

the real impact of legislation like this. That is what was lost here.

In Vermont, I witnessed the devastating effect of restricting women's access to safe and legal abortion. I say this, Mr. President, because I am the only Member of the U.S. Senate who has ever prosecuted somebody in an abortion case. When I was a young prosecutor in Vermont, I was called to a hospital to see a young woman who nearly died from hemorrhaging caused by a botched abortion. She was unable to obtain a safe abortion in my state because it was illegal. I prosecuted the man who had arranged for her unsafe and illegal abortion that nearly killed her.

Don't talk about hypotheticals. I saw the tragic impact that the lack of safe legal abortion care had on women and families in my state, and so I talked to doctors about challenging Vermont's law. In that case, *Beecham v. Leahy*, the conservative Vermont Supreme Court called out the hypocrisy of a statute whose stated purpose was to protect women's health, rightly asking, "Where is that concern for the health of the pregnant woman when she is denied the advice and assistance of her doctor?" One year before *Roe v. Wade*, the Vermont Supreme Court, all members of it were Republicans, ruled that protecting women's health required access to safe and legal abortion services, ensuring that women in our state would no longer be subjected to back alley abortions. We should not forget that this history was once reality for so many women in our Nation. That is why I supported our Vermont Supreme Court's decision that we should not deny women's health by denying access to safe and legal abortion services.

As we consider the bill before us today, we should also remember what *Beecham v. Leahy* and, a year later, when *Roe* made clear which should be crystal clear for all of us here today in 2015, abortion is an extremely difficult and personal choice. And if we truly want to reduce abortions—as I do, and I suspect most of us do, maybe all of us do—we should be making sure that family planning services are universally available. We should support organizations like Planned Parenthood that can provide family planning services, especially in rural areas and elsewhere where they might not be available, because that, in itself, will lower the number of abortions.

I oppose the bill pending before us. I hope that Senators on both sides of the aisle will do the same. And this Senate, which I love, ought to turn away from show votes and start leading responsibly so that we can avoid yet another government shutdown with billions upon billions of dollars that would be wasted.

Now, some want a shutdown because they think it might help their campaigns or their press availability. None of them are going to tell the press when they have that shutdown how

many billions of dollars of taxpayers' money they waste by doing it. So let us remember again, the Vermont Supreme Court, at that time a very conservative Supreme Court, in the case of *Beecham v. Leahy*, when they called out the hypocrisy of a statute whose stated purpose was to protect women's health, said, "Where is that concern for the health of the pregnant woman when she's denied the advice and assistance of her doctor?"

Let's stop the show voting; let's stop playing for whatever group we want to raise money from for a campaign or for the Presidency by forcing a shutdown. And let's think about the taxpayers of this country which are going to try to force a shutdown, then let's put a dollar figure on it and say how much the grandstanding cost. It will cost into the billions and billions of dollars and makes this great nation look foolish around the world.

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.

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 the motion to proceed to Calendar No. 230, H.R. 36, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, Joni Ernst, Mike Lee, Mike Rounds, Chuck Grassley, Tim Scott, Patrick J. Toomey, John Boozman, David Perdue, Johnny Isakson, James M. Inhofe, James E. Risch, Steve Daines, Roy Blunt, Roger F. Wicker, John Thune, James Lankford.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 36, an act to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes, 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 Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Boxer	Murray
Murkowski	Warner

The PRESIDING OFFICER (Mr. FLAKE). On this vote, the yeas are 54, the nays are 42.

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

VOTE EXPLANATION

● Mr. WARNER. Mr. President, today the Senate voted on the Pain-Capable Unborn Child Protection Act, H.R. 36. While I was unable to vote today, I would have opposed this bill, which would have amended the Criminal Code to prohibit any person from performing an abortion after 20 weeks. As the father of three daughters, I believe that a woman's health, not politicians in Washington, should drive important medical decisions. It is critical that we as a nation continue to have a meaningful and respectful dialogue about an issue we all care about deeply, and I do not believe that this bill would have advanced that dialogue. ●

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to the motion to reconsider the vote on the motion to invoke cloture on the motion to proceed to H.R. 2685.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCONNELL. I move to reconsider the vote on the motion to invoke cloture on the motion to proceed to H.R. 2685.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. McCONNELL. I ask unanimous consent that the time until 12 noon be equally divided prior to the cloture vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, almost exactly a year ago, President Obama addressed the Nation and declared his resolve to degrade and destroy ISIL. I will speak more on that in just a moment, but there are two lines in that speech of particular relevance to the vote we are about to take.

This is what President Obama had to say:

As Commander-in-Chief, my highest priority is the security of the American people [and] our own safety, our own security, depends upon our willingness to do what it takes to defend this nation and uphold the values that we stand for.

He was certainly right. It does. And doing what it takes requires many things—everything from amphibious shipping, Joint Strike Fighters, and forward presence, to preserving our gains in Afghanistan and investing in the naval systems required to balance against Chinese expansion in Asia.

So when President Obama sent us a budget request asking for \$612 billion in defense spending, we worked across the aisle to craft a bipartisan appropriations bill at that level. Democrats hailed the defense spending as a win-win and a victory for their States. They voted to pass it out of the Appropriations Committee. This is how the Defense appropriations bill came out of the Appropriations Committee: 27 to 3.

But then, as the Washington Post put it, Democrats “decided to block all spending bills starting with the defense appropriations measure” as part of some “filibuster summer” strategy designed to pump more taxpayer cash into Washington bureaucracies such as the IRS. The same President who had lectured the Nation about doing “what it takes to defend this nation” seemed content to have our military held hostage to the whims of the far left. The White House cheered as they voted repeatedly to block the bill that funds pay raises and medical care for our troops. It was outrageous then, and it is outrageous now.

China is deploying ships to the Bering Sea and to the coast of Alaska. Russia’s military is positioning itself in Syria to attack anti-regime forces under the guise of a counterterrorism campaign. Refugees are pouring forth in the thousands, causing instability in Jordan, Lebanon, Turkey, and Europe. And 1 year after the President’s speech, ISIL is consolidating its gains within Syria and Iraq as it demonstrates an agility and an operational flexibility that threaten our country and our national security interests.

The sad lesson of the last 7 years is that our global conventional drawdown and withdrawal from the Middle East emboldened Russia and China. Our am-

bitious train-and-equip and economy-of-force programs to train combat forces within Yemen, Afghanistan, and Iraq and our program to train an opposition to fight within Syria—all have failed to defeat the enemy. And Iran now appears free under the President’s deal to inspect its own suspected nuclear site and to funnel more cash to Hezbollah.

If President Obama is committed to protecting the American people, he will convince his party to end its blockade of funding our military. We are going to give our Democratic friends that chance again in a few moments.

The goal of Democrats’ “filibuster summer” was to force Congress back to the brink. They have succeeded in doing that. They think it is the only way to force America to accept their demands for more debt and more bureaucracy. But it is time Democrats started considering the needs of our country, not the wants of the far left or the IRS. Ending their blockade of funding for our military at a time of significant international threats would show they are ready to start putting Americans first.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, we have voted on this before. It seems that is what we have been doing the last few weeks—revoting. Vote once and vote again. The results are going to be the same. We have made it clear we are not going to proceed to appropriations bills under the Republicans’ partisan budget. We have 12 appropriations bills, not 1. We have 12.

We seek a budget agreement that fairly prevents mindless sequester cuts to defense and to the middle class. I am gratified that our votes on this measure have caused the Republican leader to acknowledge publicly that we need to negotiate an end to this fiscal crisis that has been created by the Republicans.

As for this upcoming vote, there is no reason for Senators to change their votes from how they voted earlier this year. This is yet another case of the Republicans just wasting time rather than addressing the real deal. Another revote.

We read in this morning’s papers that the Republican leader intends to bring a clean continuing resolution before the Senate later this week. Congratulations. We appreciate that very much. But bringing it to a conclusion now is certainly very important because we are running out of time. The end of the fiscal year is now. On September 30, we need more money or the government will shut down. It is not as though we are making up something. They have done it before. And who has been hurt? The American middle class more than anyone else.

I hope we will just move on to the business at hand. The business at hand is to make sure the government does not close. We have cooperated every

way we can. We are not asking for revotes on tearing down the tree numerous times. We have agreed to that. We are not trying in any way to procedurally stop us from moving to important funding measures. So I hope we can move on past this as quickly as possible.

The PRESIDING OFFICER. The majority whip.

PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. CORNYN. Mr. President, unfortunately, our Democratic friends have now blocked another vital piece of legislation from moving forward by a vote of 54 to 42. The cloture vote on the Pain-Capable Unborn Child Protection Act has failed on that cloture vote. But I want to point out to our colleagues that this is not the end of this discussion. This is the beginning of the discussion once again.

I would point out that over the years we have actually been making some progress in favor of an agenda that favors life. In 2007 eight Senate Republicans opposed defunding Planned Parenthood, by 2011 five Senate Republicans opposed defunding Planned Parenthood, and in August just one Senator opposed it by voting to filibuster the bill. Last time we had zero Democratic Senators vote on such a measure. In August we got two.

The pain-capable bill that was blocked by Senate Democrats last year, of course, is what we just voted on again. Today we had an opportunity to be on the record and advocate for what is a top priority for pro-life groups.

There is legislation that has passed in the House of Representatives—namely, the born-alive piece of legislation, which really shouldn’t divide Congress the way perhaps the defunding of Planned Parenthood bill has because at some point, whether you are pro-choice or pro-life, hopefully we can agree that a child who is basically grown to full-term in their mother should be protected from the abortion industries. I think we are going to have other opportunities to vote on that issue.

The Pain-Capable Unborn Child Protection Act is really a moral imperative for our Nation. It says a lot about who we are as a country. This Chamber just had the opportunity to send a clear message that America is a nation that seeks to advance a culture of life and opportunity for everyone, particularly those who are the most vulnerable. As a father of two daughters, I don’t understand the rationale of some of my colleagues on the other side. Do they believe there should be no limitation on access to abortion at all? No limit?

Well, we will have an opportunity for another vote that perhaps will give them a chance to go on record on the born-alive bill that passed the House of Representatives last week. Unfortunately, I think it appears that by blocking this vote, some of our colleagues were simply unable to cast aside the pressures of special interest

groups to take a stand for life. But it is important to note for pro-life Members such as myself that protecting the sanctity of life is an ongoing mission, and it doesn't end with this one vote.

Mr. President, briefly on another matter, we will shortly consider or reconsider another vote that should be a clear-cut issue. This vote would make sure that our military has what they need in order to protect our country and deal with the rising and diverse threats to national security occurring around the world. This will most pointedly help our troops maintain their status as the greatest military. The Defense appropriations bill includes simple initiatives that make sense and serve our troops well, such as giving them a well-deserved pay raise.

I think it is worth reminding those here today that this will be the second opportunity to move this legislation forward. Earlier, our colleagues across the aisle blocked this Defense appropriations bill that provides critical funding for our troops and refused to allow it to move forward. That legislation, as the majority leader pointed out, was voted overwhelmingly out of the Appropriations Committee in June with the support of many of my colleagues on the other side of the aisle who then turned and voted against it on the floor. I guess, in the famous words of John Kerry, they were for it before they were against it.

So the bill we will be considering and voting on shortly is not a piece of partisan legislation, but holding up this legislation is unfortunately indicative of a larger strategy of keeping the Senate tied in knots and making it impossible for it to function as intended. If the goal is to stymie real progress, I would have to congratulate our friends across the aisle. But unfortunately they have taken as a hostage in this partisan political fight the very military which they claim to support and which I believe they do support, but their vote certainly does not indicate that when they vote against funding our troops.

I would point out that in 2013 the Democratic leader himself advocated for something we call regular order around here when it comes to setting our Nation's fiscal policy.

Fortunately, this year, under the new majority, we were able to pass a budget for the first time since 2009. But then what should have happened after that is the Appropriations Committee should have done its work—in fact, it did do its work—and then those bills would come to the floor and they would be voted on by the Senate. But that is what our Democratic colleagues have blocked. I think they have gone a bridge too far in blocking the funding for our military, particularly with the headlines we see in the newspapers and the conflicts arising and spreading across the world.

So this is the first time in 6 years that the Appropriations Committee has approved and reported out all 12 appro-

priations bills. But then these bills became hostage to something our Democratic friends called “filibuster summer”—a political strategy telegraphed from the pages of the Washington Post just last June to block all appropriations bills.

I said it then and it bears repeating that stifling debate and blocking votes is a pretty lousy political strategy, and it is not what the American people sent us here to do. It is what lost my friends across the aisle control of this Chamber nearly a year ago. It is a losing strategy, it is bad policy, and it is cynical politics. It is simply shameful to take these partisan political fights to the point of denying our troops the resources they need in order to do their job.

So the Appropriations Committee has done its work on a bipartisan basis and painstakingly drafted, considered, and passed all 12 appropriations bills. Now this Chamber should do our job and move those appropriations bills forward, starting with the Defense appropriations bill.

Now that the majority leader has moved to reconsider that failed vote, earlier blocked by our Democratic colleagues, I hope our friends across the aisle have had a chance to reconsider and to think carefully about the ramifications of their decision and that they will join us in moving this bill forward. The world is far too dangerous and the threats are far too real to take this important piece of legislation hostage and prevent the resources going to the troops, who simply deserve it.

Quite simply, we have no time to lose when it comes to fulfilling one of our most basic duties to the American people: defending against threats to national security. I would urge my fellow colleagues to join me in moving this important bill forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I respect my colleague from Texas, the majority whip. I disagree with his conclusion. I am vice chairman of the Defense Appropriations Subcommittee. The chairman is Senator COCHRAN of Mississippi. The two of us and our staffs worked night and day to put together a good Defense appropriations bill. I think we did a good job.

The problem is, there is a difference between the Democrats and the Republicans about the total amount to be spent on the defense budget. The Republicans suggest that we should take \$38 billion and put it into the defense budget but not to add a similar amount to the nondefense budget. I could go onto the arcane language of OCO and all of the sequestration. I am going to try to avoid that and keep this at a level where most people understand what we are talking about.

Our concern is not about funding the military on the Democratic side. We wholeheartedly support that, all of us. Not a single Democrat dissents from

what I have just said, but the question is whether or not the money that is going to be invested in nondefense agencies is also going to be protected in this appropriations process. That is all we have asked for.

We are willing to put \$38 billion more into defense, let's put the same amount in nondefense. What is nondefense? Nondefense, frankly, includes a lot of appropriations programs that are critically important to middle-income families across America. Are we going to continue to fund educational programs so that the kids of working families have a shot at college? That is non-defense spending.

Are we going to make sure that we make the basic processes of government be protected when it comes to investing in nondefense? May I give you an example? Medical research. Is that worth putting money into? From the Republican side, that is nondefense, that is not really that important. I think it is critically important. Once every 67 seconds in America, one of our citizens is diagnosed with Alzheimer's—once every 67 seconds.

It is a tragedy. It is an expensive tragedy. It cost us over \$200 billion last year just to care for Alzheimer's patients in America under Medicare and Medicaid. That does not even come close to calculating the sacrifices made by family members on behalf of those who are suffering from Alzheimer's. So should we invest more money in Alzheimer's research? Should we put more money into an effort to delay the onset of Alzheimer's or, God willing, find a cure? Of course we should. That is non-defense spending. That is not a priority of the other side of the aisle.

What we have said to them is: We need to sit down and work this out. Be fair to defense to keep us strong and safe as a nation, but make those critical investments in programs that make a difference to middle-income families across America. What we are asking for today is nothing new. As the Senator from Texas reminded us, we took a vote on this issue. It was over 3 months ago—the same vote. We took the same vote we are about to take at noon today as to whether or not we should have this lopsided appropriation, money to the defense budget but not to the nondefense budget. We said no. Balance it. Be fair. Be as concerned about middle-income families in America as you are about the defense of our Nation. Let the budget reflect that.

But they said no. So we are back again. It was on June 18 when the leadership on the Democratic side of the aisle, aided by others who felt the same way, sent a letter to the Republicans and said: Let's not waste any time shouting at one another and giving speeches on the floor. Let's sit down in closed, bipartisan negotiations and work out the budget, bring the President in. He is critical. We need his participation. But let's work it out.

We wrote that letter on June 18. Here we are more than 3 months later in the

same predicament. We should have taken the time before now—days before the end of the fiscal year, at the end of September—to sit down and work this out by budget negotiation. But they refused. They don't want to sit down.

Instead, they want us to go through these show votes. Last week—last week we had five unnecessary separate votes on the Iran agreement. We had already established, by public announcement of every Senator and by an open public vote, where we stood. Senator MCCONNELL insisted on spending another week and five more votes on exactly the same thing with exactly the same outcome. What a waste of Senate time.

Look at this week. This week is a challenge because of the visit of the Pope and the Jewish holy day, but instead of dealing with substantive issues, this week we have allowed two Republican Presidential candidates who are Senators to have their day on the floor. I think we should be rolling up our sleeves and tackling this issue. I don't want to see a government shutdown. We allowed the Senator from Texas to do that a few years ago, and we paid a heavy price for it. He has now threatened to do it again. He likes shutting down our government, thinks that is a great expression of his effectiveness as a leader. So be it. Maybe it is to some, but not to most.

Instead we should be involved in real budget negotiations. I want to tell you, this idea of a continuing resolution—what is a continuing resolution? It says: Spend the money this year the same way you spent it last year. What if your family had that charge? What if we said: Spend the same amount for groceries and utilities that you did last year, spend it this year. You would say: Wait a minute, that does not reflect the things that have changed in my family. My son is off to college. We are changing the place where we live and such.

That is not the kind of thing that you would respect. That is what a continuing resolution does. It continues to spend money the same way. It wastes taxpayers' money. Senator COCHRAN and I, on a bipartisan basis, came up with a better approach. It is an appropriations bill which we think keeps us safe and spends our defense dollars wisely. So let's not get comfortable with a continuing resolution. It is not good for the Department of Defense, not good for the men and women in uniform who risk their lives for us every single day.

It is important for us to do the responsible thing and move forward. Let's not waste any more time with repeat votes and show-boat votes; let's instead focus our time on negotiating a sound budget.

On June 18, we sent an invitation to the Republicans to sit down and negotiate a budget. The invitation is still open, but we are running out of time. It is important that the President be in that negotiation. It has been 96 days since the last vote we had on this issue.

We are going to face it again in just a few moments.

There has not been any progress made on budget negotiations. I ask the Republican leadership of the House and Senate: What are you waiting for? When are you going to sit down and govern? When are you going to sit down and work out problems instead of dreaming up new ways to shut down the Government of the United States of America?

There are signs we are headed back to the same old process that was used before. By the end of the week, they are talking about filibusters on the Republican side, and staying in all night, and maybe we will hear another Dr. Seuss book read to us in the middle of the night by the Texas Senator.

I am not sure what lies ahead, but what the American people are sick and tired of is what they see on the Senate floor today. They want us to do our work. They want us to compromise, to agree, to do what is best for this Nation.

Having one show vote after another does not accomplish that. I ask my colleagues: Work together. I ask the leaders on the Republican side: Instead of one more monotonous, predicable vote after another, should we not sit down and work out a budget negotiation that serves our Nation, not only the defense budget, but all of America, including middle-income families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I urge the Senate to support the motion to proceed to the Department of Defense appropriations bill for fiscal year 2016. The Committee on Appropriations approved the bill on June 11 by a vote of 27 to 3. The bill provides \$489.1 billion in base funding, and \$86.8 billion in overseas contingency operations, which is consistent with both the fiscal year 2016 budget resolution and the Defense Subcommittee's allocation.

The bill provides funding to protect the security interests of our country. The Senate should return to regular order starting with this national security legislation. It is a bipartisan bill that provides the President, as Commander in Chief, with the resources to protect our Nation. I urge the Senate to approve proceeding to this bill.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Four minutes for the minority, 1 minute for the majority.

Mr. DURBIN. I suggest the absence of a quorum.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2685, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, James Lankford, Roger F. Wicker, John Barrasso, Thom Tillis, Steve Daines, Tom Cotton, Kelly Ayotte, Lindsey Graham, John McCain, John Thune, Jerry Moran, Richard C. Shelby, Daniel Coats, Jeff Flake, Rob Portman.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2685, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—54

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

NAYS—42

Baldwin	Durbin	Leahy
Bennet	Feinstein	Manchin
Blumenthal	Franken	Markey
Booker	Gillibrand	McCaskill
Brown	Heinrich	Menendez
Cantwell	Heitkamp	Merkley
Cardin	Hirono	Mikulski
Carper	Kaine	Murphy
Casey	King	Nelson
Coons	Klobuchar	Peters

Reed	Schumer	Udall
Reid	Shaheen	Warren
Sanders	Stabenow	Whitehouse
Schatz	Tester	Wyden

NOT VOTING—4

Boxer	Murray
Murkowski	Warner

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 42.

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

The majority leader.

PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED—Continued

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed to H.R. 36.

The PRESIDING OFFICER. The motion is withdrawn.

HIRE MORE HEROES ACT OF 2015—Resumed

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

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.

VOTE ON MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, I move to table the motion to commit.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

VOTE ON AMENDMENT NO. 2658

Mr. MCCONNELL. Mr. President, I move to table amendment No. 2658.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

VOTE ON AMENDMENT NO. 2640

Mr. MCCONNELL. Mr. President, I move to table amendment No. 2640.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AMENDMENT NO. 2669

(Purpose: Making continuing appropriations for the fiscal year ending September 30, 2016, and for other purposes.)

Mr. MCCONNELL. Mr. President, I have a substitute amendment at the desk that I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COCHRAN, proposes an amendment numbered 2669.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2670 TO AMENDMENT NO. 2669

Mr. MCCONNELL. Mr. President, I have an amendment at the desk that I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2670 to amendment No. 2669.

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

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

The amendment is as follows:

At the end add the following.

"This Act shall take effect 1 day after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2671 TO AMENDMENT NO. 2670

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2671 to amendment No. 2670.

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

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

The amendment is as follows:

Strike "1 day" and insert "2 days".

AMENDMENT NO. 2672

Mr. MCCONNELL. Mr. President, I have an amendment to the text proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2672 to the language proposed to be stricken by amendment No. 2669.

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

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

The amendment is as follows:

At the end add the following.

"This Act shall take effect 3 days after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2673 TO AMENDMENT NO. 2672

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2673 to amendment No. 2672.

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

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

The amendment is as follows:

Strike "3" and insert "4"

MOTION TO COMMIT WITH AMENDMENT NO. 2674

Mr. MCCONNELL. Mr. President, I have a motion to commit with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit the joint resolution to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 2674.

The amendment is as follows:

At the end add the following.

"This Act shall take effect 5 days after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2675

Mr. MCCONNELL. Mr. President, I have an amendment to the instructions.