

type of renewable energy because it slows down their tar sands business, their oil business, and their coal business.

In Nevada, the Koch brothers and their foot soldiers are meddling in many issues—really, too many to count. They have been trying to upend Nevada's open primary process. They have encouraged young Nevadans to stay out of the State's health exchanges. They fought attempts to raise Nevada's cigarette tax. They have used the State legislature to undermine labor unions. These are only a few examples of the Kochs' "Buy America" plan.

What the Koch brothers are doing in Nevada and all of the States that we talked about this morning is shameful. They are using their deep pockets and their shadowy organizations to try and buy a government that serves them, not the American people. They aren't even trying to hide it anymore. As one radical activist happily noted to the Washington Post, "the Koch brothers, they may write a check" to promote their ultraconservative ideology. They are writing more than a check or two. Charles and David and their allies are writing \$900 million worth of checks—\$900 million spent against rebuilding our Nation's roads and bridges, against a fair shot for all Americans, against raising the minimum wage, and against the hundreds of thousands of American jobs supported by the Export-Import Bank.

The Kochs have a lot of money to spend. They are using a tiny bit of it, which is huge amounts of money—about \$1 billion this election cycle—to do other kinds of things. They want to promote criminal justice reform. That is nice. I am glad they are on the right side of something—finally. That could be one reason they are interested in this—because they have been in the past prosecuted for doing things that have been illegal and criminal in the nature of prosecutors. They have fought back against these things.

We have been talking about the criminal justice system long before the Kochs got involved. That is well and nice that they are embracing reform now, but it does not negate the many bad things they are doing to hurt American families.

The Koch brothers' priorities are wrong for the middle class and they are wrong for all America. It is time that we let the Koch brothers know that our country isn't for sale. It is time that we let every power-hungry billionaire know they can't buy our government. Whether it is the city hall of Colorado Springs or the halls of Congress, you should not be able to buy America's democracy. The question is this: Are the Kochs going to buy America, because they are certainly trying to? It is up to every American to say no.

Mr. President, I note that there is no one else on the floor. So would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 1735, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 1 p.m. will be equally divided between the two leaders or their designees.

The Democratic leader.

Mr. REID. Mr. President, our ranking member on the Armed Services Committee is here on the floor. He has done an exemplary job working with Senator JOHN MCCAIN to move legislation forward. I have followed his lead, and I am not going to vote for this conference report, as he is not going to vote for this conference report. I would say that the House had a vote similar to this one a few days ago, where they had more than enough votes to sustain a veto if the President does veto this, which he says he is going to do. I want everyone to know that as to Democrats who voted for this in the past, not all of them will vote the same way they did last time. But our Democrats have stated, without any question, if it comes time to sustain a Presidential veto, that will be done.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to discuss the conference report of the fiscal year 2016 National Defense Authorization Act, which we will be voting on in the next hour. This conference report is the product of months of negotiation and compromise between the House and the Senate. I want to commend Chairman MCCAIN, Chairman THORNBERRY, and Ranking Member SMITH for a thoughtful, inclusive and cordial process.

There are many provisions in this bill that provide the support we owe to our servicemembers and their families—the funding, authorities, and equipment necessary for our troops to succeed in combat; and significant and critical reforms to the military retirement, compensation, and acquisition systems—many of which I will talk about in further debate on this bill in the days and hours ahead.

However, I regret that I am unable to support this conference report because it shifts \$38 billion requested by the

President for enduring or base military requirements—the base budget, if you will—to the overseas contingency operations, or OCO, account, essentially, skirting the law known as the Budget Control Act, or BCA.

Again, this is a maneuver to get around a statute that was signed by the President, voted for by Congress, and which has imposed budget caps on every department. Central to that agreement was the significant consensus that domestic and defense discretionary spending would be capped. What this conference report does is violate that consensus by using OCO in a way that it was not originally intended to be so used.

This budget gimmick allows the majority to fully fund the Defense Department without breaking caps imposed by the BCA on both defense and non-defense spending. However, the OCO account provides no relief for nondefense departments and agencies, and that includes many agencies that are critical to our national security. Because of this device, I and nearly all of the Democratic conferees on the bill did not sign the conference report.

Abusing OCO, as this bill would do, is counter to the intent of the Budget Control Act. The BCA imposed proportionally equal cuts to defense and non-defense discretionary spending to force a bipartisan compromise to our ongoing budget difficulties. OCO and emergency funding are outside budget caps for a reason. They finance the cost of ongoing military operations or they respond to other unforeseen events such as national disasters. In my view, to suddenly ignore the true purpose of OCO and treat it as a budgetary gambit in order to skirt the BCA caps is an unacceptable use of this important tool for our warfighters in the field.

Adding funds to OCO does not solve—and actually complicates—DOD's budgetary problems. Defense budgeting needs to be based on our long-term military strategy, which requires the Department of Defense to focus at least 5 years into the future. A 1-year plus-up to OCO does not provide DOD with the certainty and stability it needs when building its 5-year budget.

Just to highlight how this OCO gimmick skews defense spending, consider the amount of OCO in relation to the number of troops deployed. Again, I think it is a useful metric because OCO evolved when we were deploying troops overseas—first in response to Afghanistan during Operation Enduring Freedom and then with respect to Iraq. And there is a correlation, at least in the minds of most people, between our efforts overseas with troops engaged and the size of OCO.

In 2008, at the height of our Nation's troop commitment in Iraq and Afghanistan and with approximately 187,000 total troops deployed, we spent approximately \$1 billion in OCO for every servicemember deployed to those countries. Under this bill, we will spend approximately \$9 million in OCO

for every servicemember deployed to Iraq and Afghanistan—roughly about 9,930 people, in DOD projections. So this increase has gone some place. It hasn't gone overseas, directly to the men and women who are fighting, but it has gone to other accounts within the Department of Defense.

In addition to this phenomenon, within the next few years the services will begin procuring new weapons systems while modernizing and maintaining legacy weapons systems. For example, in the Future Years Defense Program, or FYDP, the Department will spend \$48 billion to procure the F-35 Joint Strike Fighter; \$10.6 billion for the Ohio-class replacement program; \$13.9 billion for the Long Range Strike Bomber; and \$29.7 billion for the Virginia-class submarine program.

Each of these programs is critically important to our national defense, and we must ensure they are robustly funded. But if the BCA caps remain in place, it is likely tough budget choices will need to be made. As a result, if we decide to stay within the stringent budget caps, we may be forced to fund these programs at the expense of other, equally meritorious programs. We will have a choice of not investing fully in these necessary strategic improvements or using legacy systems, which are still important, to pay for them—tough choices.

Alternatively, and what I think is more likely to happen, these programs will be funded in the base budget. However, in order to ensure the budget caps are not breached, funding will be shifted from the operations and maintenance accounts to the OCO account in order to accommodate increased procurement for new weapons systems. In many respects, that is what is happening with this \$38.3 billion that shifted from the traditional base budget into the OCO budget account for O&M requirements.

What you have here is a sense of budgetary sleight of hand. We know we have these increased demands coming to us because we do have to recapitalize on strategic systems, in particular. If we have the BCA caps in place, we have to find money some place, and that is likely to be the OCO account. We will see a fund, OCO, which was designed to support ongoing operations overseas suddenly be used to pay for long-term base budget items, i.e., recapitalization of our strategic deterrent forces.

If we use this scheme this year—maybe with good intentions and the only honest intention of 1 year to get us ahead—it will be easier to do it next year and the year after that, ensuring that this imbalance between security and domestic spending continues. As we all recognize, effective national security requires that non-DOD departments and agencies also receive relief from the BCA caps. The Pentagon simply cannot meet the complex set of national security challenges without the help of other government departments

and agencies—including State, Justice, and Homeland Security.

Under Secretary of Defense for Policy Christine Wormuth made this point when she was before the Armed Services Committee a few weeks ago to testify on our strategy to counter ISIL, which many Americans believe to be the top national security threat facing our country. The Department of Defense is only one part of a whole-of-government approach to defeating ISIL. Secretary Wormuth said:

“It will take more than just the military campaign to be successful [against ISIL]. We also will need to dry up ISIL's finances, stop the flows of foreign fighters into Iraq and Syria in particular, protect the United States from potential ISIL attacks, provide humanitarian assistance to rebuild areas cleared of ISIL forces, and find ways to more effectively counter ISIL's very successful messaging campaign.”

Unfortunately, we will effectively diminish our national capabilities to do all these things by underfunding non-DOD departments and agencies that are critical to our national security. Use of the OCO gimmick—it has been referred to that by many people—in this bill facilitates underfunding those departments, and it should not be supported. We need an all-out governmental effort to provide for our national security. Underfunding State, Treasury, and other departments is not going to get us that all-out effort. And when it no longer becomes easy to underfund nondefense agencies, my suspicion is that nondefense programs will begin appearing in OCO. There is some precedent to this. For example, in fiscal year 1992, Congress added funds to the defense bill for breast cancer research. At the time, discretionary spending was subject to statutory caps under the Budget Enforcement Act of 1990—the follow-on legislation to the Gramm-Rudman-Hollings Act of 1985. That was a situation where they were capping discretionary domestic spending, but defense spending was uncapped, and this is a situation that I think we are recreating in this conference report. That initial funding led to the establishment of the Congressionally Directed Medical Research Program, and I think every Senator is familiar with this important program. It has strong bipartisan support, and each fiscal year Congress authorizes and appropriates hundreds of millions of dollars to the program for cutting-edge and critically essential medical research.

In fact, since 1992, this program has received over \$13 billion in funding. While this program is funded through the annual Defense bill and the program is managed by the Army, the Department of Defense does not execute any of the money itself. It is a competitive grant process, and proposals are subject to stringent peer and programmatic review criteria. Essentially, the money goes out to medical research facilities throughout the United States. For all intents and purposes, it is a medical research program much like we fund through NIH.

I am a strong supporter of medical research and a strong supporter of this program, and indeed this program has, through its research and through its efforts, saved countless lives, but my concern is that under the aegis of OCO, approaches and budgetary maneuvers like this will become common. It will be a way to skirt the budget caps. If we do it this year, we have set a precedent for next year and the following year, and 10 years from now the Defense bill could authorize billions of dollars of funding for programs that may be meritorious but will have little or nothing to do with national defense and should be properly budgeted within our base budget from other departments. Indeed, some programs should be properly funded within the Department of Defense's base budget.

Simply put, this approach, which circumvents the Budget Control Act, is not fiscally responsible or honest accounting. It is time we come together as a Congress—before the short-term continuing resolution expires—to fulfill our responsibilities to the American people, especially our troops and their families, to fully fund our government by revising or eliminating the budget caps proposed by the BCA on both defense and nondefense spending.

In fact and indeed, if it were not for the OCO issue, I would have likely signed the conference report and voted for this bill. However, I believe this OCO issue is too important. The Secretary of Defense believes it is too important, the President believes it is too important, and he said he will veto this bill and any other bill that relies on this OCO gimmick. As Secretary of Defense Carter said last week:

“Without a negotiated budget solution in which everyone comes together at last, we will again return to sequestration-level funding, reducing discretionary funding to its lowest real level in a decade despite the fact that members of both parties agree this result will harm national security. . . . Making these kinds of indiscriminate cuts is managerially inefficient, and therefore wasteful, to taxpayers and industry. It's dangerous to our strategy, and frankly, it's embarrassing in front of the world.”

These are the words of the Secretary of Defense, echoing the comments that we have heard from uniformed military leaders about the inherent dangers of sequestration if it is allowed to continue forward.

The BCA was created by Congress to address the immediate threat of what would have been a catastrophic national default and to compel Congress to come together and reach a balanced compromise on the budget. It is time for Congress to make the hard choices, modify or eliminate the caps in the BCA, and end the threat of sequestration. It is not just an appropriations issue. It is affecting everything we do. Unfortunately, it affects the Fiscal Year 2016 National Defense Authorization Act and therefore I will not be prepared to support this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

PASSING APPROPRIATIONS BILLS

Mr. THUNE. Mr. President, Democrats have spent a lot of time lately talking about the importance of keeping the government open. Well, the Senate Republicans couldn't agree more. We know Congress has a responsibility to ensure that our Nation's priorities are funded, and we spent a lot of time this year working on that.

In May, we passed the first joint House-Senate balanced budget resolution in more than a decade, and by the end of July the Senate Appropriations Committee had approved all 12 appropriations bills for the first time since 2009. It was the first time in 6 years that the Senate Appropriations Committee approved all 12 of the appropriations bills, but there is one problem. For all their talk about providing for the government, apparently Democrats are reluctant to take any action when it comes to actually passing these bills through the Senate. Republicans tried to bring up the Military Construction and Veterans Affairs appropriations bill last week, but Democrats refused to allow the Senate to even consider it. We couldn't get on the bill. They blocked the motion to proceed to even get to debate that bill.

That is right. Senate Democrats, who spent weeks talking about funding the government, refused to allow the Senate to even debate a bill that would fund military construction, protect our homeland, and keep the promises we made to our veterans.

I might be able to understand Democrats' position if they had been shut out of the process on this legislation, but they weren't. The Military Construction and Veterans Affairs appropriations bill was debated in the Appropriations Committee, where Members of both parties were given an opportunity to offer amendments and to help shape the bill's contents. The bill passed out of the committee with an overwhelming bipartisan majority. If Democrats had allowed the bill to reach the floor, they would have had yet another opportunity to debate and amend the legislation, but the Senate Democrats wouldn't even let the bill come to the floor to be debated. They blocked the motion to proceed to the bill that would even allow us and allow them an opportunity to be heard and an opportunity to offer amendments.

Some Democrats have threatened to block the bill that we are currently considering this week, which is the National Defense Authorization Act, which again is a bicameral agreement that authorizes funding for our Nation's military and our national defense. This is the bill that ensures our soldiers receive the bonuses and the pay they have earned, that their equipment and training will be funded, and that our commanders will have the resources they need to confront the threats that are facing our Nation. Like the bill Democrats blocked last week, this legislation is the product of a bipartisan committee process, and it

received bipartisan support when it came out of the committee. More than that, it received strong bipartisan support on the Senate floor when it first came up for consideration in June.

This bill, the National Defense Authorization Act, which funds our military's priorities, was reported out of the Senate Armed Services Committee—a big vote—it came to the floor of the Senate, received a big bipartisan vote in the Senate, but now some of the very same Democrats who supported this bill a little more than 3 months ago are planning to vote against it. On top of that, President Obama has threatened to veto this bill when it gets to his desk.

The question is, Why are Democrats opposing a bill that would authorize the funding our troops need to operate?

Historically the National Defense Authorization Act has received strong bipartisan support, and there is a good reason for that. Historically both Democrats and Republicans have known that we have a great responsibility to the men and women who keep us safe, and we have made a habit of working together to try and meet that responsibility.

Why are things different this year?

Well, basically Democrats have decided that since they can't get everything they want, they are going to take their ball and go home. Republicans knew Democrats were considering this, of course, but we had hoped that after months of successful collaboration, they would rethink that strategy because, as I said, all 12 appropriations bills were reported out of the Senate Appropriations Committee with bipartisan majorities, collaboration, input from both sides, amendments offered and amendments voted on, but unfortunately it has been clear over the past week that Senate Democrats and the President are committed to following through on their plans to obstruct these bills.

Their argument is that they want more money for this or for that, and they are not going to fund the military until they get more money for whatever their domestic priority is—whether it is more funding for the EPA or the IRS or some other agency of government. That is what this is about. It is somewhat staggering to think that some Senate Democrats would think of blocking the National Defense Authorization Act after supporting this bill in June. It is pretty hard to explain why one would think a bill is good one day and not the next. Let's just remind ourselves what they are voting to block and what the President is threatening to veto. The National Defense Authorization Act authorizes funding for our Nation's military and our national defense—from equipment and training for our soldiers to critical national security priorities, such as supporting our allies against Russian aggression overseas.

In my State of South Dakota, we are proud to host the 28th Bomb Wing at

Ellsworth Air Force Base, one of the Nation's two B-1 bomber bases. The B-1s are a critical part of the U.S. bomber fleet, and bombers from the 28th Bomb Wing have played a key role in armed conflicts that the United States has engaged in over the past 20 years.

During Operation Odyssey Dawn, B-1s from Ellsworth launched from South Dakota, flew halfway around the world to Libya, dropped their bombs and returned home all in a single mission. This marked the first time in history that B-1s launched combat missions from the United States to strike targets overseas.

Without the National Defense Authorization Act, however, the funding levels needed in 2016 to maintain these bombers and the readiness of our airmen at Ellsworth will not be authorized. It is that simple. That is what is at stake with this bill.

If the President chooses to veto this legislation, he is vetoing the bill that authorizes benefits for our troops and the funding our military needs to operate. He is also vetoing authorization for the weapons, vehicles, and planes our military needs to defend our country against future threats, such as the Long Range Strike Bomber, which is one of the Air Force's top acquisition priorities, and it also represents the future of our bomber fleet.

By vetoing this bill, the President would also be vetoing a number of critical reforms that will expand the resources available to our military men and women and strengthen our national security.

For instance, this year's National Defense Authorization Act tackles waste and inefficiency at the Department of Defense. It targets \$10 billion in unnecessary spending and redirects those funds to military priorities like funding for aircraft, weapons systems, and modernization of Navy vessels.

The bill also implements sweeping reforms to the military's outdated acquisitions process by removing bureaucracy and expediting decision-making which will significantly improve the military's ability to access the technology and equipment it needs.

The act also implements a number of reforms to the Pentagon's administrative functions. Over the past decade, Army headquarters staff has increased by 60 percent. Yet in recent years the Army has been cutting brigade combat teams. From 2001 to 2012, the Department of Defense's civilian workforce grew at five times the rate of our Active-Duty military personnel.

The Defense authorization bill we are considering changes the emphasis of the Department of Defense from administration to operations, which will help ensure that our military personnel receive the training they need and are ready to meet any threats that arise.

This bill also overhauls our military retirement system. The current military retirement system limits retirement benefits to soldiers who served for 20 years or more, which does not

apply to 83 percent of those who have served, including many veterans of the wars in Iraq and Afghanistan. The National Defense Authorization Act replaces that system with a modern retirement system that would extend retirement benefits to 75 percent of our servicemembers.

No time is a good time to veto funding for our Nation's troops. But with tensions in the world where they are, the decision by Senate Democrats and the President to block this funding authorization is particularly unconscionable.

As we speak, ISIS is carving a trail of slaughter across the Middle East, Russia is becoming increasingly aggressive, and Iran is continuing to fund terrorism. Thanks to Iran's nuclear deal, Iran will soon have access to increased funds and the ability to purchase more conventional weapons. That is right. While President Obama is threatening to veto a bill that funds our Armed Forces, he has agreed to a deal with Iran that gives Iran access to over \$100 billion to fund terrorism and the Iranian Revolutionary Guard. That same flawed Iran deal waives the sanctions on Iranian leaders, including General Soleimani, who is responsible for the deaths of American soldiers in Iraq, yet the President is threatening to veto pay bonuses and improved military retirement benefits for our soldiers here at home.

The President's Iran deal also gives Hezbollah and Hamas more funding to spread terrorism, yet the President is threatening to veto additional resources for our allies to defeat ISIS as well as missile defense systems for our allies, including Israel. Right now, President Obama is threatening to veto funding for our advanced weapons systems for U.S. military forces, yet his nuclear agreement gives Iran access to conventional weapons, ballistic missiles, and advanced nuclear centrifuges.

Now, above all, in the wake of this flawed Iran deal and growing chaos in the Middle East, holding up funding for our troops by blocking this authorization bill is unacceptable.

While Senate Democrats and the President may have decided to pursue a strategy of obstruction, it is not too late for them to change their minds. They can still cast a vote in favor of funding for our military and our national security priorities. I hope that before this vote happens today, they will rethink their opposition and join Republicans in supporting this critical bill.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, when the Senate took up the fiscal year 2016 National Defense Authorization Act, I opposed it. I did not believe that the Senate had fully debated some of the most consequential provisions of the bill. But a majority of the Senate allowed that bill to move forward, and now we have a compromise before us that is a step even further backward.

The biggest but by no means only problem with this bill is, of course, the overseas contingency operations account, which has been turned into an escape hatch for defense spending over Budget Control Act caps. Those caps imposed by the Budget Control Act—across defense and nondefense spending—were intended to force Congress to the table to realistically address fiscal concerns. Today, those caps are hurting defense spending, though not nearly as much as they are devastating domestic spending.

Other problematic sections are related to Bush-era detainees kept at Guantanamo Bay. The new Guantanamo restrictions contained in this conference report are a needless barrier to efforts to finally shutter that detention facility. The bill would continue the unnecessary ban on constructing facilities within the United States to house Guantanamo detainees and the counterproductive prohibition on transferring detainees to the United States for detention or trial. Even more troubling, this year's NDAA would undo the important step taken by Congress in 2013 to streamline procedures for transferring detainees to foreign countries. Section 1034 of this year's bill would reimpose onerous, unnecessary, and unrealistic certification requirements that must be satisfied before transferring detainees to third countries—a step in exactly the wrong direction. Transfers should be accelerating, not slowing down.

As long as Guantanamo remains open, it will continue to serve as a recruitment tool for terrorists and tarnish America's historic role as a champion of human rights. Maintaining the detention facility at Guantanamo is also a tremendous waste of taxpayer dollars. We spend an astonishing amount at Guantanamo—a single detainee costs approximately \$3.4 million per year to maintain—at a time when budgets are tight and that money is needed elsewhere; yet this conference report does not even include the cost-saving measure from the Senate bill that would allow detainees to be brought to the U.S. on a temporary basis for medical treatment. Closing Guantanamo is the morally and fiscally responsible thing to do, and I strongly oppose the unnecessary statutory restrictions in this conference report.

The concerns with this conference report do not end with Guantanamo Bay. Massive changes to our procurement system that will recreate stovepipes we eliminated with the Goldwater-Nichols reforms and adjustments to benefits given to men and women who serve and have served in order to pay our bills are just two examples. But what's not included is significant, too. There are several provisions related to the National Guard that enjoyed strong Senate support and yet were stripped in this so-called compromise, most inexplicably a provision I authored to better account for the requirements

placed on the Guard. A similar provision was included in the House-passed bill. Rather than compromising between the two as the rules call for, both were simply dropped from the bill.

It is too bad that, in exchange for these controversial provisions, good policy will be left behind. This NDAA would have promoted the bipartisan National Guard State Partnership Program Enhancement Act to strengthen the State Partnership Program, which leverages unique National Guard capabilities and relationships to bolster our national security agenda around the world, at pennies on the dollar. This would have been a considerable improvement.

I want to recognize Senator McCain's efforts to ensure that the conference report includes the McCain-Feinstein antitorture amendment. That provision would codify in statute the interrogation standards in the Army Field Manual—not just for military personnel, but for intelligence agents as well. Last year, Senator FEINSTEIN and the Senate Intelligence Committee exposed the CIA's horrific practices under the Bush administration. The McCain-Feinstein amendment is the next step toward ensuring that America never tortures again. If this bill does not become law, the Senate should take action to make the McCain-Feinstein amendment law this year.

Every year, the National Defense Authorization Act provides an opportunity for Congress to support our men and women in uniform and align our national security priorities with our fiscal obligations. This bill falls far short, and I cannot give it my support.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mr. DURBIN. I thank the Chair.

The issue before us is a conference committee report on the House Defense authorization bill. It is not the spending bill; it is the authorizing of spending. It is a bill that largely is bipartisan. There is no argument on either side of the aisle to support our troops, no argument against providing the technology and weaponry they need to keep themselves and Americans safe. The issue before us is a larger budget issue that goes even beyond the Department of Defense but certainly includes it, and that is, how are we going to fund our government?

The Republican approach is to put in \$37 billion to \$38 billion of made-up money. In other words, they take \$37 billion or \$38 billion of what is known as OCO funds, or war funds, and just assume it is there and put it in the budget for the Department of Defense only, but they don't put money in for non-defense agencies. So they adequately fund the Department of Defense—in fact, some say generously fund it—and

then cut back in the rest of government. What is the difference? What difference does it make?

The cutbacks include, on the non-defense side, medical research at the National Institutes of Health. The cuts include adequate resources for the Veterans' Administration to keep our promise to the men and women who have served us in the military. The cuts include keeping America safe when it comes to homeland security and the FBI. So they make cuts in all of these agencies but provide the funding for the Department of Defense.

We argue: Let's have some balance. We want to give our troops the very best treatment, but we certainly don't want to shortchange the other side of government—the nondefense side—and that is what the budget negotiations are all about.

So Republican after Republican comes to the floor and says the Democrats don't care about the military. That is not true; both sides care about the military. But there are other parts of our government that are important as well for the safety of the United States and the future of the United States. Whether it is education or medical research or caring for our veterans, let's have a balance in our budget that acknowledges that reality, and let's look at a couple other things that are realistic too.

How many people in America think we are suffering from not enough handguns on the streets of America? There are some who do. There is a provision in this bill which is no surprise to people who follow legislation on Capitol Hill. The gun lobby is always looking for a way to expand their universe of more guns in America. So they proposed, in the House of Representatives—the Congressman from Alabama proposed—that the military sell 100,000 .45-caliber semiautomatic handguns without any background checks on the purchasers. That was the proposal in the House—100,000 semiautomatic handguns without any background checks on the purchasers. Did they really do that? They did. It was in the bill. JACK REED, the Senator from Rhode Island who is the ranking Democrat, changed that provision and limited it from 100,000 to 10,000—10,000 handguns—and said they have to go through dealers so there will be a background check.

I raise that point because guns are in the news again. Guns are in the news every day. Each day 297 Americans are shot with firearms, and 89 lose their lives. We saw the terrible tragedy last week. I was stunned to hear on NPR over the weekend that what happened at Roseburg, OR, was the 45th school shooting in America this year—the 45th this year.

We have to do something about it. It is not going to be solved with this bill alone, but it will be solved if Democrats and Republicans start looking for reasonable ways to limit the access of guns from those who have a history of

committing criminal felonies or a history of mental instability. I am glad the Senate conferees cleaned up the House provision that would have dumped 100,000 handguns into the hands of purchasers without any kind of background check. I still believe this bill goes too far when it comes to that gun issue.

I will close by saying this: We are all committed to the military and the defense of the United States. Many of us believe the agreement with Iran that precludes their development of a nuclear weapon will lead to a safer world. We are going to carefully monitor it, as we promised we would, for the sake not only of Israel but for all of the nations in the region, as well as the United States. We want to make this a safer world. We want to turn to diplomacy before we turn to a military response. I supported it, and I will continue to support it.

I hope, in the closing minutes of debate, that Members will reflect on the fact that we can have a better deal not only to help our military but to help those others who are funded by the nondefense side of the budget, to have some balance too, to make sure it isn't lopsided with the money all going to the Department of Defense without acknowledging precious needs of America in many other nondefense subjects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

MR. MCCAIN. Mr. President, I say with respect to the Senator from Illinois, he just authenticated an old saying: "Talk is cheap." This is really one of the more remarkable performances by the other side.

We are talking about legislation that is vital to the welfare of the men and women who are serving in uniform, yet the Senator from Illinois says we shouldn't take care of them because he has another problem. That is a logic which defies anything I have observed in a long time.

This is an authorization bill. It has nothing to do with the appropriations process and the money that needs to be spent or not spent on any kind of mechanism.

The Senator from Illinois and the Senator from Nevada, the Democratic leader, keep talking about the fact that the budget passed by the Budget Committee by a majority vote here in the U.S. Senate calls for additional funding for defense. So now, in direct contravention to that, my friends on the other side of the aisle object to that provision in the Budget Act and will now oppose legislation that authorizes a pay raise for our troops, authorizes special pay and bonuses to support recruitment and retention, makes health care more affordable, increases access to urgent care for families, and knocks down bureaucratic obstacles to ensure servicemembers maintain access to the medicines they need as they transition from Active Duty.

There are literally tens if not hundreds of provisions that take care of the men and women who are serving in our military. So what do my friends on the other side say? Turn this down because they don't like the way it is funded. The fight is on the appropriations, my friends, not on the authorization that defends this Nation.

To do this kind of disservice to the men and women who are serving in uniform is a disgrace. Please don't say that you support the men and women in the military, come to this floor and say that, and then vote no on this legislation. Don't do it. Any objective observer will tell us that the provisions in this bill are for the benefit of the men and women who are serving in an all-volunteer force.

The Senator from Illinois wants a "better deal." I want a better deal. I am tired of our providing funds for the military on a year-to-year ad hoc basis. I don't like it. I hate sequestration. I think sequestration risks doing permanent damage to our ability to face this Nation at a time when there are more crises in the world than at any time since World War II—when there is a flood of refugees, when the Chinese are moving into the Spratly Islands, endangering the world's most important avenue of commerce, while Vladimir Putin dismembers Russia. And my colleagues from the other side of the aisle are now complaining that they didn't like the way it was funded.

I will tell my colleagues, this is a remarkable time. So apparently the President of the United States—and we will talk about it later—who has just shown his remarkable leadership with the insertion of Russia into Syria, which he did not find out about from his meeting with Vladimir Putin of 90 minutes, and which his Secretary of State has said is an opportunity, and which his Secretary of Defense said was "unprofessional"—they are now slaughtering—slaughtering—young men whom we trained outside of Syria and sent into Syria to fight against ISIS and Bashar Assad, and the Russians are dropping bombs on them. It is an incredible situation.

There has never been a greater need to authorize and fund our military—which is facing more challenges since the end of World War II—than today, and my colleagues on the other side of the aisle will urge a "no" vote. They will urge a "no" vote for the first time in 53 years on an overall—not a specific issue but on a broad issue of the budget. My friends want to turn down our authorization and our responsibilities to the men and women who are serving in the military.

I urge my colleagues to rethink their misguided logic. Attack the appropriations bill. Let's all sit down and try to negotiate an agreement that takes care of all of these other aspects of our government, but let's not do this to the men and women who are serving. Let's not prevent us from improving their quality of life. Let's not prevent them

from having a pay raise. Let's not prevent them from having the medical care they need. Let's not do these things in the name of a budgetary fight.

Mr. President, I urge an "aye" vote on the motion to invoke cloture and on adoption of the conference report when the time comes. I will be speaking a lot more about it between now, if we approve the cloture motion, and when we vote on the conference report.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. 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 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 conference report to accompany H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, Bob Corker, John Hoeven, Ron Johnson, Dan Sullivan, Steve Daines, Richard Burr, Joni Ernst, Deb Fischer, Tim Scott, Orrin G. Hatch, Shelley Moore Capito, Mike Crapo, Tom Cotton, Cory Gardner, Kelly Ayotte, Mitch McConnell.

The PRESIDING OFFICER (Mr. ROUNDS). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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 Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

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

The yeas and nays resulted—yeas 73, nays 26, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—73

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Barrasso	Gardner	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heinrich	Roberts
Burr	Heitkamp	Rounds
Cantwell	Heller	Sasse
Capito	Hoeven	Scott
Casey	Inhofe	Sessions
Cassidy	Isakson	Shaheen
Coats	Johnson	Shelby
Cochran	Kaine	Stabenow
Collins	King	Sullivan
Corker	Kirk	Tester
Cornyn	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	McCain	Udall
Daines	McCaskey	Vitter
Donnelly	McConnell	Warner
Enzi	Menendez	Wicker
Ernst	Moran	
Feinstein	Murkowski	

NAYS—26

Baldwin	Gillibrand	Reed
Booker	Hirono	Reid
Boxer	Leahy	Sanders
Brown	Manchin	Schatz
Cardin	Markey	Schumer
Carper	Merkley	Warren
Coons	Mikulski	Whitehouse
Durbin	Nelson	Wyden
Franken	Paul	

NOT VOTING—1

Rubio

The PRESIDING OFFICER (Mr. PORTMAN). On this vote, the yeas are 73, the nays are 26.

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

The Senator from Texas.

CALLING FOR APPOINTMENT OF A SPECIAL COUNSEL

Mr. CORNYN. Mr. President, I wish to spend a few minutes speaking about a topic we should all be able to agree on, even in this polarized environment in which we live and work, and that is the idea that transparency and accountability are key to good governance. Transparency and accountability are key to good governance.

Open government is a prerequisite for a free society, one in which the legitimacy of government itself depends upon consent of the governed. In fact, we can't consent on something we don't know anything about. My colleagues get my point.

As our Founding Fathers recognized, a truly democratic system depends on an informed citizenry so they can hold their leaders accountable at elections and between elections. But the American people cannot do that without transparency. Justice Brandeis famously said that sunlight is the best disinfectant, and he is right. That is why Congress has enacted numerous pieces of legislation that have promoted accountability and transparency in government so that good governance can hopefully flourish.

This is a bipartisan issue. When I came to the Senate, I found a willing partner in Senator PATRICK LEAHY from Vermont. Senator LEAHY and I are polar opposites when it comes to our politics, but on matters of open

government and freedom of information, we have worked closely together on a number of pieces of legislation. As we both have said, when a Democratic President is in charge or a Republican President is in charge, the first instinct is to try to hide or minimize bad news and to maximize the good news. That is human nature. We all get that. But the American people are entitled to know what their government is doing on their behalf, whether it is good, bad, or ugly.

So I have made transparency a priority of mine, and I have pressed for more openness in the Federal Government through commonsense legislation. One of those bills was the Freedom of Information Improvement Act, which would strengthen existing measures found in the Freedom of Information Act that was first signed by a Texas President, Lyndon Baines Johnson. The Judiciary Committee passed that bill in February by a voice vote, and I look forward to it passing in the Senate soon.

But even the very best laws with the very best intentions can be undermined by those who are willing to ignore or even abuse them. More than 6 years ago, President Obama promised the American people that transparency and the rule of law will be the touchstone of this Presidency. He said, "Transparency and the rule of law will be the touchstones of this presidency." Needless to say, his record has been a disappointment because it certainly doesn't meet the description of transparency and adherence to and fidelity to the rule of law.

For example, when an estimated 1,400 weapons were somehow lost by the Bureau of Alcohol, Tobacco, and Firearms in Mexico, with one of them—actually two of them—eventually linked to the murder of a U.S. Border Patrol agent, the Obama administration stonewalled congressional investigations. This was the Fast and Furious debacle. As a matter of fact, the Attorney General—then Eric Holder—refused to comply with a valid subpoena issued by Congress so we could find out about it, so we could figure out where things went wrong and how we could fix them so they didn't happen again. Former Attorney General Eric Holder, rather than comply with Congress's legitimate oversight request, refused and was thus the first Attorney General, to my knowledge, to be held in contempt of Congress—in contempt of Congress. Then, of course, there are the IRS and ObamaCare—instances in which this administration has either refused to testify to Congress or failed to answer our most basic questions.

This administration has been equally dismissive of the press, who are also protected—freedom of the press under the First Amendment to the U.S. Constitution—leading dozens of journalists to send a letter to the President asking him to end this administration's "politically driven suppression of news and information about Federal agencies." That is really remarkable.

So we can see the American people have been stiff-armed by this administration, and they have become increasingly distrustful of their own government. That is because secrecy provides an environment in which corruption can and does fester. In fact, according to a recent poll, 75 percent of Americans who responded believe there is widespread corruption in the U.S. Government. Seventy-five percent believe that. That is a shocking statistic and one that ought to shock us back to reality to try to understand what their concerns are and what we can do to address them because that is simply inconsistent with this idea of self-government, where 75 percent of the respondents to a poll think the fix is in, and the government is neither accountable nor adhering to the rule of law.

It was back in March that the public first learned that a former member of this administration, Secretary Clinton, used a private, unsecured server during her tenure as Secretary of State. It was just last Wednesday that the State Department announced the release of even more documents from Secretary Clinton's private email server. This ongoing scandal has been but the latest example of this administration's pattern of avoiding accountability and skirting the law. I will explain in just a few minutes why this is so significant and why this isn't something that ought to be just brushed under the rug and ignored.

Secretary Clinton's unprecedented scheme was intentional. It wasn't an accident. It wasn't negligence. She did it on purpose. It was by design. Her design was to shield her official communications—communications that under Federal law belong to the government and to the people, not her. I can't see any other way to explain it. It was deliberate. It was intentional. It was designed to avoid the kind of accountability I have been talking about today. There is just no other way to look at it.

Because her emails were held on this private server, the State Department was in violation of the legal mandates of the Freedom of Information Act for 6 years, and it is only now, through Freedom of Information Act litigation and more than 30 different lawsuits, that the public is finally learning what it was always entitled to know, or at least part of it. By the way, that is the power of the Freedom of Information Act and why it is so important. You can go to court and seek a court order to force people to do what they should have done in the first instance so the public can be informed about what their government is doing.

Secretary Clinton's use of a private, unsecured server as a member of the Obama Cabinet is also a major national security concern. We have learned that classified information was kept on and transmitted through this server. According to the latest reports, the newest batch of documents released just last week have doubled the amount of

emails that contain classified information. News outlets are reporting that there are more than 400 classified emails on the server, and that is just the report so far.

It is no coincidence that along with this news, the media has also reported that Russian-linked hackers attempted at least five times to break into Secretary Clinton's email account. That should make obvious to her and to everyone else the vulnerabilities that exist for a private, unsecured email server, one used by a Cabinet member in communicating with other high-level government officials, including people in the intelligence community. This is absolutely reckless.

This Chamber is aware—we are painfully aware from the news—that cyber threats are all too prevalent today. It seems every week we read a new story about different cyber attacks, cyber theft, cyber espionage against our own country. This last summer we discussed at length the data breaches that occurred at the Office of Personnel Management. People who had actually sought and obtained security clearances so they could handle and learn classified material—that information was hacked and made available to some of our adversaries. Then, of course, there is the information we all learned about the IRS being hacked as well. The personal information contained in those two hacks alone covered millions of Americans.

At a time when our adversaries are trying to steal sensitive national security information, especially classified information, I find it incredibly irresponsible for Secretary Clinton or anyone else to invite this kind of risk and to conduct routine, daily business on behalf of our Nation over a private, unsecured email server. I find it even more egregious that she or her senior aides would send classified information over this same server.

I am not the only one who believes Secretary Clinton compromised our national security by doing this. Just last month, before the Senate Select Intelligence Committee, the current Director of the National Security Agency, ADM Mike Rogers, who also serves as commander of U.S. Cyber Command, said conducting official business on a private server would "represent an opportunity" for foreign intelligence operatives. In other words, foreign intelligence services would relish the opportunity to penetrate the private server of a high-profile leader such as Secretary Clinton or any other Secretary of State who, once again, is a member of the President's Cabinet, his closest advisers.

Some hackers clearly noticed this opportunity and tried to take advantage of it, and we don't know—perhaps we never will know—the extent to which that national security information, that classified information was compromised.

We need to come to terms with the fact that due to Secretary Clinton's

bad judgment, it is probable that every email she sent or received while Secretary of State, including highly classified information, has been read by intelligence agents of nations such as China and Russia who we know are regularly trying to hack into our secure data and to learn our secrets or to steal our designs and to replicate those by violating our commercial laws. So this email scandal is more than just bad judgment; it represents a real danger to our Nation.

I am sorry to say, but it is true, that Secretary Clinton's actions may well have violated a number of criminal laws. Under the circumstances, the appointment of a special counsel by the Justice Department is necessary to supervise the investigation and ensure the American people that investigation gets down to the bottom line and we follow the facts wherever they may lead.

As I made clear in a recent letter to Attorney General Loretta Lynch, the Department of Justice regulations themselves provide for the appointment of a special counsel if there is potential for criminal wrongdoing and if there is a conflict of interest at the Department of Justice or if extraordinary circumstances warrant the appointment.

Let me start by explaining which criminal statutes Secretary Clinton may have violated.

Federal law makes it a crime to retain classified information without authorization.

Whoever, being an officer . . . of the United States . . . knowingly removes [classified] documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined under this title or imprisoned for not more than one year, or both.

That is 18 USC, section 1924.

We know from media reports that Secretary Clinton retained classified documents on her server. According to those reports, more than 5 percent of the latest emails released by the State Department contained classified information. So we need a thorough, unbiased, impartial investigation to determine how those documents made it to Secretary Clinton's unsecured server and whether she knew that was happening. A special counsel would be the best person and in the best position to do just that.

While Secretary Clinton may argue—which I heard her argue on news reports—that none of this information was marked "classified" when it was emailed to her, under the Espionage Act, that is irrelevant even if true, and I certainly doubt that is the case. According to the act, it is a crime to deliver national defense information to unauthorized individuals. At 18 USC, subsection 793(d), it states that "whoever, lawfully having possession of . . . any document . . . or note relating to the national defense . . . willfully communicates, delivers, transmits . . . the same to any person not entitled

to receive it . . . [s]hall be fined under this title or imprisoned not more than ten years, or both."

So you can see this is serious. This is serious stuff and deserves to be treated with that same requisite seriousness, and that is again why it is so important to have an impartial investigation.

We know, for example, that information on North Korea's nuclear program was in Secretary Clinton's emails. I was recently with some of my colleagues at Pacific Command, and Admiral Harris, a four-star admiral, the head of Pacific Command, said that on his list of security threats confronting his region of the world, North Korea is at the top. It has nuclear weapons, intercontinental ballistic missiles, and it has a leader who is capable of doing just about anything he could imagine. It is a very dangerous situation and a very serious national security issue. Yet Secretary Clinton was communicating information or had communicated to her on her private email server information about North Korea's threat. We don't know whether that information was among the 200 classified emails released by the State Department last week. We know her lawyers and perhaps others reviewed every email on her server before turning them over to the State Department. We don't know who reviewed them, whether they had a proper clearance, whether they were actually entitled to see classified information, and that is why a special counsel would be important to answer that question too.

Under the Espionage Act, we see that it is a crime to remove national defense documents or permit them to be stolen. Here is a summary of the statute: "Whoever, being entrusted with . . . any document . . . relating to the national defense . . . through gross negligence permits the same to be removed from its proper place of custody . . . or to be lost, stolen, abstracted, or destroyed . . . shall be fined under this title or imprisoned not more than ten years, or both."

Now we know that the server was not held in a proper place of custody, and we know from the testimony of experts in the intelligence community that the likelihood that something was removed from Secretary Clinton's server by foreign hackers is high. Last week, as I said moments ago, news outlets reported that they were certainly trying. So a special counsel could answer this question and determine whether this statute was violated and how it should be enforced if it was violated.

What greater example of gross negligence is there than for a high government official, such as the Secretary of State of the United States of America, a member of the President's Cabinet, to communicate all business on a private, unsecured server when it is likely—and maybe more than just likely—it is almost certain that sensitive national defense information would pass through it?

We simply don't know what other laws may have been broken or whether there are other explanations that Secretary Clinton might have that might shed some light on this. But this is certainly why a special counsel should be appointed. And I would say that if Secretary Clinton and the Obama administration are confident that no laws have been broken, then why wouldn't they embrace the appointment of a special counsel?

I would point out that in another case, the President's own Department of Justice has aggressively pursued the mishandling of classified information in the past. So my simple request in calling for a special counsel is that the same rules apply to Secretary Clinton.

The Department's clear conflicts of interest in this case and the extraordinary circumstances surrounding it could not be more obvious. As a high-level official in the administration for 4 years, Secretary Clinton is clearly allied with the administration. As a former First Lady and a U.S. Senator, Secretary Clinton has a deep professional and personal relationship with the administration, including the President's choice for Attorney General, Loretta Lynch. I would think Ms. Lynch, the Attorney General, would want the sort of integrity and proper appearance that would occur by appointment of special counsel rather than have it look as if she has simply sat on this information and not conducted a thorough investigation herself.

I am simply calling for that kind of investigation. As somebody who spent 17 years of my life as a State court judge and attorney general, I believe that sort of investigation is entirely warranted. Of course, some of my Democratic colleagues—including the Senators from Vermont and California—have already claimed that this call for a special counsel is some sort of political stunt. The senior Senator from California was quick to say that calls for a special counsel are purely political and completely unnecessary and would amount to wasting taxpayer dollars. Well, I would like to point out to both Senators from Vermont and California that each of them on more than one occasion has called for a special counsel in the past. Surely I don't think they would characterize their own call for a special counsel in the same terms that the current call for a special counsel is described.

While serving as Senators, the President of the United States, Barack Obama, and former Secretary Hillary Clinton, while both of them were Senators, called for the appointment of a special counsel.

All of that is to say that requesting an appointment of a special counsel is not uncommon, and it is clearly warranted in this case.

Mr. President, I ask unanimous consent that the response from the Justice Department to my letter requesting a special counsel be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 22, 2015.

Hon. JOHN CORNYN,
U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN: This responds to your letter to the Attorney General dated September 15, 2015, requesting that a Special Counsel be appointed to investigate the use of a private e-mail server by former Secretary of State Hillary Clinton.

The Special Counsel regulations, 28 C.F.R. § 6001, which were issued as a replacement for the former Independent Counsel Act, provide that in the discretion of the Attorney General, a Special Counsel may be appointed when an investigation or prosecution by the Department of Justice (the Department) would create a potential conflict of interest, or in other extraordinary circumstances in which the public interest would be served by such an appointment. This authority has rarely been exercised.

As you know, the Department has received a security referral related to the potential compromise of classified information. Any investigation related to this referral will be conducted by law enforcement professionals and career attorneys in accordance with established Department policies and procedures, which are designed to ensure the integrity of all ongoing investigations.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

PETER J. KADZIK,
Assistant Attorney General.

Mr. CORNYN. Mr. President, I would just say that for those who are interested in reading the response—interestingly, I didn't get a response from the Attorney General, to whom I addressed the letter; I got a response from the Assistant Attorney General. I read it over and over and over again, and it doesn't agree to the appointment of a special counsel and it doesn't refuse to appoint a special counsel. In other words, it is a non-answer to the question. I don't know what reason the Attorney General or the Department of Justice might have for leaving this open-ended and not actually declining at this time to appoint a special counsel, if that is their conclusion, but they simply didn't answer the question.

I would just say in conclusion that my constituents in Texas sent me here to serve as a check on the executive branch, and I am going to continue to press the Attorney General and the rest of the administration for answers because the American people deserve the sort of accountability and, indeed, in the end, justice that need to be delivered in this case—not a sweep under the rug, not a playing out the clock until the end of the administration, but answers that can only come from an independent investigation conducted by a special counsel.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I ask unanimous consent to engage in a colloquy until about 3:40 p.m. with Democrats and Republicans who are going to

show up here—I think Senator VITTER, Senator INHOFE, Senator WHITEHOUSE, Senator MANCHIN, and we may have others who will be here.

I see my good friend Senator INHOFE is here.

Senator INHOFE, we are now beginning. And Senator WHITEHOUSE is here. So if the Senator would like to jump in with his statement, that would be great at this point.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. INHOFE. Thank you very much.

TSCA REFORM

Mr. President, let me first mention that you don't see many things around this Chamber that are truly bipartisan, and you are about to see one now.

I have to give credit to the Senator from New Mexico for the great job he has done in making it a possibility to even be talking about this now. I am honored to be chairman of the public works committee. We do a lot of significant work in that committee. We just passed out arguably the second most significant bill of the year, which was the highway reauthorization bill, and others. It is a very busy committee. However, the issue we are concerned about today—and I want to talk about it a little bit—is the bill we have been working on for a long period of time.

We had a great Member—Frank Lautenberg—of the Senate for a number of years. He and I became good friends on this committee when Democrats were for 8 years the majority party, and prior to that we were in the majority for a long time. During that time-frame, Frank Lautenberg and I became good friends. We had some things in common people were not aware of; that is, we both came from the corporate world. We were involved in doing things together and looking at things through a corporate mind.

But this bill we are talking about now is one where we are enjoying 60 cosponsors.

I would mention that Bonnie Lautenberg is in the Gallery today. She has been so cooperative. If you can single out one legacy of the great Frank Lautenberg, it would be this bill. I can remember calling Bonnie and asking if she would be willing to come and testify before the committee—this was some time ago—and she was more enthusiastic than I expected she would be, and she has been a big help.

It is great to see so many of my colleagues excited about TSCA reform and specifically the Lautenberg bill, which now has overwhelming support on both sides of the aisle. For a long time, we have been focused—and rightfully so—on the public health and environmental benefits of reforming this 39-year-old failed law. I know a lot of my friends across the aisle who are here will continue talking about that today, so I wanted to take my time on the floor to tell them some of the benefits of TSCA

reform that they might not be aware of, from a Republican perspective.

TSCA reform, in addition to providing greater protections for families in my State of Oklahoma and the rest of the country, can play a pivotal role in boosting our economy, creating well-paying American jobs, and creating regulatory certainty for businesses not only in the United States but across the world.

Today, the U.S. chemical industry is experiencing a resurgence. Nobody had ever predicted it. For years, chemical manufacturing has been moving its way out of this country, relocating in places such as China, Saudi Arabia, and South America. One of the reasons for this is that we have this antiquated law on the books that made it very difficult for them to operate in the United States. So we kind of got used to this. Everyone was leaving the United States because of that. Now they are coming back. The interesting thing is, there are two reasons that I am going to mention to you in a minute for why they are coming back and what it means to us economically.

In the last few years, one thing has completely flipped the idea on its head that we are not going to be able to change the laws that are regulating the chemical industry. Natural gas liquids are the primary feedstock for chemical manufacturing in the United States. Due to the shale boom or the shale revolution—we are very sensitive to that in my State of Oklahoma—natural gas production from companies such as Continental Resources, Devon, Chesapeake Energy—all in my home State of Oklahoma—manufacturers have an abundant and reliable source of natural gas for decades to come.

This provides the stability and certainty that manufacturers need to once again make major investments in the United States. There is no better example of an industry reinvesting in this country because of our energy revolution than the chemical industry. As of this June, the chemical industry has announced 238 investment projects valued at \$145 billion. Let me repeat that: \$145 billion in new capital investments in the United States of America by the chemical industry in large part due to American natural gas production.

This investment is predicted to be responsible for over 700,000 new jobs along with \$293 billion in permanent new domestic economic output by 2023. The benefits don't stop there. This investment is also predicted to lead to \$21 billion in new Federal, State, and local tax revenue in the next 8 years and will lower our trade deficit by increasing our exports by nearly \$30 billion by 2030.

Right now the U.S. chemical industry is capturing market share from around the world, and all of those facilities that packed up and moved to China, moved to the Middle East, and moved to Western Europe are rushing back. You don't have to look any further than comments by folks such as

Antonio Tajani, the European Commissioner for Industry, who said:

When people choose whether to invest in Europe or the United States, what they think about most is the cost of energy. The loss of competitiveness is frightening.

In North America as a whole, chemicals and plastics production is predicted to double in the next 5 years, while it falls by one-third in Europe. In other words, it will go down by one-third in Europe. At the same time, it doubles in the next 5 years in the United States. Some of you may be wondering what this has to do with TSCA reform because I am talking about the cheaper prices of energy. The main stock for chemicals is natural gas.

Specifically, the Lautenberg bill, what we are talking about today—let me tell you, passing this bill and getting TSCA reform signed into law not only provides these domestic industries with one manageable national rule book so products can be manufactured and distributed in all 50 States consistently, it also provides necessary regulatory certainty, the lack of which could be the one thing to drive away this much needed economic investment.

Moreover, today global chemical manufacturing and use, in the absence of a coherent and functioning U.S. chemical policy, is dominated by the European system called REACH. I will not get into much detail about the European regulatory system, but it is significantly more burdensome and costly than many of our businesses can afford to deal with.

Unfortunately, today it is the global standard. By enacting meaningful U.S. chemical policy, our Nation will be on the path to once again be the world leader, not only in chemical manufacturing or manufacturing in general but to set the global standard in how chemicals should be managed. That is what we are talking about. That is what this is all about. So there are two things that are bringing this industry back to the United States. One is our plentiful and cheap natural gas and the other is this legislation.

Imagine people anticipating that the legislation is going to pass and making corporate decisions bringing back many jobs to the United States. So there is going to be a surge in economic benefit, and consequently right now the price of natural gas, the main feedstock that goes into chemical manufacturing, is far cheaper in this country than it is in Europe.

So I say to my good friend who has carried this ball, Senator UDALL, that it is great that those two things are happening at the same time. Again, when I looked around at the press conference we had this morning—and we saw everyone ranging from the most liberal Democrats and the most conservative Republicans. That does not happen very often in Washington, DC. I think a lot of it is due to my good friend from New Mexico, along with

Senator VITTER, who has been carrying this ball.

I would vacate the floor and ask for any comments.

Mr. UDALL. Mr. President, I thank Chairman INHOFE very much. I thank him for his leadership. He is the chairman of the Environment and Public Works Committee. I remember we came early on—Senator VITTER and myself—to him, and said: We have been working on this bill a couple of years. We think it is ready to go, but obviously it has to go through your committee.

The Senator worked with us all the way along the line. A lot of this has to do with his leadership and helping us with—amending it in a way to keep making it bipartisan. That has been the history of this bill; that it has grown. As we know, it passed his committee 15 to 5.

I say to Chairman INHOFE, our next speaker, Senator WHITEHOUSE, who is on your committee, was able to work with you and three other members of the Environment and Public Works Committee to get the bill in shape so we could then get it ready for the floor. Working with you, we have made a few additional tweaks and things, but I think it is ready to go; don't you?

Mr. INHOFE. If the Senator will yield, I would observe the number of people who said—when the bill first started out, there was a lot of opposition. There was opposition in our committee. I think a lot of the people on the committee were surprised when we passed it on a bipartisan basis. Then, of course, once it got down to the floor—this is going to have support from all corners.

Again, yes, it was a bipartisan effort. It is kind of rewarding to have that happen now and then. This is a good example.

Mr. UDALL. This is a great example. Thank you so much. Once again, we could not have done this without your leadership, your chairmanship of the Environment and Public Works Committee. You helped us shape this and helped us move in a bipartisan way.

I am going to next ask Senator WHITEHOUSE to talk a little bit because Senator WHITEHOUSE has the ability—the experience of a State official, a former State attorney general.

He took a look at this bill. It was ready to go in front of the Environment and Public Works Committee. He looked at it as a former AG. He looked at it in terms of the States being able to participate on enforcement and was able to help us craft a bill that could get out of committee 15 to 5.

Senator WHITEHOUSE, we appreciate your help and your hard work on this. You did an amazing job. Any thoughts, comments? Is this something the Senate can take up and get done, in terms of where we have it right now?

Mr. WHITEHOUSE. Mr. President, I would answer my colleague's question by saying that I think we are very definitely ready to go. We are particularly

ready to go because of Senator UDALL's achievement in securing the 60th vote, a filibuster-proof majority who are on this bill as cosponsors. That does not count people who are willing to vote for it. I think we always had 60 people voting for it, but to have 60 people willing to cosponsor it so it is clear from the get-go that if this bill is called up, it will get through.

I think that is very important. There was some dispute on the Environment and Public Works Committee. We had a very lively hearing. I think the impact of that hearing caused people to go back and say: We really do need to improve this bill in some way. I commend Senator MERKLEY and Senator BOOKER for joining me in I guess a little mini "Gang of 3" to pull the bill to a place where we would all support it in the committee. That is part of how it got to 15 and 5.

I think, since then, what Senator UDALL has been able to accomplish is some of those 5 have now come over to join the 15. So to say that it is a 15-to-5 EPW committee-supported bill actually understates this support because of Senator UDALL's continued work.

There is one issue on which I want to make a particular point because I know both Senator UDALL and I have served as attorney general of our States. We take this question of a sovereign State's ability to defend its own citizens very seriously. We both were attorneys general. We had the responsibility to very often lead for the State those public protection efforts.

So we wanted to be very careful about making sure there was a significant role for the States in this bill to look out for the health and the safety of their citizens. What we came up with is a provision that I believe tracks very closely with the constitutional provisions that govern this. A State is restricted from taking action here if it would unduly burden interstate commerce. Well, that is a statutory restriction. But guess what. As Senator UDALL knows, that is also the constitutional restriction under the so-called dormant commerce clause. So we were not going to be able to move much further than that anyway. That is essentially the commerce clause written into legislative text.

The next is if the action by the State would violate a Federal law or regulation. There is another part of the Constitution called the supremacy clause, which says that when Congress has made a decision, the States cannot overturn it. Once again, the restriction that we have on States coming to protect their citizens mirrors and matches a restriction that exists in the Constitution.

The last piece says that if a State is going to regulate in this area, it has to be based on peer-reviewed science. There is a third clause in the Constitution called the due process clause. Under the due process clause, the regulatory agency cannot just willy-nilly regulate. If it does, its regulation can

be challenged as being arbitrary and capricious. In order to meet the challenge that it is arbitrary and capricious, it has to be based on a sound factual foundation.

Here in the realm of science, that foundation is peer-reviewed scientific evidence. So as a former attorney general working with a former attorney general, I think we are confident that where this bill is now gives our colleague attorneys general the ability to have a very strong case to be made that they still have the authority to take action where their State has a real problem and people's health and safety is suffering and somebody needs to act, even if somebody at EPW will not.

I will close by saying this. This has been an education in legislating for me. I came out of being a prosecutor, I came out of being an executive official, I came out of being a staff person for a Governor, and I came out of being a practicing lawyer. But watching Senator UDALL work has been instructive because—he will not say but I am prepared to say that he cosponsored this bill at a time when he did not like it. I think he cosponsored this bill at a time when what he saw was not that "this is the bill I am going to go with," but he saw that we need to fix TSCA, we need to have a bipartisan solution to this, and "if it takes me signing up for a bill I don't like as the opener to begin building that consensus"—that went first with TOM, then with Senator CARPER coming on, then with our MERKLEY-BOOKER-WHITEHOUSE contingent, and now most recently with Senators DURBIN and MARKEY joining us—he has been the thread that has made all of that possible.

I wish to close by expressing a personal appreciation to him for hanging in there—particularly through that early period when there was not a lot of support for this in our caucus—and working with us and Senator INHOFE and Senator VITTER to build the coalition that has today made 60-plus cosponsors possible.

Congratulations to Senator UDALL, and I thank him for letting me say a few words.

Mr. UDALL. I say to Senator WHITEHOUSE, thank you so much.

I just want to say about Senator WHITEHOUSE—I mean, this bill would not be where it is today had we not had that trio working in the Environment and Public Works Committee. I really believe that. They took the bill that was coming up, we had a hearing on it, and they really analyzed it and applied all the principles Senator WHITEHOUSE and I have both talked about, and they came up with a very significant improvement. We are here today because of his hard work.

I have been very open. I think Senator VITTER, who will join us in a minute, has been very open. Both of us said: Give us your ideas, give us your input, and we are going to take a look at it. We got technical advice from the

EPA and asked, “Will this work?” because they are over there running this bureau.

So the Senator should feel very good about moving it down the field to the point where we are today.

Mr. WHITEHOUSE. My only caution going forward is that, for all the wonderful work that has been done by Senator VITTER and Senator UDALL to pull us together, for all the support that has been reached here, this is still a fairly delicate compromise. We first have to figure out and solve the procedural blockages that are preventing this from going through this Chamber.

I would suggest that the majority party ought to be supporting the passage of legislation that is led by the majority party. It is the minority party's role to throw up objections and to make demands against legislation proceeding. So maybe not everybody on the other side is completely taken aboard, but they are in the majority now. So I think those blocks will be cleared and we will have the chance to go forward. But then we have to do something with the House. Either they have to pass something or they have to pass this or we end up in conference. I think it is important that the record of this bill reflect that there is not a whole lot of wiggle room here for mischief to be accomplished between the House and the Senate.

My confidence is that—I really do think the industry supports this bill. They have worked with us, they have worked with you, and so I don't think there is a huge incentive for mischief, but I think we do have to be on our guard that the spirit, the structure, and the key points of this piece are preserved in anything that goes forward because otherwise we will be back where we started, with everybody back in their seats again.

Mr. UDALL. I say to Senator WHITEHOUSE, I couldn't agree more. I think those are the delicate phases we have to go through.

What we have been telling our House colleagues all along is we have worked long and hard on this, we have been more comprehensive than they have, and so we need their patience to work through it with us. There is not a lot of room. I couldn't agree with you more that that is where we are today.

I have good relationships in the House. I served there 10 years. FRED UPTON, JOHN SHIMKUS, and FRANK PALONE are all willing to work with us. I believe that if we look at what our goal is—to protect the American public and to protect vulnerable populations—we can get this done.

Mr. WHITEHOUSE. While we have the floor and until Senator VITTER comes, might it be a good time to say a kind word about our staffs?

Mr. UDALL. Yes.

Mr. WHITEHOUSE. I know that during our process, our staff worked enormously hard, and the Senator's has been at this for a longer time than just that intense period of negotiation

where we moved the bill in our section, so I defer to the Senator to make those comments. I would applaud the Senator's staff and Senator VITTER's, who have been doing a terrific job.

Mr. UDALL. I couldn't agree with the Senator more.

I also wish to talk a little bit about Senator Frank Lautenberg. I have a picture here of him with his grandchildren.

But let me first say, Senator WHITEHOUSE, did you wish to mention your staff member who worked on it, who I know spent time with Jonathan Black and with the whole team? We have a great team of staff members who are very goal-oriented and who want to get things accomplished.

Mr. WHITEHOUSE. My team was led by Emily Enderle, who leads my environmental team. She has terrific credibility in the environmental community, and she knows these laws very well, but even with that it was an enormously complicated task. This was a big bill. I forget the number of changes we actually put into it in the course of that negotiation, but it was 20, 22. It was a large array of changes, so it was a lot of work in a short period of time. Emily, the Senator's staff, and everybody who was involved in that really dove in and worked hard in the best traditions of good staff work in the Senate with the intention to get to “yes.”

Mr. UDALL. I thank Senator WHITEHOUSE. I very much appreciate his comments here today and especially appreciate his participation in terms of moving this forward in a bipartisan way.

I worked with my staff diligently on this bill. I was lucky to have a chief of staff by the name of Mike Collins who spent many hours working on this. My legislative director, Andrew Wallace—Drew Wallace—worked on this. He is a lawyer by training. Jonathan Black was the legislative assistant in the main policy area. He has been with this bill all along, and he is very even-handed and very good at dealing with the other staff members in getting people to focus on the goal and not get into the arguments and not get sidetracked.

I think this is true of the staff on the Republican side and the staff on the Democratic side. We have had tremendous support, and I expect that to go forward when we start. Indeed, if we can get floor time and get this out—and I believe the bill is ready to go—I think we have the kind of staff effort in the House and the Senate that can resolve most of the major differences without too many problems. So that is what we are looking forward to.

As I said earlier, I would like to say a few words about Senator Frank Lautenberg. This is a picture of Senator Lautenberg and his grandchildren. I served on the Environment and Public Works Committee with Senator Lautenberg for a number of years, and there couldn't have been anything he was more passionate about than his

grandchildren. You saw that in his public work.

Before I got onto the committee, Senator Lautenberg was a champion in terms of smoking and indoor smoking and tobacco smoke hurting people and passed some significant legislation. So it was particularly moving to me to hear him say—when he got on this compromise bill with Senator VITTER, he said he thought that bill, the Lautenberg-Vitter bill, would save more lives than all the work he had done in the public health and environmental arena. I know he said that to Bonnie Lautenberg. And that really hit all of us. He saw the legislation, he saw how it was going to evolve, and he really believed this would make a difference.

I saw that in Senator Lautenberg over and over again on the committee. Whenever an issue would come up—it didn't matter what issue it was—he always came back to his grandchildren: Are we doing the right thing by our children? So if we were looking at an infrastructure issue and the question was “How do we frame the best possible infrastructure package?” he was looking out a couple of generations in the future and saying “Are we going to pass on a better infrastructure system so we can grow jobs and do those kinds of things?” He had passion about it, and he brought up his grandchildren on a frequent basis.

We all miss him very much, and we have named this bill after him. This bill is the Frank Lautenberg Chemical Safety for the 21st Century Act. Everybody is going to know how it started because he was one who believed in fighting for the very best, but he always believed in compromise.

I will never forget when Senator Lautenberg had what I would call the perfect bill—I guess that is the best way to describe it—and he was able to pass it through the Environment and Public Works Committee, but it passed without a single Republican vote. When it passes out of committee, it is now ready for floor time. But everybody realized that without any Republicans on the bill, it wasn't going to go anywhere. So leadership said: You know, you better go back to square one. You can't get this out of the Senate the way it is currently crafted.

To Senator Lautenberg's credit, he then took the opportunity to visit—I believe Senator MANCHIN was involved with this in terms of them going together, and they started talking and saying: Maybe we can come up with something which is bipartisan and which can attract people from both sides. And that was the original Lautenberg-Vitter bill that was introduced. This is one of the interesting things: It immediately had 24 cosponsors—12 Republicans and 12 Democrats. I was one of those cosponsors. I think that was due to the very good staff work—he had some great people on his staff—but it was also due to his meeting of the minds with Senator VITTER, coming together, and finding that common ground.

I will never forget that on that bill, the New York Times came out almost immediately—they had huge respect for Senator Lautenberg, and they said: You know, this is much better than current law. Congress ought to pass this. Of course, it needs a couple of changes—and I think they mentioned three things in their editorial. We eventually made those three changes they were talking about. But that just shows the respect Senator Lautenberg had. He was able to work with everyone, he was able to convey to the media what he was trying to do, and he had tremendous support for engaging the other side.

One of the things that has helped us come such a long way is—we lost Frank, and then I joined with Senator VITTER on the bill. We lost Frank, but we haven't lost Bonnie, his widow. Bonnie Lautenberg has been in this from the very beginning, wanting to see this bill become law and wanting to see that her children and grandchildren are protected. I remember very well the speech she gave on the floor of the Environment and Public Works Committee. Senator INHOFE was very generous in terms of saying: If Senator Lautenberg's wife, Bonnie Lautenberg, wants to come and testify on the bill, we are going to put her right up front.

She spoke very eloquently at the EPW Committee earlier this year:

Frank understood that getting this done required the art of compromise. . . . This cause is urgent, because we are living in a toxic world. Chemicals are rampant in the fabrics we and our children sleep in and wear, the rugs and products in our homes and in the larger environment we live in. How many family members and friends have we lost to cancer? We deserve a system that requires screening of all chemicals to see if they cause cancer or other health problems. How many more people must we lose before we realize that having protections in just a few states isn't good enough? We need a federal program that protects every person in this country.

That was Bonnie Lautenberg testifying before the Environment and Public Works Committee.

Earlier today, we also had a large number of groups, which I will talk about in a little bit, and Bonnie Lautenberg came down once again and spoke eloquently about the need to get this done for our children and to have a tough cop on the beat who is going to look out there, analyze these chemicals, and try to do the right thing when it comes to that regulatory effort—at the same time, as Senator INHOFE said, working with the business community.

It has been great having Bonnie Lautenberg work with us. I know she feels so passionate about this, she picks up the phone from home and calls Senators and says: The bill is at this particular point. We need your help. Will you take a look at it, and get with your staff?

She has been quite an advocate in terms of moving this legislation along.

Now, I just want to say a little bit about what happened earlier today be-

cause it was really a remarkable experience to see the coming together of Democrats and Republicans and for us to finally reach the 60 votes we need in order to break a filibuster and get the bill on the floor. We had a variety of groups represented from the public health and environmental side. There was my good friend Fred Krupp from the Environmental Defense Fund, Collin O'Mara from the National Wildlife Federation, and then we had representatives from the March of Dimes, the Humane Society, the Physicians Committee for Responsible Medicine, Moms Clean Air Force, and other groups there on that NGO side.

We also had business leaders such as former Congressman Cal Dooley, with whom I served in the House of Representatives. Cal is now the head of what is called the American Chemistry Council. And there were other leaders who were there also from the business side: the Alliance of Automobile Manufacturers, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Petroleum Institute.

When we got them all there and saw them together, the big question I asked was this: Who would have ever thought that all of these groups would be together supporting this bill and wanting this bill to move forward?

So that is one of the reasons we say to the leadership now that this bill is ready to go. It has 60 Senators. We believe the actual votes would be higher than that, but clearly we have 60 cosponsors now, and we are ready to roll here. So that is something that is very important for both the leadership on our side and the leadership on the Republican side to know, that we are willing to do the hard work on the floor and willing to make sure that these kinds of issues that will arise as we move through this we can take care of.

Now, I want to say a little bit about—I am hoping Senator MANCHIN or Senator VITTER will arrive at some point here because they have crucial things they want to talk about. But people should understand that the Toxic Substances Control Act of 1976 is there to protect American families, and it doesn't. There are over 84,000 known chemicals and hundreds of new ones every year, and only 5 have been regulated by the EPA—only 5 out of 84,000.

What is absolutely clear here is that the American people want and deserve a government that does its job to keep families safe. That is why I rise today to urge support for the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Senator VITTER and I introduced this legislation for one reason and one reason only—to fix our Nation's broken chemical safety law.

Ever since the EPA lost a lawsuit in 1991, it hasn't been able to regulate asbestos, a known carcinogen. So that was one of the key things that Senator Lautenberg knew a lot about. In 1991—

so imagine, 20-plus years back—the Fifth Circuit Court of Appeals in a ruling said that in their analysis and in the tests they put forward—and the lawyers at the EPA looked at it and said: We are unable to regulate asbestos now. We are unable to move forward. And no real activity has taken place since then.

There is nothing that says something is more broken than when an agency is unable to move forward with the regulatory activities it was set up to do. So for decades the risks have been there, the dangers have been there, but there is really no cop on the beat taking a look at chemical safety. The current system has failed. It fails to provide confidence in our consumer products. It fails to ensure that our families and communities are safe. So there is just no doubt that reform is overdue—40 years overdue. On this Sunday, TSCA will be 40 years old.

I see my good friend Senator VITTER has arrived on the floor. Let me just take a moment, before I introduce Senator VITTER, to say that I couldn't have a better partner. I remember that over 2 years ago, Senator VITTER and I met for dinner, and we talked about this bill. We said: Let's work on it with each other, and let's grow bipartisan support. The Senator has worked actively on both sides of the aisle, as have I, and we have come a long way. We think we are ready to go. We think this bill is ready to go. I sure appreciate the partnership that Senator VITTER and I have formed on this. He has been a man of his word. When he said he was going to do something, he did it, and that is the way we have worked through all of the issues. And we have had many issues.

Just to inform the Senator, we are in a colloquy situation now until about 3:40. I think we have about 5 more minutes of the colloquy, and then Senator DAINES, who has arrived, is taking time at about 3:40, unless we can persuade him to give us a minute or two more.

So I thank the Senator for his good work on this. He has really pulled long and hard to get the bill to this point, and we are ready to go; are we not?

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Louisiana.

Mr. VITTER. Mr. President, absolutely we are ready to go, and I want to join my friend and colleague Senator UDALL. I want to join the chairman of the committee, Senator JIM INHOFE, and urge all of us to come together, as we have been doing over these many months, and actually pass a good solid bipartisan TSCA reform effort.

It was over 2 years ago that I sat down with the late Senator Frank Lautenberg of New Jersey in an attempt to find compromise and work together on updating the drastically outdated Toxic Substances Control Act, what we are talking about and sometimes known as TSCA. Updating this law was a long-time goal and passion of Frank's, as has been noted, and I am

saddened he is not here today to see it finally moving forward because he worked so hard for that.

After Frank's passing, Senator TOM UDALL stepped in to help preserve Frank's legacy and continued working with me to move bipartisan TSCA reform forward. But in the time since, Senator UDALL and I have worked tirelessly to ensure the bill substantively addresses the concerns of our fellow Republican and Democratic colleagues as well as concerns and ideas from industry and the environmental and public health communities.

If you need any evidence of this being accomplished, look no further than the 60 bipartisan cosponsors of this bill—60 bipartisan cosponsors—as well as endorsements from groups ranging from the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Chemistry Council, the Environmental Defense Fund, the March of Dimes, and the Humane Society.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act was created to balance the needs of the regulatory bodies, the chemical industry, and the affected stakeholders in an effective and transparent way. Our bipartisan legislation ensures that Americans will have the certainty they deserve that the EPA is overseeing the safety of chemicals in the marketplace without stifling industry's success and innovation.

That work has been a long time in coming, as many of my colleagues have noted, but it is here, and now we need to move forward. We have a moment of opportunity we need to act on, and I urge all of us to come together here on the floor and get this done now. In our work in the Senate, these opportunities don't come a dime a dozen. They do not come every day. They are here before us right now, and so I urge all of us to act.

We have virtually unanimous agreement about a way to move this through the Senate on an extremely short time frame. The only issue is Senators BURR and AYOTTE and their desire to have a vote on a completely unrelated piece of legislation. I am completely sympathetic to their wanting a vote, but we have an agreement otherwise to deal with TSCA on the floor in 2 hours and move it through the Senate. So we must take up this opportunity in an effective, bipartisan and responsible way, and I urge all of us to do that.

I look forward to doing that in the very near future, and I thank again everybody who has worked so tirelessly on this, including my lead Democratic partner in this effort, Senator TOM UDALL.

With that, I yield the floor.

Mr. UDALL. I thank the Senator so much. As I have said, he has been a great partner to work with on this. He has always been a man of his word.

Senator MANCHIN is now on the floor, and I thought it would be good for him to talk a bit about his involvement. I

know he was an early cosponsor. He was a good friend to Senator Lautenberg.

I say to Senator MANCHIN, one of the issues we have been talking about is the question of whether this bill is ready to go, but please, it is open for your comment and discussion. Please proceed.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today to speak about a bill that is long past due—long past due—and one that, in part, honors our dear colleague and my dear friend Frank Lautenberg. Anybody who served with Frank knew he served with compassion, and he had a passion with that compassion that was unbeatable.

This is one of those pieces of legislation he had compassion for and the passion to get it done, and I think we can all agree the current Toxic Substances Control Act, which we know as TSCA, is inadequate and the law is long past due to be reformed. The Toxic Substances Control Act has not been improved in more than 30 years.

I couldn't believe that when Frank explained to me the history of this piece of legislation. How this all came about and how I became involved is that in 2013 I started talking to Senator VITTER. He was working it diligently, and he told me that Frank had always been on the frontline and championed this thing. So I went to Frank to get his input, and he said: JOE, the time has come. We have to do something. We have to move the ball forward. It is not going to be a perfect bill. I understand that. And to be honest, I have never seen a perfect bill. So we worked on it, but Frank was willing to move it forward.

Here are the facts. In the 30 years that we have been talking about doing nothing but talking about it, 80,000 chemicals have been registered in the United States—80,000 new chemicals have been registered—which many of us use every day. We use these unknowingly. Only 200 have undergone EPA testing—only 200 out of 80,000. So Frank thought, very pragmatically, if we can just move the ball, can we do 20,000 or 30,000 or 40,000 or 50,000 of them? That is all we were trying to do, and he knew this.

There is not one person here who can question Senator Lautenberg's dedication to not only reforming the law but also protecting the environment and the health and safety of every American. This thing got a little bit nasty, to the point where Frank, really sincere about moving this forward, knew he had to take some steps. After 30 years, I can tell you Frank Lautenberg knew exactly what he was doing. He knew exactly that he had to make some adjustments to move the ball forward, and that is what we are here for. Frank wanted to do that.

So we had a long talk about that, and Frank said: Joe, try to move it if you can. So we all got together, our staffs

got together, and things started to happen. Then Senator UDALL became very much involved, and I appreciate that he was on the committee. He championed it from there. He and Senator VITTER are sitting on that committee and really making things happen.

Reforming TSCA would establish much needed regulatory certainty for the chemical industry, which directly and indirectly employs about 40,000 West Virginians and over 800,000 people nationwide. When Senator Lautenberg met with Senator VITTER, he toughened many of the most important provisions in the law, and Senator UDALL has taken up that effort and further strengthened the bill.

The bill we have before us includes increased States' rights under preemption. That was our hangup for a long time. They worked through this, and I commend both of them for working through preemption and making sure that the States that have been out front and doing things are not going to be harmed by this. That was never the intention.

It ensures that doctors, first responders, and government health and environmental officials would have greater access to confidential business information to guarantee that those potentially exposed to harmful chemicals could receive the best possible treatment.

Most importantly, it contains a safety standard that, unlike current law, is based solely on human health and the environment and includes no cost-benefit analysis.

Now let me get personal here. In my State we had Freedom Industry leak a chemical called MCHM, used in the coal cleaning process in West Virginia. We had no idea what effect this chemical had on humans. We had one plant, one intake on the Elk River that supplied about 300,000 homes with water. The whole valley was affected—everybody. Don't drink it, don't bathe in it, don't wash. We didn't know what effect it would have so all precautions were taken. It shut down a whole industry. It shut down the whole community—the whole city, if you will.

In July of last year, I pushed the NIH and CDC to conduct further studies into the potential impacts of crude MCHM. We didn't know. We had to push them, and we had to get everybody onboard to tell us as quickly as they could what effect it has on our humans and on our children. Does it have any long-lasting effects?

The NIH's National Toxicology Program concluded their study into crude MCHM and indicated that no long-term health effects should be expected for residents who were impacted. That was great news, but it came long after a lot of harm was done.

While I am thrilled with the findings, we shouldn't have to wait more than 1 year to get safety information on the chemicals in question. This bill that we are working on right now would require the EPA to systematically review

all chemicals in commerce for the first time ever. While this will be a long process, it is far superior to the current system that allows the chemicals we use every day to go untested for health impacts on all of us.

Some of my colleagues have argued that the bill could be better. I assure you it could be better. Every bill that we ever pass here could be better. But you have to start somewhere. Frank Lautenberg knew that. After 30 years, he said: Listen, enough is enough. If Frank Lautenberg had been able and we could have gotten this done 2, 3 years later, my community, my State—300,000 residents out of 1.8 million—wouldn't have been affected for 1 year with the uncertainty of what effect it is going to have on them.

I do know that before I decide to vote for a bill, I ask myself three things. Will this improve the quality of life of my constituents? Is it better than the status quo? And have we worked as hard as we can to preserve our core beliefs? For me, the Frank Lautenberg Chemical Safety for the 21st Century Act is a yes on all three. It is a win-win for all of us. Senator Lautenberg was an extremely smart legislator who knew it was time to move past partisan politics and craft a bill that would finally protect all Americans. This bill does that. It does it in grand fashion.

I think Senator VITTER summed it up. We have a little bit of a jousting going on, if you will. I understand it. I sympathize with Senator BURR and Senator AYOTTE in wanting to get a piece of legislation that most of us—I think all of us—support. It may not be the right fit for it right now, and this bill should go as clean. As much work and as much time as has elapsed, this bill should go clean. I truly believe that.

We are committed with our energy bill coming up, as we are with the LWG—the land-water grant—and we are going to be there. We are going to fight for that. But it should be done in a different format than what this piece of legislation is being done in and given how important this piece of legislation is—the Frank Lautenberg legislation, which he worked so hard on and dedicated his life to. I want to make sure that we support this in the fashion that it should be. It is bipartisan. There are not too many things here that are bipartisan. This is one moment that we should seize and move forward for all of our constituents.

With that, I say to Senator UDALL, I commend you for the job you have done and the work you have put into this, and I know that Frank would be proud of you.

Mr. UDALL. I say to Senator MANCHIN, I want to thank you too because I know you have labored hard on this, and you helped the original cosponsors get together and talk with each other and help them find common ground. With Senator VITTER here, we both believe we are going to have a couple of meetings now to try to move

forward with the bill, as you have talked about, and meet with leadership and iron out the differences. But this thing is ready to go.

Mr. MANCHIN. If I may, I ask the Senator, the preemption was the last thing hanging, right?

Mr. UDALL. Yes.

Mr. MANCHIN. You have worked through that. All of our States that had concerns about that know they will not be usurped by preemption, that we will commence and you have to reduce your standards.

Mr. UDALL. The key here is that States are going to be able to participate much more. When we started with the original bill, we worked more towards having States participate.

I know that Senator DAINES has been very generous to us and shown us great courtesy. We have run over our time. I am going to yield the floor, Senator MANCHIN, unless you have something else.

Mr. MANCHIN. I would like to recognize Mrs. Lautenberg here to observe this historic moment.

We are so happy to have you here, Bonnie. I know that Frank would be proud of you, having fought the good fight that he fought forever.

There is our good friend right there.

Mr. UDALL. Earlier, before the Senator got here, this is what I showed everybody, which is a picture of Frank and his grandchildren. You know well how he always talked about his grandchildren—

Mr. MANCHIN. God bless.

Mr. UDALL. And how we were supposed to legislate with grandchildren in mind.

I wish to thank Senator DAINES for his courtesies. The Senator can count on me and Senator MANCHIN to work with him on the Land and Water Conservation Fund. Senator MANCHIN is from West Virginia, but I am from the West, like he is. I think we all believe that should move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, Montana has a rich legacy of service to our country. From maintaining our Nation's peace-through-strength strategy at Montana's Malmstrom Air Force Base, where we oversee one-third of our Nation's intercontinental ballistic missiles, to our Army and Air National Guard members' work to support our communities in times of emergency and respond to calls for deployment overseas, Montana is playing a critical role in meeting our Nation's security and military needs. Montanans know firsthand the importance of supporting our men and women in uniform.

The National Defense Authorization Act is critical to ensuring servicemembers have the funding and support they need to fulfill their missions. The NDAA prioritizes the needs of our servicemembers, while protecting the important role that Montana holds in our national defense. The passage of this

legislation is critical to carrying out our missions in an increasingly dangerous world.

In fact, earlier this year former Secretary of State Henry Kissinger testified before the Senate Armed Services Committee. He described the perilous state of our global security: "The United States has not faced a more diverse and complex array of crises since the end of the Second World War."

The threats we face from Syria, Russia, China, and ISIS are too serious for our troops to lack the resources they need to protect and defend our Nation from foreign threats. Yet the leader of our troops, our Commander in Chief, has threatened to veto the bipartisan NDAA, which would fund our military priorities at the levels he requested. This is the same foreign policy agenda that has become the hallmark of President Obama's now famous "lead from behind" strategy.

Even former Democratic President Jimmy Carter agrees. In fact, earlier this summer, President Carter was asked whether he thought President Obama's foreign policy was a success or failure on the world stage. Here is what President Carter replied: "I can't think of many nations in the world where we have a better relationship now than we did when he took over."

President Carter then continued: "I would say that the United States' influence and prestige and respect in the world is probably lower now than it was 6 or 7 years ago."

This weekend the Washington Post's editorial board criticized President Obama for holding our troops ransom for his domestic policy agenda. That editorial said this:

American Presidents rarely veto national defense authorization bills, since they are, well, vital to national security. . . . Refusing to sign this bill would make history, but not in a good way.

It is a mistake for President Obama to use our troops for leverage. Our troops deserve better. The NDAA seeks to provide our troops with the support they deserve. It fully authorizes spending on defense programs at the President's budget request level of \$612 billion for fiscal year 2016. It authorizes \$75 million for the Southern Border Security Initiative to help address challenges facing the U.S.-Mexican border. It supports servicemembers beyond their years of sacrifice to our Nation by extending retirement benefits to the vast majority of servicemembers left out of the current system. It includes a provision that mirrors my legislation, which I introduced, called the Securing Military Personnel Response Firearm Initiative Act, or SEMPER FI Act, which empowers a member of the Armed Forces to carry appropriate firearms, including personal firearms, at DOD installations, reserve centers, and recruiting centers.

Additionally, this bill provides much-needed support for Montana's military missions. There is \$19.7 million for the Tactical Response Force Alert Facility

at Malmstrom Air Force Base. There is \$4.26 million for an energy conservation project at Malmstrom. It authorizes funding for Avionics Modernization Program Increments 1 and 2 to ensure that our C-130s can stay in the air. It authorizes funding for C-130 engine modifications. It expresses the sense of Congress that the nuclear triad plays a critical role in ensuring our national security and that it is the policy of the United States to operate, sustain, and modernize or replace the triad and to operate and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter bomber aircraft.

The heroes of our Nation serve our country selflessly day in and day out, and they don't deserve partisan politics. It is unfortunate that critical appropriations for our military and veterans were blocked in recent weeks. Today's vote shows there is overwhelming bipartisan support to fund our troops. Given this, it is senseless that partisan politics continue to block funding for our troops.

I urge our Democratic Senators to put politics aside. Let's do what is right. Join me in supporting the Department of Defense appropriations bill. Our heroes deserve our utmost respect and the security to carry out their missions without threats—without threats from our Commander in Chief. Congress has a constitutional duty to provide for the funding of our troops. This body needs to uphold that responsibility. Let's do what is right. Let's pass the National Defense Authorization Act.

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE ECONOMY AND EPA REGULATIONS

Mr. BARRASSO. Mr. President, last Friday the Obama administration released the latest numbers on unemployment and jobs, and once again, the numbers were grim. Experts predicted that our economy would create 200,000 new jobs in September. Instead, they fell woefully short. There were only 140,000 jobs, so they were about 60,000 jobs short. That is a big miss. It is nowhere near as many jobs as America's families need now.

Here is how Investor's Business Daily put it in a headline on Monday, October 5, "Private Hiring Pace Is Worst In 3 Years; Labor Force Shrinks." Wages have gone almost nowhere for 6 years. They actually declined in September. We have had 74 straight months with wage growth below 2 and a ½ percent. Before the recession, we routinely had 3 percent growth month after month, but President Obama seems to be satis-

fied with this limping progress. Over the weekend, he bragged about how many jobs have been created while he has been President.

Is missing expectations good enough for President Obama? It is not good enough for me. It is not good enough to get the economic growth that we need in this country and that we should have coming out of a recession.

One of the very big reasons for this slow growth is due to all of the regulations that this administration has piled onto the backs of American families. Since 2009, this administration has come out with more than 2,500 new regulations. According to the American Action Forum, the total cost of all of these new regulations—this new red tape—is about \$680 billion. That is more than \$2,100 for every man, woman, and child in America right now.

According to the World Bank, the United States is 46th in the world in terms of how easy it is to start a business. Is 46th in the world good enough? Maybe it is good enough for President Obama, but I don't think it is good enough for the American people. All of these regulations make it very tough for someone to start a business right now. It is also tough for existing businesses to create new jobs.

Last week, the energy company Royal Dutch Shell announced that it was going to suspend drilling for oil off the coast of Alaska. They said one of the reasons was "the challenging and unpredictable federal regulatory environment in offshore Alaska." Too much regulation is making it too difficult to produce the American energy and American jobs that we need.

Unselected, unaccountable Washington bureaucrats have been having a field day at the expense of our economy. As the Obama administration runs down, it is in a race to get even more rules on the books.

Just last week the administration announced three big new regulations. On Tuesday, the EPA finalized a rule on oil refineries. It is going to require refineries to install new equipment and spend more money on something other than creating jobs and paying higher wages to their workers. It is estimated that the rule could cost up to \$1 billion and provide very little in the way of health benefits.

On Wednesday, the EPA finalized more limits on coal, gas, and nuclear powerplants. Just like Tuesday's rule, this one will cost another one-half billion dollars a year. The rule sets the unacceptable amounts of some emissions at zero.

Finally, on Thursday the EPA released a new limit on ozone in the air. The limit was 75 parts per billion, and they cut it to 70 parts per billion. This is a tiny change—we are talking about parts per billion—but that tiny change is going to cost more than \$2 billion a year once the rule is in full effect. Huge chunks of the country are going to have to adjust to meet the new standard, and the benefit is minuscule.

Farms and small manufacturing companies will have to buy new equipment or change the way they do things. States and cities will have to change how they do local transportation projects. All of that adds up to lost jobs and even less economic growth than we have had in the past 6 years. These are huge effects, all to chase another few tiny parts per billion of ozone. Five parts per billion is the equivalent of 5 seconds over 32 years. That is how small it is, but the costs are enormous.

Over the course of three days last week, three new regulations have been added. They will cost our economy billions of dollars at a time when the private-hiring pace is at its worst in 3 years and the labor force shrinks.

We all agree that reasonable regulations make good sense. In the 1960s and 1970s, regulations helped to clean up pollution in our air, land, and water, but now Washington bureaucrats are chasing after smaller and smaller trace amounts of chemicals no matter what the cost, how high the cost, or how insignificant the benefits.

The EPA issued one rule that I found hard to believe. I thought it was a misprint, but it is not. They issued one rule that would cost \$9.6 billion per year to administer.

What are the benefits? Only \$4 million. I thought they had misspelled and misplaced the "b" and the "m," but, no. It will cost \$9.6 billion and will produce only \$4 million in direct benefits. That is as much as \$2,400 in costs for every \$1 in benefits. How can they do this? I am talking about direct benefits.

The EPA tried to say: Well, there are all sorts of what they called ancillary benefits. Who gets to decide how much these are worth? Apparently the Obama administration says that it does. It is no surprise that this administration cooks up an imaginary number for those theoretical benefits—not direct benefits, but their "ancillary" benefits, and they say it is big enough to balance the very real costs that American families feel.

It is all a way to justify these ridiculous rules that destroy jobs, restrict freedom, and do very little good for Americans. It is Washington and this administration run amok.

Is the Obama administration trying to make sure our economy continues to limp along as it has for the past 6½ years? Is that what they want?

In 1972, the Clean Water Act was meant to protect navigable waters. It was reasonable. We want to protect our navigable waters. Today the administration has a new water rule called waters of the United States. It is going to give Washington bureaucrats control over everything from irrigation ditches to small natural ponds in someone's backyard. This is unreasonable. Where does it end? Bipartisan majorities in the Congress already say it needs to end now.

I have introduced a bill that would direct the Obama administration to

come up with a new rule on waters of the United States—one that protects traditional navigable water from pollution, which we must do, but it also protects farmers, ranchers, and private landowners. We can do both.

This legislation has 46 cosponsors, Democrats and Republicans. We are telling the Obama administration that enough is enough.

Republicans are also ready to take on some of these other outrageous rules such as the extreme new restrictions on powerplants. That is what Congress is going to be doing to stop the insanity of these out-of-control regulations and out-of-control regulators. We need to cut through the redtape.

Americans want to get back to work. They want to get our economy going again. Congress needs to help them do it because this administration certainly is not. The Obama administration basically needs to get out of the way.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SULLIVAN. 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. SULLIVAN. Mr. President, I wish to speak this afternoon on a very important vote that we took today to move forward on the Defense authorization bill. I thought I would start by backing up a little bit.

Last week we had the opportunity to vote on and talk about funding for our veterans and our troops. In addition to the Defense authorization bill that we voted on today to proceed to that, the votes we took last week were very important. They were very important to the country and certainly very important to my State—the great State of Alaska—which has a huge military presence, but also to our huge veteran population. We have probably the highest number of veterans per capita than any State in the Union.

I am honored to have a good friend of mine, Representative Bob Herron, the majority whip in the Alaska House. He is in the Gallery today. He is also a marine. So he represents not only Alaska in our State Government but Alaska as a veteran, as a fellow marine.

The American people want the Senate to be working again. We all know the country has huge challenges. I wish to speak about some national foreign policy challenges. We have a huge debt: \$8 trillion. I think we are close to \$19 trillion. We got downgraded in terms of our credit rating for the first time in American history. We can't grow the economy. We have huge challenges.

For years the Senate was not working. It was not moving forward. Some would have called it dysfunctional. No regular order, no amendments, no budget, no appropriations bills; a

locked down U.S. Senate not doing its work. I think the American people wanted us to do work. So last fall they said it is time for a change. We need to get to work. We need to start tackling our challenges.

So we are changing that. We are working hard to do things the American people sent us to Washington to do. We passed a budget. It hasn't happened in years. We passed appropriations bills through regular order, Democrats and Republicans, bringing amendments to the floor of the Senate, voting again. One of the things we have been doing—and it happened today—is we are prioritizing where they want us to prioritize. Our national defense, which is probably the most important role we have in this body—our troops, our veterans.

So we are making progress, but progress is halting. It is never a straight line. For some reason—and we saw it over the last couple of weeks—a lot of our colleagues on the other side of the aisle didn't want to fund the government, particularly in terms of these critical issues of our troops, including our national defense and taking care of our veterans—and again we saw that over the last couple of weeks.

Two critical appropriations bills moved to the Senate floor. There was the Defense appropriations bill, which again passed out of the Appropriations Committee by huge bipartisan numbers: 27 to 3. There was huge bipartisan support for that bill. Then we had the Military Construction and Veterans Affairs appropriations bill, which passed out of committee 21 to 9. It had huge bipartisan support. Why? Because the American people want us to focus on these critical issues: national defense, our troops, taking care of our veterans. So we are moving forward.

The budget, appropriations bills that we voted on that haven't been voted on for years—bipartisan, prioritizing what the American people want. But then these appropriations bills, which provide funding for our vets, funding for our troops, came to the floor, and progress stopped. I still don't understand why. When asked by constituents: Why did the other side vote to move these bills out of committee in such a bipartisan way, but then when they got to the floor, they stopped, they filibustered, no spending for our troops or for our vets, I don't know the answer. I have asked. My constituents are asking. Directions from the White House? Who knows. But I do think it is clear to me, I think it is clear to most Americans, and I even think it is clear to all of the Members of this body that when those bills were filibustered over the last 2 weeks, that our troops and our veterans were shortchanged because we are voting to defund them. That is what the filibuster did; it defunded our troops and our veterans.

So I have to admit that when we were getting ready to vote today, I feared a repeat performance on probably one of the most important bills we

are going to take up all year—the National Defense Authorization Act. It authorizes spending, pay raises, sets out our military strategy, retirement reform. It is so important to our country. Once again, I wish to commend Chairman MCCAIN and Ranking Member REED, the two leaders of the Armed Services Committee who did such a good job moving that bill forward. Once again, it started with such great bipartisan promise. It moved out of committee 22 to 4, very bipartisan. Then it came to the Senate floor for a vote a few months ago, the NDAA, the Defense authorization bill; 71 Senators, incredibly bipartisan, moved forward and voted for that bill. Then it went to a conference with the House where it was improved. It all seemed to be on track to bring this bill back to the floor of the Senate and to vote on moving forward on the conference report.

What happened? That is great bipartisan progress. We are changing things. We are making things happen. The President of the United States has since said he is going to veto the bill. He is going to veto the bill—veto the National Defense Authorization Act.

Once again—and I am not sure, taking orders from the White House or not—the minority leader came to the floor and told the American people this morning he would work with the President to sustain that veto, to sustain the veto of our Defense bill. What a disappointment. We have this huge bipartisan progress. When given the clear choice between standing with our troops and our veterans or the President, who says he is going to veto this bill for reasons I still don't understand, the minority leader is choosing the President.

I am honored to sit on the Armed Services Committee of the Senate as well as the Veterans' Affairs Committee. As I said in remarks last week on the Senate floor, these are two of the most bipartisan committees we have. It is clear to me that every member—Democratic, Republican—of these committees cares about our troops, respects our troops, cares deeply about our national security. I believe every Member of this body does. Once again, we saw that today. We saw that today. There was no filibuster. Seventy-three Senators voted to move forward on the Defense appropriations bill. It was 71 before and today it was 73—an important bipartisan victory for our national defense, for our veterans, for our troops, but a Presidential veto still hangs out there. The President's veto threat still is like a cloud hanging over this very important vote today.

I mentioned at the outset that this is very important for my State, the great State of Alaska. This is important for the national security of our Nation, and this is important for all of us. It is important to me. As a veteran and a marine in the Reserves, I know this is a critically important issue. If he is going to veto this bill, I don't know how the Commander in Chief will explain to the American people and our

troops why he is doing this. There have been only four times in the last 53 years that the NDAA has been vetoed.

Providing the common defense of this Nation, the national defense, is probably our most important duty. And that duty increases when you look around the world and see the threats that are emerging in different parts of the world—the Middle East, Ukraine, the Asian Pacific, the Arctic.

Mr. President, to govern is to choose. To govern is to prioritize. The President's administration spent years negotiating a nuclear deal with Iran, and this body spent weeks debating the merits of the President's Iran deal. That deal and what we debated then needs to be put in the context of the President's veto threat to the Defense authorization bill.

Let me give a few examples.

The President's Iran deal will give billions—tens of billions—in the lifting of sanctions to Iran, the world's largest state sponsor of terrorism, but the President threatens to veto a bill that will fund our military.

The President's Iran deal lifts sanctions on Iranian military members such as General Soleimani, who literally is responsible for the maiming and killing of thousands of American troops, but the President's veto—his threatened veto—would stop payment of bonuses and improved military retirement benefits to our troops and veterans.

The President's Iran deal gives access to the Iranians by lifting sanctions on conventional weapons, ballistic missiles, and advanced nuclear centrifuges, but the President threatens to veto in this bill advanced weapons systems for the United States.

The President's Iran deal gives the opportunity for terrorist groups supported by Iran such as Hezbollah and Hamas to have further funding for their terrorist activities, but the President threatens to veto a bill that provides additional funding and resources and capability for our troops to defeat ISIS.

To govern is to choose. To govern is to prioritize. As we move forward on the substance of the national defense authorization bill, we are choosing and prioritizing our troops and our national defense, and that is why this vote was so positive this morning. I hope we can have at least 73 Senators, who voted to move forward today, vote to pass the NDAA and put it on the President's desk for his signature. But if the President chooses to veto this critical piece of legislation, which has enormous bipartisan support, at this moment in time when our country faces serious international threats, I hope that my colleagues—the 73 Senators who voted to move forward on this critical piece of legislation—will also stand strong and vote to override the veto of the President, which is exactly what our troops and the American people would want us to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE

Mr. BLUMENTHAL. Mr. President, what we saw in Roseburg last week was a repeat of the evil we have seen in countless places across the country, causing tens of thousands of deaths in towns and cities and suburbs and rural areas across this country.

Evil visited Roseburg. We saw the worst of human character in those moments of mass killing. We saw also the best in human character in the response from the firemen, police, and emergency responders who risked their lives and saved lives.

When the sound of gunshots rang out that morning, my own recollection was triggered of a morning just a few years earlier when I stood with the parents and loved ones on that day of the mass slaughter in Sandy Hook in Newtown.

My thoughts and prayers are with the people of Roseburg, with the victims and their loved ones. I know that nothing said here—certainly nothing I can say—will help mend those wounds and ease the grief and pain of those loved ones for the great lives lost and the many left behind.

I am frustrated and angry coming here today because the places of those mass killings have become shorthand for a deep disease, an epidemic of violence in America today—Virginia Tech, Columbine, Charleston, Sandy Hook, Newtown, and now Roseburg. They are shorthand for mass slaughters which have occurred at the rate of about one a week while President Obama has been in office. There have been 142 school shootings since Newtown alone. There are 30,000 deaths per year in America, the greatest, strongest country in the history of the world.

The mass killings are not even the source of the largest numbers. They are individual deaths, such as that of Javier Martinez, a young man from New Haven with an enormously bright and promising future. When I visited his school after he was killed by a gun because he was in the wrong place at the wrong time, his classmates asked me to talk about gun violence—not as an abstract notion but as a real threat to them and their community.

It is a phenomenon that faces every community every day, everywhere, and everyone. All of us are touched by it if we think about it, if we put aside the denial that all too often affects us, a denial that causes people to minimize the threat. We all are victims or we know victims or we know of the tragic consequences of real stories in our community as a result of gun violence.

The deaths in Roseburg are tragic, but no less tragic was Javier Martinez' death, nor are the gun deaths that occur in situations that involve domestic violence, gangs, fights between individuals, accidents, and suicides—a major source of death by gun violence—and countless other circumstances where people who are dangerous or who lack the mental health

or the maturity to responsibly use guns nonetheless have access to them and use them for deadly purposes.

Let's be very clear. The Second Amendment is a guarantee under our Constitution to law-abiding citizens that they can use guns for lawful purposes, whether recreational or hunting, that they can possess as many as they please, and the vast majority of them support measures that will keep guns out of the hands of dangerous people.

Keeping guns out of the hands of dangerous people is the reason we have advanced commonsense, sensible measures to stop gun violence, and the failure to adopt them has made Congress complicit—in effect an aider and abettor to those deaths—because Congress has enabled the continuation of death and destruction that has become a fact of life in America, a disgraceful and shameful emblem of Congress's failure to act. There is a point when inaction causes culpability, when it becomes, in effect, aiding and abetting and complicity. Congress in some ways might just as well be standing at the elbows of those shooters, whether in Charleston or Roseburg or Sandy Hook or elsewhere.

Regret and grief are appropriate, but they are no solution. They are no excuse for inaction. Inaction is reprehensible when it comes to gun violence—an epidemic and disease spreading in this country just as surely as a contagion or infection. The inaction of this body speaks louder than words.

My simple reaction is, enough—enough of inaction. The time for action is now on universal background checks, a ban on illegal trafficking and straw purchases, a prohibition on assault weapons and high-capacity magazines, as well as mental health initiatives and school safety measures. This kind of comprehensive package of reforms has been proposed. This body failed to adopt it, but that is no excuse for inaction now.

There is no one measure, no single solution, no panacea, no simple fix to this problem, but we must begin because laws have consequences. I refuse to adopt the defeatist or denial approach of many of our colleagues who say the laws simply will not work, cannot do anything, will not solve the problem.

We are here because we believe laws can improve the lives of ordinary Americans, no less so when it comes to gun violence or any other problem we face. In fact, we ought to approach this issue of gun violence with the same urgency and immediacy that America would in attempting to solve any public health crisis because surely we face a public health crisis and emergency in gun violence.

When there is a spread of a contagious disease, whether it is flu, tuberculosis, or Ebola, we track the source, hospitalize the victims, take remedial action, admit them to treatment, and take preventive measures to prevent that kind of disease from recurring. When there is a spread of food

poisoning, we don't throw up our arms and say there is nothing laws can do. In fact, law enforcement and health authorities track down the packages that are contaminated and provide relief for the people who suffer from that kind of occurrence and take preventive measures to stop it from recurring by imposing sanitary conditions and rules and regulations on the food producer.

Infections, contagion, and spread of disease can be deadly and crippling; they can threaten fear and harm and cause panic. Gun violence is exactly the same. It is equally insidious and pernicious, and its impact is greater than any of those single epidemics. The spread of stolen guns—guns that are stolen or illegally purchased—is much like a disease in America today, and the ones who will testify to that fact are our law enforcement authorities who see it firsthand and are on our side in urging responsible, commonsense measures and reform.

When this Nation faced, in effect, an epidemic of car deaths and injuries, we didn't stop everyone from driving, but we did put in place reasonable safeguards—seatbelt laws, drunk driving measures, and speed limits—and we enforced them. They were resisted at the time. Drunk driving measures caused outrage among some civil libertarians, but now they are part of our everyday expectations about how life will work in America, and they have drastically reduced auto fatalities and injuries. The recognition of the damage and destruction that has been caused by automobiles means that we educate and we take commonsense, responsible measures.

Much of the knowledge that led to those commonsense, sensible measures came from research—yes, knowledge. It was fact-based, evidence-driven research done by the Centers for Disease Control and Prevention. Like many of my colleagues, I am dismayed by the fact that similar, incredibly valuable public health data about gun control from this world-class institution is unavailable to us because of the restrictive, politically motivated budget riders forbidding it. It is unconscionable that Congress's response to this problem is denial, shutting out research and responsible, fact-based evidence involving the provision of information.

This country knows how to respond to a public health crisis. We are America. We face the challenges; we don't deny or disparage the truth tellers.

After the Stockton schoolyard shooting in California where 34 children were shot and 5 killed, President George H.W. Bush issued an Executive order in 1989 banning the import of semiautomatic assault rifles. There were repeated circumventions of that order. Part of the response was, in 1994, a measure authored by Senator FEINSTEIN—our great colleague—banning the manufacture and transfer of assault weapons and high-capacity magazines. That measure expired, but it shows how we can act and how we can face challenges.

Ronald Reagan was almost killed by an assassin's bullet—a would-be assassin's bullet—in 1981. Ten years after the event, he wrote in the *New York Times* that if the Brady Handgun Violence Prevention Act reduced gun deaths by as little as 10 percent, it would be “well worth making it the law of the land because there would be a lot fewer families facing anniversaries such as the Bradys and the Reagan's faced every March 30th.” That bill, the Brady Handgun Violence Prevention Act, became law in 1993 with his support 12 years after that near assassination.

Both Stockton and the Reagan near assassination show that these measures are possible. It may look like a marathon. It is never a sprint. It is not only possible, it is obligatory.

I look forward to a number of my colleagues and myself—and I note that a partner in this effort has been my colleague Senator MURPHY, who will follow me shortly—I look forward to all of us coming together and spearheading and championing again a set of reforms that will help make America safer and better. The time for action is truly now. This public health emergency cannot go unaddressed. The gap in our current laws can be remedied.

I have already offered the Lori Jackson Violence Survivor Protection Act, a bill named for a brave Connecticut mother of two children who was estranged from her husband, fled her home for her life, obtained a temporary restraining order for her and her children's protection, and then was gunned down by her estranged husband because the temporary protective order did not require him to surrender his weapon—a gap in the law that must be remedied. That bill would do so.

This bill is modest. My bill would close this loophole requiring protective orders, whether temporary or permanent, to require the surrendering of weapons. Women who are victims of domestic violence are at the greatest risk. Women who are victims of this insidious peril are most in danger when they first leave or try to leave. That is when the temporary order is, in effect, most necessary, the danger at its greatest but the law at its weakest in stopping gun violence.

We are on the right side of history. We are on the right side of law enforcement. We are on the right side of public opinion. The overwhelming majority of Americans clearly favor these kinds of measures and the overwhelming majority of gun owners too. If history is on our side, we must be on the right side of this issue.

I urge my colleagues to join me in this effort to keep faith with the victims of Newtown and Sandy Hook, to demonstrate that our grief and regret is more than just words, that it will lead to action. The time for action is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, let me thank Senator BLUMENTHAL for being such a great partner. He and I have traveled a very long journey together since September of 2012 when we both stood together at the firehouse in Sandy Hook, CT. We have become evangelical in our belief that this mass slaughter has to stop. On Friday we all stopped for a moment and we sent our sympathies to those who were killed in Portland: Lucero Alcaraz, Treven Taylor Anspach, Rebecca Ann Carnes, Quinn Glen Cooper, Kim Dietz, Lucas Eibel, Jason Dale Johnson, Lawrence Levine—he was the assistant professor there—and Sarena Dawn Moore.

Mr. President, 274 days this year and 294 mass shootings. We are averaging one mass shooting—multiple people being shot at one particular moment—more mass shootings than we have days in the year.

Of course, for us, this shooting and the information that came out in the aftermath of it was particularly chilling because we have seen this young man before. The young man, Christopher Harper-Mercer, was isolated, withdrawn, and obsessed with guns. His family had many of them. He had rebuffed attempts at socialization by his family. He had grievances that he mainly shared with himself. He eventually turned those grievances on nine people who died and about an equal number who were injured.

We know that story because we saw it play out in Connecticut as well—a mentally ill individual, a young man who became isolated from his friends, his community, and his family, who had a rather large store of weapons, and who then took out his frustration and his outrage on 20 little kids at Sandy Hook Elementary.

But I guess to me what is definitional about this scourge of mass violence is not necessarily what happened on Friday but what happened the day after, on Saturday. On Saturday there were likely another 80 people killed by guns all across the country. That is about the number we run every single day. Every day there are a handful of exceptional stories, stories that make your heart turn, that make your gut cringe.

On Saturday there was an 11-year-old boy who confronted his 8-year-old neighbor in Tennessee over the fact that she would not let him play with her pet bunny. When she protested and said she did not want him to play with it, he marched back into his house, got a shotgun, walked back over to her, and shot her with a shotgun. How on Earth did an 11-year-old boy get that quick access to a shotgun? How on Earth have we gotten into a moment in which a dispute over whether you can hold a little pet bunny turns into a murder?

What I can tell you is that I guarantee that scene does not play out in other countries in this world, that 11-year-old boys don't shoot 8-year-old girls with shotguns in Sweden or Japan or in Great Britain. We know that because what is happening here in the

United States is exceptional. This rate of 80 people being lost to guns every day, this normalization of mass shootings, is exclusive to the United States. We have a gun homicide rate in the United States that is not twice the average of other OECD countries, it is not 5 times, it is not 10 times, it is 20 times the average of our first-world competitor nations. We have to ask ourselves, what is different about the United States? What is different about life here, the way in which we resolve disputes, from all of these other nations that have gun violence, gun death rates that are 20 times lower than the United States?

Let's be honest about one thing. It is not that the United States has higher rates of mental illness than other countries. It is not that our mental health delivery system spends less than other countries. There is no more mental illness in the United States than there is in any other industrialized country. Some studies will tell you that we spend more on mental illness treatment and behavioral health treatment than any other country. Yet gun deaths are 20 times what they are in other countries. It is not because we lack for protection. Our malls and our churches and our movie theatres are not any less protected or less secure than those in other countries. We invest in law enforcement at a same or greater rate than all of these other nations. What is different? What is different here in this country? What is different is that we are awash in guns. We are awash in illegal guns. We celebrate weapons that are designed exclusively to kill other people, and we collect them and show them off for sport, military-style assault weapons, cartridges, drums of ammunition that hold 100 rounds, whose utility is only associated with ending life. That is what is different. That is what is different about the United States.

I will admit that the solution is comprehensive because I will be the last person to tell you that fixing our mental health system will not have a beneficial effect on the rates of gun violence. Adam Lanza and Christopher Harper-Mercer were deeply troubled individuals who were ill-served by a behavioral health system that was far too opaque and complex for them. Law enforcement needs more help on the streets of New Haven and New York and Chicago and Los Angeles. All those things will help. But what distinguishes America from the other parts of the world that have much lower rates on gun violence is not investment in law enforcement and is not our rate of mental illness. So we have to have this conversation about our laws that allow for this flow of high-powered guns and illegal guns onto the street.

Senator BLUMENTHAL and I are going to join together tomorrow to introduce what we think is a modest measure to ensure that no guns get sold to people who cannot pass a background check. Walmart does it today. They say: We

won't sell you a gun unless you can pass a background check. But unfortunately many other retailers take advantage of a loophole that allows for 72 hours to pass without a background check, which then allows them to sell a gun. We just think there should be a simple premise. If you can't pass a background check, you shouldn't be able to get a gun—getting a green light to walk out of a store with a weapon that can kill people.

But that is just one brick in the wall. There are a series of other measures that enjoy 90 percent support in this country, whether it be making sure people who are subject to spousal restraining orders cannot buy a gun during the period of time in which they are under a restraining order or just expanding background checks to gun shows and Internet sales or just giving more resources to the background check system so they can make sure they upload the proper records. Mental health is part of the solution. It is not a substitute for the reform of our gun laws, but it is part of a solution as well.

I am proud to join with Senator CASSIDY to introduce the primary comprehensive mental health reform legislation on the floor of the Senate. It has 10 cosponsors at this moment: five Republicans and five Democrats. We think you should fix the mental health system because it is broken, full stop, but we also understand it will have a downward effect on gun violence.

I wish to close by echoing the sentiments of Senator BLUMENTHAL. We are going to introduce our legislation tomorrow, and we are hopeful it will be taken up by this body.

What we really worry about is that this silence from Congress has become complicit. I know that sounds like a very hard thing to say—that sounds very hyperbolic—but let me walk you through why I have come to believe that the failure to act in the wake of these mass shootings has made us complicit in them. I think these young men—and it is not all young men, but it is mostly young men—these young men whose minds are becoming unhinged and are contemplating mass violence, they take cues from the total, complete, absolute silence from Congress in the face of mass shooting, after a mass shooting. If the Nation's top elected leaders, the people charged with deciding what matters in this Nation, don't even try to stop the mass carnage, then these would-be shooters reasonably conclude that we must be OK with it because if a society doesn't condone settling a grievance with a gun, wouldn't the people in charge of it at least try to stop it.

But we don't try—and that is what is most offensive. That is what truly turns my stomach. We just lived through a summer in which 4,000 people died on the streets of this Nation, and this body is sending a loud, clear signal that we don't care—we don't care. Nine more people died on Friday—another

mass slaughter—and we are back to normal this week.

We are going to debate the Toxic Substances Control Act this week. I don't deny that is probably a very important piece of legislation, but we are acting as if there isn't an epidemic of preventable murder happening in this Nation and that it is getting worse.

Somebody wrote last week that the gun control debate ended the day after Sandy Hook because that was the day America decided it was OK to murder 20 first graders. I know that is not the message my colleagues are intending to send, and we appreciate all of the sincere notes of sympathy that have been sent over the course of the last 2 years, 3 years, to Newtown and those that went out on Friday to Oregon, but words are beginning to become meaningless. The tweets aren't helping. I would argue they are becoming a cover for cowardice.

It is not a coincidence that America has a gun violence rate that is 20 times that of any other competitor nation. We are doing something wrong here and the whole reason we draw our paychecks is to make wrong things right. If we cannot do something—a background check law, a mental health bill, more resources for law enforcement—if we cannot do anything to try to stop this soul-crushing, life-extinguishing violence, then we might as well go home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, before I begin my remarks on the Land and Water Conservation Fund, I wish to associate myself with the remarks of my colleague Senator MURPHY regarding the responsibility—our responsibility—to deal with the issue of gun violence in our country.

LAND AND WATER CONSERVATION FUND

Mr. President, I wish to turn to another subject. I wish to talk about the Land and Water Conservation Fund or the LWCF as it is commonly known.

Last week, at the end of the fiscal year, the LWCF authorization expired. The LWCF is one of the Federal Government's best tools for supporting conservation, and we need to act quickly to renew the law. As cities grow, suburbs swell, and our natural world shrinks, the need for more opportunities for outdoor recreation and education grows.

The LWCF helps expand those opportunities: opportunities for our veterans, our children, and our families. For example, we have heard from veterans who shared the therapeutic value of our public lands.

When Matthew Zedwick served in Iraq, he was comforted by memories of hiking and fishing on public lands in his Oregon hometown. Since coming home to Oregon, he has found that visiting many of the trails, lakes, and streams that are protected by the LWCF helped him heal.

Also, this year, for the first time our Nation's fourth graders have free access to all of our national parks. Why fourth graders? Because fourth graders are able to understand their surrounding environments in more concrete ways. Through these kinds of experiences in our national parks, these fourth graders will, we hope, grow into having a lifelong appreciation of our environment.

Finally, millions of families looking for a weekend getaway flock to our parks, refuges, and wildlife reserves, areas that are afforded protection thanks to the LWCF.

Despite being chronically underfunded, over the past 50 years the LWCF protected and conserved land in every single State. Rather than relying on taxpayers, money for the fund comes from oil and gas development on the Outer Continental Shelf. Unfortunately, without renewing the LWCF, conservation efforts across the country are at risk, including in Hawaii.

Hawaii's environment is unique. I am sure my colleagues are aware of our beautiful beaches, lush greenery, and spectacular geography. For all its beauty, Hawaii's environment is also fragile. One-third of our native forest birds are endangered, and we are home to almost half of the Nation's threatened and endangered plants, making us in Hawaii the endangered species capital of the world. Our coasts and beaches are being threatened as we speak by sea level rise. Our corals are expected to suffer the worst bleaching event in history this year—this coming on the heels of a major bleaching event that happened just last year. All of these phenomena impact our economy and way of life. We know what is at stake if we do not act today to protect our lands for tomorrow.

That is why my State put together a collaborative landscape proposal to receive LWCF money. This proposal is entitled "Island Forests at Risk," an appropriate title as we are seeing firsthand how the future of our forests is indeed at risk. The Obama administration recognized the importance of this proposal to conserving Hawaii's unique ecosystems. Thanks to this recognition, a number of the island forests at risk land acquisitions are in line to receive LWCF funding in the next fiscal year. Under the plan, almost 5,000 acres will be added to Hawaii's volcano national parks, Hawaii's most popular national park that in 2014 alone attracted almost 1.7 million visitors.

Funds will also help add almost 7,000 acres to help allow Hakalau National Wildlife Refuge, a land acquisition that has been the top priority for the U.S. Fish and Wildlife Service Pacific Region since 2011. These critical land acquisitions have a pricetag of almost \$15 million, and these acquisitions will only be made possible by the financial assistance provided by the LWCF.

Hawaii is not the only State that is set to receive money from the Land and Water Conservation Fund next

year. Over the past few days, my colleagues from across the aisle have come to the floor to talk about the importance of the LWCF in their own States. They have talked about the lands in their States and the experiences they have had in the outdoors with their families.

We all recognize the opportunities that LWCF investments provide for our people, our economies, and future generations. We know oil and gas drilling is accelerating climate change. We know climate change is threatening our native birds, our coasts, and our coral. Why not reauthorize a fund that takes money from activities that threaten our climate and environment and invests it into conservation efforts? It seems like a no-brainer to me.

Earlier this year, I joined Ranking Member CANTWELL and my fellow Democratic colleagues on the Energy and Natural Resources Committee in introducing legislation that would permanently reauthorize LWCF—permanently so that it will not end.

I urge my colleagues to join us in finding a bipartisan path forward to permanently reauthorize the common-sense fund that protects the environment and affords outdoor recreation and education opportunities in every single State. We owe it to the people who elected us, and we owe it to our children and our future generations.

I yield back the remainder of my time.

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

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

SELLING USED CARS ON THE RECALL LIST

Mr. NELSON. Mr. President, would the Chair like to buy a used car from a used car dealer that was on the recall list because it had a defective Takata airbag in the steering wheel; so that if you had a fender-bender and it suddenly exploded, it might send shrapnel into your face and into your jugular in your neck. The answer is obviously, no; that you would not want to buy such a used car. Well, to the credit of a major used car dealer, as well as new car dealer, AutoNation, headquartered in Florida but with hundreds and hundreds of dealerships all over the country, they have set as company policy that they will not sell a used car on the recall list for defective products until that recall problem has been corrected.

All dealers do this with regard to new cars because it is the law. In fact, in the highway bill we passed a couple of months ago we put in an additional provision, which if you are a rental car company such as Avis, National, and so forth, you cannot rent to a customer if it has a recall on that vehicle until the recall item is fixed. That just makes common sense. You certainly wouldn't

want to put a defective product out there for the consuming public.

So then why is the National Association of Automobile Dealers fighting us as we try to extend the law for new cars to used cars when it comes to the sale of a used car with a defective item? It defies common sense.

This is what it is: What is the economic interest versus what is the safety interest—the economic interest of the used car salesman versus the safety interest of the consuming public that would buy that used car? I hope the national association will reconsider. This is an argument that cannot stand on all fours that they are making—that they comply with the sale of new cars but they don't want to comply with the sale of used cars.

What we ought to be looking out for in light of all of these revelations of all of the defective automobiles—look what happened with General Motors and the ignition. Look what has happened to Toyota and Honda with the Takata airbags. By the way, in airbags we are talking some 20 million recalls worldwide. It is huge. If we are going to protect the consuming public, we ought to make sure that recall items are taken care of before those vehicles are sold.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. FLAKE. 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. FLAKE. Mr. President, I wish to highlight a few items that are in the NDAA conference report authorization that we are considering this week. In April of this year, my office came across a \$115,000 marketing contract with the New York Jets and some other teams. But the contract with the New York Jets showed that the weekly hometown hero tribute was actually paid for by the taxpayers. A resulting investigation found that other taxpayer-funded tributes were not just with the Jets or with the NFL but extended to other sports leagues, as well as the NCAA. We don't need this kind of paid-for patriotism.

I wish to note that many in the NFL, many teams, and others of our sports teams and other leagues do this out of the goodness of their heart. It is what it looks like. But in many instances, these salutes to the troops have been paid for by the taxpayer. That needs to end. That is why I joined Senator MCCAIN and Senator BLUMENTHAL in adding an amendment to the NDAA that will bring an end to these taxpayer-funded salutes to the troops.

This amendment also encourages sports organizations that have accepted these funds to consider making a contribution to a charity that supports

members of the military or veterans or their families. In addition, the NDAA conference report also prohibits the DOD from spending 25 percent of its sports-related marketing budget until they can show that the money that they are spending in this regard actually contributes towards their marketing goals or towards their recruitment goals.

These results have to be reported to both the House and the Senate. That is a good thing. I want to thank the Pentagon, especially Undersecretary of Defense Brad Carson and his staff, for working with my office and others as we continue to investigate the scope of these taxpayer-funded tributes.

Another item I want to mention in this NDAA bill is that 22-year-old Marine Corps Cpl Jacob Hug of Phoenix was serving as part of the U.S. humanitarian mission to Nepal in response to the earthquakes in that country. In May, Hug was one of six marines and two Nepalese soldiers who were killed when their helicopter crashed during a mission to deliver food and aid to the victims in the earthquakes there. Because Jacob died during a humanitarian mission, Jim and Andrea Hug, his parents, were informed that the DOD was not authorized to pay for their flight to Dover Air Force Base to be on hand when their son's remains returned to the United States.

Currently, the military is only authorized to pay for next-of-kin travel expenses if the servicemember is killed in action. That is not right. The Hugs did get to travel to Dover because many in the Arizona delegation worked with DOD to make sure the costs were eventually paid for by DOD.

I worked with Senator MCCAIN to amend the NDAA to ensure that no other family has to go through this—that if a family of a servicemember serving on an overseas humanitarian mission is killed, the additional hardship is not faced by their family. This amendment help pays for the next of kin to travel to meet the remains of deceased relatives if they are killed in humanitarian operations.

I hope we can approve this NDAA in the coming days and we can send it to the President. I hope that the President will sign it.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, Americans across the board recognize the growing threat of global climate change. Last week was a big week on the conservative and corporate sides. New polling revealed strong support among conservatives for smart policies to stem carbon pollution. Coalitions of leading corporate voices—6 major banks and 10 major food and beverage companies—called on us to join them in backing strong climate action.

I come to the floor today, now for the 114th time, to join with them—with

scientists and lay people, with military commanders and faith leaders, with environmentalists and capitalists, with Democrats and Republicans, all saying it is time to wake up to this crisis.

Yes, I said “and Republicans.” Outside this Chamber, Republicans are calling for action on climate. The poll out last week, conducted by three leading Republican pollsters, showed a majority of Republican voters, including 54 percent of conservative Republicans, agreeing that the climate is changing and that human activity contributes to the changes we are all seeing.

They want solutions from us. The same proportion of conservative Republicans—54 percent—would favor a carbon pollution fee on electric utilities, provided the revenue would then be rebated to consumers. As we know, a carbon fee is a market-based solution, very much in line with conservative principles. I recently introduced a bill that I hope both Republicans and Democrats can embrace. It would establish an economy-wide carbon fee on carbon dioxide and other greenhouse gas emissions and then return 100 percent of the money to the American people.

It would work. A recent analysis said it would reduce U.S. carbon dioxide emissions by nearly 50 percent by 2030. The revenue would offset annual payroll taxes for every working person by \$500, with a similar benefit to veterans and Social Security recipients. It would reduce the corporate income tax rate from 35 percent to 29 percent. It would return the remaining funds to States to be used locally, for transition costs, efficiency investments or whatever the States prefer.

With this bill, I extend to conservatives what my very conservative friend, former Republican Congressman Bob Inglis, has called not just an olive branch but an olive limb. Whether you want tax reform, a proper free market for energy or even to address climate change, please, let's get to work.

To state the obvious, Congress has been ruled by the lobbyists and political enforcers for the fossil fuel industry. The fossil fuel industry, with political threats and very big money and lots of phony front groups, has made the Republican Party in Congress its political wing. But outside this Chamber, where conservatives don't need fossil fuel industry money, there is considerable conservative support for a carbon fee, from leading right-of-center economists, conservative think tanks, and former Republican officials.

President Nixon's Treasury Secretary, George Shultz; President Reagan's economic adviser, Art Laffer; President George W. Bush's Treasury Secretary, Hank Paulson; and Bush Council of Economic Advisers Chair, Greg Mankiw, have all advocated for some form of a carbon fee as the efficient way to correct a market failure—the market failure where we all have to pick up the costs of carbon pollution for the fossil fuel industry. No wonder

they spend so much money around here. That market failure is a sweet deal for the fossil fuel fellas, but it is not good free market economics.

In a 2013 New York Times op-ed, former Republican EPA Administrators Bill Ruckelshaus, Christine Todd Whitman, Lee Thomas, and William Reilly wrote: “A market-based approach, like a carbon tax, would be the best path to reducing greenhouse-gas emissions.”

Republicans in Congress are being squeezed. On one side they see unequivocal scientific consensus, compelling economic theory, and mounting public opinion—all pointing toward the need for strong action on climate. On the other side, they see rich and powerful polluters who fund their politics and who make heavy-handed threats against any Republicans who might dare to cross them. That is why it was such glad news when a group of 11 House Republicans, led by Congressman CHRIS GIBSON of New York, introduced a House resolution committing to address climate change by promoting ingenuity, innovation, and exceptionalism.

That is not a bill yet. We have a ways to go still. But it is another sign that the “denier castle” is crumbling. First, climate change was a hoax. Then, OK, maybe it is not a hoax, but it is natural variation. Then, OK, maybe it is real and humans do cause some of it. But, look, it paused. Then, OK, maybe it didn't pause. But we really can't do anything about it. And then, OK, we can do something about climate change, but please stop asking me about it because I am not a scientist. And now this: A resolution by sitting Republican House Members that we need to take climate action. It has been quite a journey.

The escape of 11 Republicans from the dark, crumbling ramparts of denier castle gives dawning hope to Americans that bipartisan action on climate change is becoming possible, even in Congress.

Last Thursday, Congressman GIBSON and I joined together, bicameral and bipartisan, to hear from major food and beverage companies how climate change affects their industry, supply chains, and bottom line. It marked—as far as I can recall—the first time in years that a sitting Democrat and a sitting Republican Member of Congress joined in a public event on climate change. I hope that is another sign that things in this building have begun to shift.

For these big companies, climate change is not a partisan issue. It is not even a political issue. It is business. It is their reality. “Climate really matters to our business,” Kim Nelson of General Mills told us. “We fundamentally rely on Mother Nature.” The choices we make to protect or forsake our climate, she said, will be “important to the long-term viability of our company and our industry.”

Paul Bakus of Nestle agreed, impressing on us that this is not a hypothetical. Climate change “is impacting our business today,” he said. His company, Nestle, cans pumpkins under the Libby’s brand. They have seen pumpkin yields crash in the United States. “We have never seen growing and harvesting conditions like this in the Midwest,” said Mr. Bakus.

Chief sustainability officer for Mars, Barry Parkin, was more blunt: “We are on a path to a dangerous place.”

These companies are reducing carbon emissions and demanding sustainable supply chains. Mars, for example, recently invested in a 211-megawatt wind power farm in Texas to offset all of the electricity used by its U.S. operations. Unilever, in addition to shifting away from fossil fuels toward renewables and biofuel energy, is also fighting deforestation associated with farming.

Message No. 1 from these businesses was: This is important.

Message No. 2 was: They can’t do it alone. They need us in government to pay attention. “Business, government, civil society, and individuals all have a part to play,” said General Mills. “We need governments to be involved,” said Unilever.

Specifically, the companies want a strong global climate deal at the Paris conference this December. They released a joint letter pledging to accelerate their own climate efforts and urging governments to do their part as well. They even took out full-page ads in the Washington Post. Here it is.

They had the full text of their letter and the signatures of the 10 CEOs printed in the Financial Times on the very day of our event.

The heads of Mars, General Mills, Nestle USA, Unilever, Kellogg Company, New Belgium Brewing Company, Ben & Jerry’s, Cliff Bar, Stonyfield Farm, and Danone Dairy North America had the following statement in the letter:

Climate change is bad for farmers and agriculture. Drought, flooding, and hotter growing conditions threaten the world’s food supply and contribute to food insecurity.

They also pledged:

We will: Use our voices to advocate for governments to set clear, achievable, measurable and enforceable science-based targets for carbon emissions reductions.

Mr. President, I ask unanimous consent that this letter from the heads of these 10 major food and beverage companies asking world leaders and the Congress to act on climate change be printed in the RECORD.

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

[From Accelerating Change]

THIS COULD BE A TURNING POINT

DEAR U.S. AND GLOBAL LEADERS: When you convene in Paris later this year for climate negotiations, you will have an opportunity to take action that could significantly change our world for the better.

As heads of some of the world’s largest food companies, we have come together today to call out that opportunity.

Climate change is bad for farmers and for agriculture. Drought, flooding and hotter

growing conditions threaten the world’s food supply and contribute to food insecurity.

By 2050, it is estimated that the world’s population will exceed nine billion, with two-thirds of all people living in urban areas. This increase in population and urbanization will require more water, energy and food, all of which are compromised by warming temperatures.

The challenge presented by climate change will require all of government, civil society and business—to do more with less. For companies like ours, that means producing more food on less land using fewer natural resources. If we don’t take action now, we risk not only today’s livelihoods, but also those of future generations.

We want the women and men who work to grow the food on our tables to have enough to eat themselves, and to be able to provide properly for their families.

We want the farms where crops are grown to be as productive and resilient as possible, while building the communities and protecting the water supplies around them.

We want to see only the most energy-efficient modes of transport shipping products and ingredients around the world.

We want the facilities where we make our products to be powered by renewable energy, with nothing going to waste. As corporate leaders, we have been working hard toward these ends, but we can and must do more.

Today, we are making three commitments—to each other, to you as our political leaders, and to the world.

We will:

Re-energize our companies’ continued efforts to ensure that our supply chain becomes more sustainable, based on our own specific targets;

Talk transparently about our efforts and share our best practices so that other companies and other industries are encouraged to join us in this critically important work;

Use our voices to advocate for governments to set clear, achievable, measurable and enforceable science-based targets for carbon emissions reductions.

THAT’S WHERE YOU COME IN

Now is the time to meaningfully address the reality of climate change. We are asking you to embrace the opportunity presented to you in Paris, and to come back with a sound agreement, properly financed, that can affect real change.

We are ready to meet the climate challenges that face our businesses. Please join us in meeting the climate challenges that face the world.

Signed,

Grant Reid, President & CEO, Mars Incorporated; Paul Polman, Chief Executive, Unilever; Jostein Solheim, CEO, Ben & Jerry’s; Kendall J. Powell, Chairman of the Board & CEO, General Mills, Inc.; Mariano Lozano, President & CEO, Dannon & Regional VP, Danone Dairy North America; John Bryant, Chief Executive Officer, Kellogg Company; Kevin Cleary, CEO, Clif Bar; Paul Grinwood, Chairman & CEO, Nestle USA; Esteve Torrens, President & CEO, Stonyfield Farm, Inc.; Kimberly Jordan, Co-founder & CEO, New Belgium Brewing Company.

Mr. WHITEHOUSE. We heard a similar appeal from America’s largest financial powerhouses last week. Bank of America, Citi, Goldman Sachs, JPMorgan Chase, Morgan Stanley, and Wells Fargo released a strong call for governments to come together on a climate agreement.

Here is what they wrote:

Policy frameworks that recognize the costs of carbon are among the many important instruments needed to provide greater market certainty, accelerate investment, drive inno-

vation in low carbon energy, and create jobs. . . . While we may compete in the marketplace, we are aligned on the importance of policies to address the climate challenge.

Mr. President, I ask unanimous consent that their statement also be printed in the RECORD.

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

IN SUPPORT OF PROSPERITY AND GROWTH: FINANCIAL SECTOR STATEMENT ON CLIMATE CHANGE

Scientific research finds that an increasing concentration of greenhouse gases in our atmosphere is warming the planet, posing significant risks to the prosperity and growth of the global economy. As major financial institutions, working with clients and customers around the globe, we have the business opportunity to build a more sustainable, low-carbon economy and the ability to help manage and mitigate these climate-related risks.

Our institutions are committing significant resources toward financing climate solutions. These actions alone, however, are not sufficient to meet global climate challenges. Expanded deployment of capital is critical, and clear, stable and long-term policy frameworks are needed to accelerate and further scale investments.

We call for leadership and cooperation among governments for commitments leading to a strong global climate agreement. Policy frameworks that recognize the costs of carbon are among many important instruments needed to provide greater market certainty, accelerate investment, drive innovation in low carbon energy, and create jobs. Over the next 15 years, an estimated \$90 trillion will need to be invested in urban infrastructure and energy. The right policy frameworks can help unlock the incremental public and private capital needed to ensure this infrastructure is sustainable and resilient.

While we may compete in the marketplace, we are aligned on the importance of policies to address the climate challenge. In partnership with our clients and customers, we will provide the financing required for value creation and the vision necessary for a strong and prosperous economy for generations to come.

Bank of America, Citi, Goldman Sachs, JPMorgan Chase, Morgan Stanley, Wells Fargo.

Mr. WHITEHOUSE. These are serious people running big, successful companies. They don’t take climate change lightly, they don’t scoff and neither should we. They are asking that elected officials find the courage to address climate change. Majorities of voters of both parties and of Independents are also asking elected representatives to find the courage to address climate change. That brings us back to that squeeze I talked about.

If you are not willing to address carbon pollution and the climate change and ocean acidification it is causing, I ask my colleagues who are on the ballot in 2016: What are you going to say? What are you going to say to your voters? Are you going to say it is a hoax? Great. Good luck with that.

Are you going to say: OK. It is real, it is important, these companies are all right, but as far as fixing it, well, we have nothing—because right now that is what they have, nothing.

Maybe they should just beg: Please don't ask me about climate change because the big fossil fuel polluters are paying my party's bills and making mean threats to me. Those are not a great set of options.

At some point soon, I tell my friends: Your party's leaders are going to have to go to the fossil fuel billionaires and say: Enough. Enough. Let my people go. We held out for you as long as we could, but now you have to let my people go, and it has to be soon.

As one executive told Congressman GIBSON and me quite directly, "The window of opportunity to act on climate change is closing."

It is time to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

THE FILIBUSTER

Mr. GRASSLEY. Mr. President, I come to the floor to comment on an extraordinary about-face that we have seen from many of my colleagues across the aisle with respect to the filibuster. When I say "across the aisle," I mean an about-face on the part of Democrats who see the filibuster differently now than they did over the last 4 or 5 years. But now, like Paul on the road to Damascus, they have seen the light and have now embraced the filibuster wholeheartedly, and like many converts, they are very active in their faith.

Naturally, this has caused frustration for many Americans who wonder why we cannot address the pressing issues we were elected to address, and there are a lot of frustrated Members of the Senate as well. I am one of those frustrated Members. When we have an opportunity for the Senate to function as James Madison said it should function, I don't understand why we cannot have it function that way. Not surprisingly, the recent series of filibusters on legislation of enormous consequences for our Nation has resulted in new calls for changes to the Senate rules.

First, I would like to take stock of where we are right now. It was just last year that the previous majority leader was abusing the cloture motion to shut down debate and amendments on virtually every single bill, even before the debate had begun, all while blocking any amendments. Any Senator who routinely votes for cloture motions under those circumstances is obviously abdicating his or her responsibility to the people who elected that Senator to offer and debate any number of different ideas. That is what the Senate is all about.

Nevertheless, when those of us who were then in the minority voted against abdicating our responsibilities as Senators, we had a parade of Democratic Senators come to the floor and accuse us of that most dastardly deed, at least according to them, the filibuster. They repeatedly claimed that strict rule by the majority faction was the principle by which the Senate ought to operate with little or no input

from the minority party; in other words, have it operate just like the House of Representatives.

We now have a majority—a Republican majority—that has tried to restore the Senate to function as a deliberative body, as it used to and as it was intended to by the Framers of the Constitution. For instance, last year the previous majority leader didn't bring a single, individual appropriations bill to the floor of the Senate for consideration and vote. By putting off appropriations until the end of the fiscal year, that leader calculated that the threat of being blamed for a government shutdown would force Republicans to accept a massive omnibus bill containing policies that would otherwise be rejected.

This year things are different. The Senate appropriators have done their work and reported out each separate appropriations bill—can you imagine, all 12 of those appropriations bills—and most of them on a bipartisan basis. Then, when the majority leader has attempted to bring them to the floor, Senator MCCONNELL, the majority leader, has been met with a Democratic filibuster of the motion even to proceed to the bill.

What is the justification of that on the part of today's minority? The majority leader Senator MCCONNELL is not blocking amendments. In fact, he is even inviting amendments. So if there is something that the minority wishes to change or add to a bill, they can do it simply by participating in the process and offering amendments. After all, isn't that what the Senate is all about? We have to pass appropriations bills or the government will shut down, so why can't we even bring appropriations bills up for consideration?

Well, the answer is quite obvious: The Democratic leadership is up to those old games they used to keep the Senate from debating appropriations bills that they did over the last 5 years. By blocking appropriations bills and threatening to blame us for the shutdown, they hope and believe they can bully us into busting open the spending caps that a majority in both the House and Senate agreed to in the budget resolution earlier this year. So much, then, for majority rule, which the Democrats claim was such a deeply held principle, as they expressed it only last year and years before that.

They justify filibustering the appropriations bills because President Obama has threatened to veto them unless he gets more spending. That doesn't make any sense.

The first appropriations bill they filibustered was the Defense appropriations bill—not because that bill didn't provide enough funding but because they want to hold it hostage to extract additional spending in other areas. Now they are holding hostage the bill that funds the Department of Veterans Affairs. So they are holding hostage funding for our men and women in combat and our veterans who have

served our Nation in order to protect the President from having to follow through on his threat to veto these bills.

I understand that the President might not want to have to defend vetoing funding for our troops and veterans as a bargaining chip to extract additional spending from the Congress, but protecting the President from having to follow through with his threat is not a very good reason for a filibuster.

A similar thing happened with the filibuster of legislation to disprove the Iran deal. A bipartisan majority in both the House and the Senate was in favor of legislation to block President Obama's nuclear deal with Iran. Because the deal was set to go into effect unless Congress acted, the Democrats cannot claim their filibuster was needed for additional deliberation. It was a blatant attempt to run out the clock so the President would not have to use his veto pen.

So clearly it is not as though Democrats have now grudgingly accepted the utility of the filibuster only in extraordinary circumstances; they have now embraced it so completely that they used it simply to prevent embarrassing the President.

In light of this, it is understandable that many in my political party and even in the grassroots are questioning whether we ought to get rid of the filibuster on legislation. This is an expression of the frustration by a lot of conservatives that I hear from in the grassroots of Iowa, and they hear it in the other body as well.

The argument goes kind of like this: After all, the Democrats unilaterally abolished the filibuster on nominations, contrary to Senate rules. Well, they will have to live with that come 2017 when the Republican President is inaugurated, as I hope. But just as I think they will live to regret that move, I think those of us on my side of the aisle would ultimately regret the loss of the Senate as a deliberative body if we were to change the cloture rule for legislation. What would the Democrats do with unchecked power? We don't have to guess. The Democrats briefly had the 60 votes needed to overcome any filibuster, and they promptly ran the unpopular health care law down the throats of an unwilling American public. They dismissed legitimate criticism from Republicans and skepticism from citizens of America. They promised that Americans would like it once it had passed and when we found out what is in it. Well, Americans now know what is in the health care law, and the law hasn't become any more popular.

So does that mean we have to just accept that ObamaCare and other aspects of "the fundamental transformation of America" the President promised are here to stay? Of course not. But we must not be shortsighted. I think a lot of the people who are conservatives, such as the grassroots of America, who are frustrated, as a lot of

us in this body are frustrated, would be shortsighted if they consider changing how the Senate operates.

Keep in mind that the American left was greatly influenced by the progressive movement in the early 20th century which held that history is continually progressing toward a future of more governmental control over people's lives—for the people's benefit, of course. Now, most of us don't buy that—those who hold to the principle of limited government—but there are a lot of people today who are buying it. We hear it in the Presidential campaigns, particularly of the other political party.

This led the progressives of the early 20th century to reject the Declaration of Independence and focus on individual liberty and to oppose our Constitution's system of checks and balances designed to protect that liberty because it made it harder for the government to act. That comes from the philosophy that government always knows best. It also means that those on the left played the long game, sometimes biding their time, sometimes accepting incremental progress toward their goals, and other times making radical changes when they see an opening.

Those of us who are animated by the principle of individual liberty recognize that liberty is the exception in human history, and threats to liberty must be fought constantly or we risk losing liberty and freedom. As such, we are impatient to correct every loss of liberty right away, as we should be. However, in doing so, we must be very careful not to break down those very safeguards that are in place to prevent government encroachment on individual liberty. If we are not careful, then short-term gains could lead to even greater loss of liberty in the future.

The President's former Chief of Staff was famous for saying something like this, and hopefully I am quoting him accurately: "You never let a serious crisis go to waste, and what I mean by that, it's an opportunity to do things you think you could not do before."

In other words, we have seen a concerted effort to take advantage of momentary passions and temporary majorities to enact longstanding policy goals of more governmental intervention in the economy and intervention in the lives of Americans. Preventing such a power play is precisely the role the Senate was designed to play. Just listen to this passage from Federalist No. 62: "The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions."

Of course, that was written by James Madison, who is rightly called the father of the Constitution. Madison prepared extensively for the Constitutional Convention by studying ancient

republics and ancient and contemporary political philosophers. He came to the convention with what was called the Virginia plan, which the convention used as a starting point for what became the U.S. Constitution. Madison also took extensive notes throughout the Constitutional Convention.

In other words, I think that when he speaks about the intent behind the structure of the U.S. Constitution, he ought to know better than anybody, and that is particularly as he writes about the function of the Senate in our Constitution system.

It is true that Madison did not speak to the filibuster itself, and the Constitution leaves the rules of the House and Senate up to each Chamber, but you cannot read the Federalist papers without a clear understanding that our system of government was intended to allow only measures that have broad and enduring support to actually get into law. The Constitution was not designed to allow whatever faction happens to be in power to have a free hand to do whatever it wishes.

As Madison said in Federalist No. 10, "Measures are too often decided not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority."

Where that minority is protected is in the U.S. Senate—the only place in our political system. In fact, in arguing for the necessity of the Senate in Federalist Paper No. 63, Madison is quite critical of pure majoritarian democracies in ancient times and attributes their failure to the lack of something we call the U.S. Senate.

That said, I understand why some of my Republican colleagues in the House of Representatives are frustrated with the fact that many of the things they pass become stalled here in the Senate. I say to them that a lot of us on this side of the aisle share that frustration. So I and we need to make sure those obstructing are held accountable. But anyone who would change the Senate rules to give the majority leader the power to ram any bill through the Senate on a party-line vote should then ask whether they can trust that this power will be used fairly by future majority leaders. Remember that the previous majority leader tried to shut the minority out of the legislative process at almost every stage. The Senate was routinely presented with bills often written behind closed doors in the majority leader's office and told that there would be only an up-or-down vote with no amendments.

Moreover, what would conservatives gain by abolishing the filibuster? I want people to think about what might happen if the filibuster is abolished. In the short term, we would have the emotional satisfaction of seeing President Obama use his veto pen, but that is about it. In the long run, you can bet that modern-day progressives will use those tools to impose all sorts of policies to expand the scope of government

that would otherwise not make it through our constitutional system.

If you want to know what some of those "intemperate and pernicious resolutions" that Madison warned us about might be, we need only look to the past. I will list a whole bunch of things that could be the law of the land today.

Had the Senate operated on a purely majoritarian basis in the past, our country would be in much worse shape than it is now. For instance, if you think ObamaCare is bad, we would have had a single-payer, totally government-run health care system if it weren't for the 60-vote requirement. We would have had the disastrous cap-and-trade bill in 2008 with its crony giveaways, making special interests rich while destroying jobs for hard-working Americans. The list of items that would have passed the Senate goes on and on—the 2007 immigration amnesty bill; the DISCLOSE Act to intimidate private groups who engage in political speech that was brought up in 2010; the abolition of secret ballot elections for unions in 2007; the prohibition on businesses replacing striking employees that was brought up in 1992; a bill to encourage public safety employees to unionize in 2010; the 1992 Clinton crime bill; drug price negotiations in Medicare Part D that amount to Federal price controls in 2007; an amendment to the Constitution to cancel First Amendment protections for speech around election time in 2014; stripping religious liberty protections from Christian business owners who object to paying for drugs that can cause an abortion in 2014; President Obama's second big-spending stimulus proposal in 2011; the so-called Buffett tax would have been passed several times by now; the tax increase to pay local government employee salaries in 2011; and who knows how many other tax increases they would have passed if they knew they could get away with it. Of course, we heard a few weeks ago a speech by Senator ALEXANDER, who has argued that one of the first things the Democratic leadership would do is follow the orders of union bosses and outlaw the many right-to-work laws we have in the United States, forcing associations against the will of some people.

This Senator knows well what it is like in the majority and what it is like being in the minority in the Senate, and I know things look very different from each perspective. I would ask my conservative colleagues who are frustrated that the current majority is not able to work its will to consider the example of history and look to the future.

It is also interesting to observe the behavior of the many Democrats who had never experienced a minority before who have now gained a new perspective on the filibuster and the power of the minority and the protection of the minority by supporting the filibuster every chance they get—and it

didn't take long. On the third vote in the Senate this year—after the change of control, that is—most of the Democrats, including the loudest critics of the filibuster, voted against cloture on a motion to proceed, which until that point they claimed to be an egregious and inappropriate abuse of Senate rules. I know there are some Senate Democrats who still say they are opposed to the filibuster even in principle, although apparently not in practice. It is no good saying “Stop me before I filibuster again.” If you think it is wrong, don't do it. It is as simple as that.

When Senator WYDEN and I began to work on ending the practice of secret holds, we pledged to disclose any hold that we placed on a bill in the CONGRESSIONAL RECORD, and we did that for years before finally getting the rules changed so that every Member had to do that.

The Senate Democrats have shown through their actions that they now fully support the Senate filibuster. I guarantee that the next time Republicans are in the minority, we, too, will see the necessity of this traditional protection against what Madison referred to as “the superior force of an interested and overbearing majority.”

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

GUN VIOLENCE

Mr. DURBIN. Mr. President, in the year 1789, the U.S. Senate, in a chamber not far from here, approved the first 10 amendments to the Constitution. The Second Amendment reads: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The Second Amendment to the Constitution is an amendment which has been uttered, debated, and litigated over the entire history of the United States. Whatever the true intent of our Founding Fathers in writing that language, that brief sentence, I wonder if they could even imagine what we are dealing with today in the name of the right of people to keep and bear arms because every day, on average, in America, 297 people are shot—every day—and 89 of them die every day in America.

Last Saturday I was with my wife in Chicago having a cup of coffee and reading over the papers, listening to National Public Radio. They reported the Roseburg, OR, shooting at the community college, and they cited a statistic that I was not aware of: That shooting at the community college that killed nine innocent people was the 45th school shooting in America this year. There have been 45 shootings in schools. There were many other mass shootings in different places, but now even schools, even students, even schoolchildren are not safe from the rampage of guns.

I am honored to represent the city of Chicago. It is a great city. I do my best to help it in every way I can. But I also

have to be very candid and honest with you. So far, there have been 2,300 shootings in the city of Chicago this year. Where are all these guns coming from?

Yesterday morning I went to the Bureau of Alcohol, Tobacco, and Firearms in Chicago and sat down with the new special agent in charge and asked him the question: Where are all these guns coming from? Why do we have more guns per capita in Chicago than in New York? Why is it that so many of these teenagers, kids, moms, and dads are armed to the teeth? Where are all these guns coming from?

He said: Senator, the No. 1 source of guns in the State of Illinois—crime guns that we have taken in the commission of crime and can trace—the No. 1 source is Illinois.

We have a phenomenon where people go into a federally licensed arms dealer and purchase guns and use them in crime. But the bigger problem is they send in someone without a criminal record who can pass a background check and who buys guns and turns them over to drug gang thugs and criminals on the street. They call it straw purchasing. So the No. 1 source of guns is trading guns within the State of Illinois and these traffickers, these straw purchasers who purchase a gun not for their own use but to turn it over to a criminal or sell it to a criminal. That is the No. 1 source.

What is the No. 2 State that supplies guns to the State of Illinois? It is Indiana, which adjoins Illinois to the east—specifically, Lake County, IN, in the northwestern section of that State.

Why do we get so many guns from Indiana into Illinois that are used in the commission of crime? Because of gun shows. Gun shows occur on the weekends, and people literally show up in Indiana, show some State identification, and without any background check walk out with a gun—not just a gun but many times fill their trunks with guns and ammunition and drive across the border into Chicago, Cook County, and go to the west side of town or down south in Englewood. They pull up in an alley or maybe even on the curbside and have an open market, selling these guns picked up at gun shows. The people who purchase these never went through a background check. Nine times out of 10, unless they are buying from a gun show from a Federal dealer, it is just an arms-length transaction—however many guns you want to buy; no questions asked. Many of these people would be disqualified if they went to a Federal gun dealer. They have a history of committing felonies and other acts that disqualify them.

The fact is that today that is the No. 2 source of crime guns—Indiana.

What is the No. 3 source of crime guns in the city of Chicago? Mississippi. Mississippi. Why? Because their gun show requirements are even more lax than in the Midwest. It is an ongoing commerce of running those

guns up the interstate and selling them in the city of Chicago.

So what is happening? There is a dramatic increase in homicides across America. We are awash in guns. Sadly, many of them are in the hands of people who buy them to kill innocent people. There has been a spike in homicides this year—not just in Chicago but in Milwaukee, St. Louis, Houston, Baltimore, New Orleans, and many other cities. The plain reality is that we are now awash in guns in America, and it is far too easy for convicted criminals, felons, and unstable people to get their hands on a gun and to use it.

When guns are everywhere and when it is easy for dangerous people to get them, it puts everyone at risk. Can you imagine for a second that any of those students heading into that community college in Oregon that morning had even an idea they would face a gunman and some would die? The heartbreaking stories—one I remember hearing from a minister who talked about his daughter, who survived because she appeared to be a bloody corpse. The gunman stepped over her. The father could hardly contain his emotions when he talked about dropping that girl off at school and living with the possibility that she would have died there and that would have been his last memory of his daughter. Is that what America has come to? Is that what we are?

Pretty much anywhere you go now, you have it in the back of your mind that someone could have a gun, someone could start shooting. Do we want to live this way in America?

If you talk to the gun lobby and the special interest groups that manufacture guns and want to sell more and more, they will say the solution is to arm more good guys with guns so they can shoot the bad guys. That is a solution they like because it sells more guns, but why wouldn't we try in the first place to keep guns out of the hands of bad guys?

The Supreme Court has said there is no constitutional problem in the provision that I read with keeping guns away from felons, domestic violence abusers, the mentally unstable, and other dangerous people. The Supreme Court across the street said that is completely consistent with the Second Amendment. Why don't we do it? If our country did a better job of preventing bad guys from getting guns, there are a lot of innocent people who would still be here today.

I held a hearing in my Constitution subcommittee a couple years ago about gun violence. We talked about the need for better laws to stop illegal straw purchases and gun trafficking.

One of our witnesses, a young woman who has become my friend, was Sandra Wortham of Chicago. Her brother Thomas was a Chicago police officer. He had served two tours of duty in Iraq. He was a great guy. He was gunned down in front of his parents' home on the South Side of Chicago. He was murdered by gang members with a

straw-purchased gun. He was an extraordinary police officer. When he was shot, he had a gun on him. He shot back at the armed gunmen who were trying to rob him, and so did his father, who was standing nearby, also a retired police sergeant. But Officer Wortham was killed. He died in front of his parents' house on May 19, 2010. I attended his funeral.

Thomas Wortham's sister Sandra spoke at that hearing. It was powerful. This is what she said:

My brother carried a gun. My father carried a gun. But the fact that my brother and father were armed that night did not prevent my brother from being killed. We need to do more to keep guns out of the wrong hands in the first place. I don't think that makes us anti-gun; I think it makes us pro-decent, law abiding people.

Sandra Wortham is right. I hope my colleagues will hear her words.

Some say it is impossible to stop bad guys from getting guns; they are just going to get them. It is true that there are a lot of loopholes in the law to get them today, like the gun show loophole and the Internet loopholes in the background check system. I don't question the possibility that those loopholes are there. It is also true that the gun lobby is working hard every day to further weaken the laws on the books and to strike them down in court. But we can stop the gun lobby from gutting the laws on the books, and we can close those loopholes if lawmakers just have the courage and political will.

Our goal should be to keep guns out of the hands of bad guys, not to take them away from people who use them in a responsible and legal way. I grew up in downstate Illinois. Owning shotguns and rifles is just part of life. Taking your son or in some cases even your daughter out hunting is normal. It is what people do. I have been out duck hunting in Stuttgart, AR, with my former colleague, Mark Pryor. We had a good time. Everybody there knew that a gun was a dangerous weapon that had to be handled carefully. We filed the necessary permits and licenses to be out there hunting on that day and followed a long list of requirements that limited our right to go shooting ducks, migrating ducks in that area. We did it because it was the law and law-abiding people pay attention to the law.

But what are we going to do now to respect those law-abiding people but still get serious about stopping these guns that end up in the hands of felons and mentally unstable people? Are we going to shrug our shoulders? Are Members of Congress going to put out the standard press release after a mass shooting? Or are we going to rise to this challenge on this occasion and do something? What a breakthrough it would be if we could save these innocent lives.

I cannot imagine that classroom in that community college in Oregon where that crazy gunman, loaded and armed, went up to each of those stu-

dents and asked if they were Christians. If they said yes, he told them: You are on your way to Heaven, and then he shot them dead. I cannot imagine that moment. I certainly cannot imagine if in that classroom was someone I loved, someone I knew, someone I cared about, and they were the victim of that kind of mental instability.

So are we going to shrug our shoulders, remember the victims in our thoughts and prayers and do nothing? Is that what it has come to? We are better than that. We can easily pass laws to protect domestic violence victims by keeping the guns out of the hands of their abusers. All it takes is will. We could easily hold gun dealers accountable for guns that they purposefully misplace into the hands of criminals. All it takes is the will. We can easily adopt technology to stop criminals from stealing guns and stop kids from using them accidentally. All it takes is will. We can easily create a better background check system and pass better laws to stop straw purchasing and illegal gun trafficking. All it takes is will. We can stop the gun lobby from gutting the laws on the books, and we can close these loopholes if lawmakers just have the courage and the political will.

As President Obama said, our thoughts and prayers are not enough. Stopping this violence requires courage and political will. I hope the Congress can rise to this challenge. I am not giving up. I have seen too many lives cut short, too many families and communities devastated by this violence. I am going to do all I can to bring down the number of shootings in America.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

LAND AND WATER CONSERVATION FUND

Mr. LEAHY. Mr. President, imagine a successful and popular program that saves our special natural places, such as parks, recreation areas, wildlife refuges, and forests. Imagine further that this is accomplished not with tax dollars, but with royalties paid by companies that extract oil or minerals from our public lands. What is not to love

about a program like that? Now imagine that some in Congress want to kill or weaken that program. In fact, its charter just expired on October 1.

For 50 years, a bipartisan commitment has promoted the preservation of our national parks, forests, and refuges and the vistas that are so iconic in our national identity. But today we find ourselves yet again in the midst of a made-in-Washington crisis that devalues this history of shared commitment, replacing it with the misplaced ire of those who do not understand its profound, community-driven impact on the land and on our economy.

On September 30, the authorization of the Land and Water Conservation Fund, LWCF, America's most successful conservation and recreation program, was allowed to expire. Founded on the principle of balancing the depletion of certain natural resources by conserving other resources, the fund uses revenues from royalties of offshore oil and gas extraction to support the conservation of our land and water, a symmetry that conservation advocates have praised. More to the point, the fund is supported at no cost to taxpayers. Similarly, congressional inaction allowed the Historic Preservation Fund—also a budget-neutral program with longstanding bipartisan support—to lapse. Together, these twin programs represent key commitments to protecting our Nation's historic resources and lands for future generations.

For 50 years, the Land and Water Conservation Fund has supported the creation of parks and refuges, but it has also filled in plots of land at risk of loss through development in our national parks to create a seamless park system that is easier and more cost-effective to manage. It has provided resources to local communities to achieve otherwise cost-prohibitive conservation projects in small towns. It supports community playgrounds and maintains trails, while fostering and protecting our innate appreciation of the world around us, and it accomplishes all of this while being a boon to local economies.

In Vermont more than \$123 million in LWCF grants have supported hundreds projects over the last five decades, and the benefits can be seen across every county in the Green Mountain State. These grants back an economy of outdoor recreation supporting 35,000 jobs, generating \$187 million in state tax revenue and \$2.5 billion in retail sales in Vermont alone, according to the Outdoor Industry Association. On top of this, an estimated 545,000 people hunt, fish, and enjoy the wildlife of the Green Mountain State every year—a stunning number that nearly matches our State's entire population.

In addition to local recreation projects, the LWCF in Vermont has supported the creation of our State's only national park, the Marsh Billings Rockefeller National Historical Park. It has helped to add 100,000 acres to the