement programs need improvement. We must think hard about how we can reform these programs to better serve those for whom they were intended.

James Madison called the Constitution a miracle. I think he was right on point. The Constitution is a miracle because it has endured for over 200 years. It is a miracle because of what it teaches about prudent government and the need to guard against human failings. It is a miracle because the lessons it provides are just as relevant today as they were 228 years ago. I have to say it is a miracle because well over 160 nations in this world have

tried to copy it and under none of those nations does it work as well as this country.

In some ways we are starting to lose the Constitution because of some of the actions and activities of those who want to win at any cost. May we ever look to the Constitution for guidance and pay it increased fidelity as we discharge our duties here in Washington and across this great land.

I thank the Chair.

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

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

The Senator from Indiana.

Mr. COATS. Mr. President, there has been a lot of talk around here about the Iran deal: It is over. We made our best effort. We have fully exposed exactly what is in this agreement. We had hours and hours, days and days, and weeks and weeks of debates over this. It has been on our plate ever since the beginning of the negotiations.

Some of us started to express alarm and concern about the direction of those negotiations and what was potentially being given away, but we weren't sure until, fortunately, thanks to the Corker bill, Congress had a chance to weigh in and the administration was required to give us the ability to look at every word of this agreement, the annexes and everything attached to it.

Sometime later on, we found out there were two secret side agreements which we weren't able to see, and that alone, in my opinion, should have been enough to vote against this agreement. How can one enter into any kind of a contractual relationship with a nation or a car dealer if the person you are negotiating with says: Well, there are a couple of secret matters over here that you can't have access to, but don't worry—it really won't mess things up. No one is going to sign an agreement like that except the President of the United States and apparently the Secretary of State.

We made a valiant effort to defeat this. Many of us poured our heart and soul into this not just for days, not just for weeks, not just for months, but for years. And, yes, the American people have learned a lot more about this, a lot more than what has been marketed by the White House in terms of how good this is for the future of America, our national security, and the future of the world.

In many ways, I think we have exposed—and I have listed at least 10—major issues that we conceded. There were goals that we wanted to achieve going into the negotiations, and we conceded on every single point.

In the interest of time, I will not go back over that. All I am here to do is

to say that I guess I am not ready to give up. Earlier on the floor, I quoted Yogi Berra: "It ain't over till it's over." Everybody said it is over, but the consequences of this are not over and the results of this are not over. We will be living this out for the duration of this agreement, and at the end of this agreement, Iran will have completed exactly the goal that it is trying to reach—in fact, they may complete it much earlier than that—and that is the legitimization of their possession of nuclear weapons and nuclear weapon capability.

This is a country that says: We only need to develop this for medical isotopes; to fuel a reactor that is going to produce electricity for our people—despite all the Sun, wind, and the unlimited amount of oil and gas underneath their soil which could provide that much cheaper than any other form. So there is no justification for their going forward except to achieve that one goal which we know they have worked on for years. We know they have lied in terms of organizations that have been sanctioning this. And now we have simply given them a pathway to achieving this and a legitimization of their achievement of this. Some say that all the consequences will be good because Iran will abide by every part of this agreement and throughout this process there is going to be a major change in Iran—the theocracy will be overthrown, and they will become a responsible neighbor and nation—and this is the pathway to achieving that—that is the vision of the President. That is the dream.

Frankly, I hope my assessment of this is wrong. For the sake of the future of the United States, for the sake of the future of Israel, and for the sake of the future of the world, I hope I am wrong. But there is nothing in this agreement and there is nothing that has been said or done by the Iranian regime that would give us any indication—any hint at all—of any kind of change in their behavior. In fact, as they deride our agreement, our negotiators, and embarrass our President day after day after day with "Death to America" and "Extinction of Israel." What will be the consequences? As I said, I discussed at length what I think is wrong with this bill. I won't go over that again today. It is already in the RECORD. But there will be consequences that I don't think we have fully discussed, and I wish to lay out some of those.

For Iran, they will have liberation from all sanctions and will be back in business. They will become rich. They will become rich with the release of hundreds of billions of dollars, and they will be using that for any number of purposes.

Their oil industry is dominated by the Republican Guards. This is not Exxon Mobil, not Occidental Petroleum, it is not any of our international oil companies; this is the Republican Guards. A military organization that

dominates that oil industry. They will be free to exploit one of the largest oil reserves in the world. Their national income will spike. State coffers will fill. And Iran's terrorist adventures and proxy wars will be well funded.

We all know about Iran's ambitions for dominance throughout the Middle East and to be recognized as a world nuclear power. They will have all the more money now to be able to feed their proxies fighting for them in Syria, in Yemen, in Lebanon, in Iraq, in a number of places throughout the Middle East, and their terrorist threats resonate across the globe.

After nearly a decade of international efforts to force Iran to give up on this dangerous and illegal nuclear activity, Iran now has a green light—a pathway built for them by U.S. concessions in this agreement—to reach nuclear weapons capability. We have entirely conceded to Iran the right to create fissile material that can only have one use: nuclear weapons.

Now let's look at the larger question: the region, and the strategic impact of this on the region. We haven't really had a great deal of discussion on the strategic consequences. I discussed it briefly during some of my time earlier this week and last week, but the Iranian continuing revolution and regional misbehavior will affect the Middle East and will affect the world. It is dangerous and it is irresponsible.

Former Secretaries of State Kissinger and Schultz—well regarded for their experience and well recognized as global experts, international experts—discussed this broader strategic point in an important joint article that was released last April. Former Secretaries Kissinger and Schultz explained that the then-outlined deal was so weak that Iran would inevitably expand its power, Sunni States will inevitably proliferate in their response, and the United States will get dragged into Middle East wars—except, this time, the wars may be nuclear.

Let me quote from their statement. The Secretaries explained:

Previous thinking on nuclear strategy assumed the existence of stable state actors.

Iran is anything but stable.

These are wise words from wise people who have had a lifetime of experience.

Unfortunately, their views seem to have been largely ignored, if not completely ignored, by this administration, because it didn't fit their purpose to complete a deal, no matter what. No matter what we had to give up, they wanted to complete this deal. In fact, the State Department's spokesman was quoted as disparaging the two Secretaries of State, Kissinger and Schultz, stating that their words were just "big words and big thoughts" and that the two were "not living in the real world." Not living in the real world. I think that statement applies much more to the President and the Secretary of State than it does to former

Secretaries of State Kissinger and Schultz.

Let's look at proliferation. Some of us have discussed the obvious proliferation dangers flowing from an agreement that puts Iran on the path of nuclear weapons. Despite the reluctant words of acquiescence that have been wrung out of others in the region, who can possibly argue that Iran now will never be permitted to develop these nuclear weapons technologies without a response from others.

If I were the King of Saudi Arabia, if I were the Prime Minister or the President of any major country in the Middle East, I am not going to stand by and watch Iran achieve nuclear dominance. They are going to take their own action.

We have now basically shredded the nuclear nonproliferation treaty.

Let's look at Syria and the impact on Syria. America's appalling lack of effective response to the open wound that is Syria is one example of the paralysis born out of the single-minded obsession accommodating the Iranian regime. Iran is the principal prop for the brutal Syrian regime. Assad could not have remained in power these past 4 years of catastrophic disintegration of his country without Iran's support. I fear our negotiations with Iran have taken on such an overwhelming priority with an administration obsessed with legacy that it helped freeze us into inaction on Syria. The administration claims the nuclear negotiations were about Iran's nuclear misbehavior only and were never intended to address the rest of its regional brutality. That is true in some cases, but careful reading of the annexes and careful reading of the agreement—by doing so, we now know the administration went well beyond just discussing the nuclear capability issue. It did not address the hostages that were being held by the Iranian regime—the Americans. It did not address the ballistic missile development and proliferation. Those are two issues which had nothing to do with the agreement itself, according to the administration.

Negotiations between the Ayatollahs and the Great Satan—that is us, according to the Ayatollah—could not happen in a vacuum. Subjects not addressed by the negotiations nevertheless are affected by them, and our stupefying passivity on Syria proves the case.

Let's look at Russia. Our problems with Russia have only grown and multiplied as we tried to ignore Russian misbehavior during our joint negotiations with Iran. But worse, our obsession with getting a deal has unleashed a Russia-Iran axis. Their new cooperation creates yet another threat to American interests.

Just days after concluding this deal, the commander of Iran's elite Quds Force, General Suleimani, flew to Moscow—which he was sanctioned by the U.N. not to do, but he did anyway—reportedly to convince the Russians to

step in to help shore up the crumbling Assad regime in Syria. It worked. The Russians are now in Syria in force, building barracks and bringing in trainers, tanks, and other heavy weapons. Iran and Russia together are Assad's best friends—maybe his savior.

By ignoring Syria, empowering and enriching Iran, and making Putin's Russia an actual negotiating partner, we have created the perfect storm. This is the price of dealing with the devil.

Lastly, let me speak about Israel because any discussion of consequences must return to what should be the core issue: the consequences for our only and best friend in the Middle East, Israel—the only democratic ally in the region. We cannot ignore the major risks that will follow through with the often-repeated threats of obliterating the State of Israel—a threat repeated by the Supreme Leader in no uncertain terms just this week. Is this hyperbole or posturing as the administration claims? The Israelis don't think so, and I don't think so.

We have to assume that an extremist, violent state such as Iran, after decades of creating, arming, and guiding terrorist organizations devoted to Israel's destruction, will continue their assault one day, now we know, with nuclear weapons. One day, others may look back through the smoke and ashes created by this Iran deal and wonder how we could ever have been so blind. How could we ever have conceded to an agreement that violated every goal that the previous three Presidents and current President said we must not concede on—that is, it is totally unacceptable for Iran to have possession of nuclear weapons capability.

Two Democratic Presidents, two Republican Presidents, over three decades of time, have made that statement. It was the goal of the United States to do everything in its capability to prevent Iran from having a nuclear weapon, and we just signed an agreement that gave them the pathway to that nuclear weapon. Does it possibly delay their achievement of that? Yes. But does it reach the goal of preventing them from having it? No.

So after all the shouting and all the efforts and all the debate and all the examination of the agreements, we are told to give up. It is a done deal. The President used his "Executive authority" to deem this an agreement and not a treaty, which is a fallacy in itself. But now we are told we have to give it up. We have to move on. We have other things to do. You made your best effort. We won, you lost.

No, America lost. America lost, and we will be paying a price year after year after year as we watch the flow of money into Iran, the flow of oil out of Iran and money in return, supporting proxy wars throughout the Middle East, igniting a nuclear arms race in that tinder box of the region. We will regret the day—we will regret the day—the announcement was made that we have signed a deal with Iran.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I have come to make a unanimous consent request. I was going to tell the body why I was doing that and then make a unanimous consent request. But my colleague and friend from Texas, who is going to object to it, has a plane to catch, so I am going to make the unanimous consent request, let him object, let him explain why he objects, and then I will explain why I was for it. It won't change the thrust of this.

I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 139, 140, and 141; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, and on behalf of Senator GRASSLEY, the chairman of the Judiciary Committee, I would just briefly point out that during President Obama's term of office, the Senate has confirmed more judicial nominees than it had at this point in 2007. Our pace simply follows the standard set by our colleagues on the other side of the aisle established that year. In the Judiciary Committee, we have had more hearings and moved more nominees than we did last year.

In terms of the Executive Calendar, everyone knows that at the end of last year, during the lameduck session, our Democratic friends rammed through 11 Federal judges. Under regular order, these judges should have been considered at the beginning of this Congress. That is what happened in 2006 when 13 nominations were returned to the President. Had we not confirmed in the lameduck 11 judicial nominees during last year, we would roughly be on pace for judicial nominations this year compared to 2007.

So we are working at the usual pace, and on behalf of Chairman GRASSLEY, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, I regret my colleague's objection. I hope they will change their minds. But once again I must rise to address the growing crisis of judicial vacancies in our Federal and district courts.

We all know it is the job of the Senate to responsibly keep up with the