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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of us all, everything belongs to You. Use our lawmakers today to accomplish Your will. As they strive to be Your peacemakers, remind them that no evil can stop the unfolding of Your purposes and providence.

Lord, show them how to use this day's fleeting minutes for Your glory. Sanctify their thoughts, words, and deeds throughout this day and in all the days of their lives. Bless those who support them in their work, rewarding faithfulness with Your Divine approbation.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

CONGRATULATING KENTUCKY'S GOVERNOR-ELECT AND ADDRESSING THE WATERS OF THE UNITED STATES REGULATION

Mr. MCCONNELL. Mr. President, let me begin this morning by congratulating Kentucky's Governor-elect and the entire Republican ticket on a big win at home last night. I remember when the Republican nomination was hardly worth having in Kentucky. We used to have to beg people to run. So it says something when we see spirited competition for it, which we had in the primary back in May.

The Governor-elect and I certainly are no strangers to spirited competition, but we are also conservative Kentuckians happy to see some change coming to Frankfort.

Yesterday's election was a statement about where the people of my State want to see us headed, and it is not down the road of government control and Big Labor. They want fresh ideas, growth, innovation, opportunity, and greater control over their lives and destinies. They want a change in direction. Here is something they certainly don't want: more of this administration's top-down, Washington-knows-best approach to everything from health care to how best to use our natural resources.

Washington overreach is just what I will discuss further right now. The administration's so-called waters of the United States regulation would grant Federal bureaucrats domination over nearly every piece of land that has ever touched a pothole, ditch or puddle at some point. It would force the Americans who live there to ask Federal bureaucrats for permission to do just about anything on their own property. We are not talking about just a few acres falling under bureaucratic control here and there. According to analysis by the American Farm Bureau, we are talking about centralized Federal control extending to nearly 92 percent of Wisconsin, 95 percent of California, 98 percent of New York, 99 percent of Pennsylvania, and, if you can believe this, 100 percent of Virginia—the entire State. This isn't some clean water regulation. It is an unprecedented Federal power grab that clumsily and poorly pretends to masquerade as one.

It is obvious why waters of the United States would be a leftwinger's dream. It is equally obvious why Democratic leaders would want to pretend this rule is about clean water rather than admit what it is really about, because the true purpose and scope of this regulation is basically indefensible. So 31 States have already filed suit against it, 2 Federal courts have already ruled that it is likely illegal, and 1 court found that the rule was so flawed that it had to be the result of ''a process that is inexplicable, arbitrary, and devoid of a reasoned process.'' That is why we considered the bipartisan Federal Water Quality Protection Act yesterday.

The legislation is bipartisan, and it is simple. It says that the EPA's resources should be used to actually protect the lakes and rivers we all cherish rather than for the administration to launch arbitrary ideological attacks on middle-class homeowners and family farms. This bipartisan legislation would have required America's clean water rules to be based on the kind of scientific, collaborative process the American people expect, not some arbitrary or inflexible process that is devoid of reason such as we had with WOTUS but a balanced process that actually takes the views of those it affects into serious consideration.

I thank the Senator from Wyoming, Mr. BARRASSO, for his impressive work on the bill. A bipartisan majority of the Senate voted to support it, but most Democrats chose an ideological power grab over sensible clean water rules yesterday. To many Kentuckians, this regulation feels a lot like the latest in a sustained Obama administration regulatory assault on their families.

The Senate is going to pursue another avenue today to protect the middle class from this unfair regulatory attack. Our colleague from Iowa, Senator ERNST, has introduced a measure that would allow Congress to move forward despite the Democratic filibuster. It would overturn the regulation in its entirety. A majority of the Senate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

voted to support this bill just yesterday. We will vote on final passage later today. And because this measure cannot be filibustered, we expect it to pass.

I ask my colleagues who voted against bipartisan commonsense clean water legislation yesterday to think differently today. Work with us to protect the middle class instead of defending ''inexplicable, arbitrary'' regulation that is probably illegal and almost certainly violates the Clean Water Act.

SUPPORTING OUR TROOPS

Mr. MCCONNELL. Now, on another matter, Mr. President, we live in a time of diverse and challenging global threats. It is a time when we see ISIL consolidating its gains in both Iraq and Syria. It is a time when we see the forces of Assad marching alongside Iranian soldiers and Hezbollah militias. It is a time when we see Russian aircraft flying above them in support, and it is a time when commanders tell us that additional resources are required to ensure the safety and preparedness of our troops. I think it is time to finally support the men and women who volunteer to protect us. The last excuse not to do so—the setting of a top-line budget number—has been cleared away. We fixed that. There is no reason that our colleagues shouldn't join us in moving forward now.

These brave men and women aren't poker chips in some Washington political game. They are the sisters, fathers, daughters, and neighbors who voluntarily and selflessly put themselves in harm's way so that we might live free. These are the men and women we will salute this month on Veterans Day. It is not enough just to support those who defend us then; we need to support them right now.

MEASURE PLACED ON THE CALENDAR—S. 2232

Mr. MCCONNELL. Finally, Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2232) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CLEAN WATER REGULATION

Mr. REID. Mr. President, here is just a brief word on the Republican attack on the Clean Water Act. The bottom line is that the administration's clean water regulation will protect 117 million people. The cries about this legislation fly in the face of facts. As I said, 117 million Americans are being protected.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

Mr. REID. Mr. President, yesterday the Republican leader once again filed a motion to invoke cloture on the Department of Defense appropriations bill. This is another example of the Republican leader wasting the Senate's time on repeated cloture votes that he knows will fail. Republicans have tried this piecemeal approach already, and it didn't work. We came within hours of defaulting and not extending the full faith and credit of the United States and came within days of shutting down the government.

Even though two-thirds of Republicans in the House and Senate voted to close the government and default on our debt, we were able to craft a budget agreement that funds both the middle class and the Pentagon. Now it is time to move on and pass an omnibus appropriations bill that addresses both defense and the needs of the middle class in keeping with the budget agreement that passed last week.

There is no reason we can't get an omnibus bill to fund all the government by December 11, which is the deadline. If the Republicans balk, the government will close. Again, remember, two-thirds of the Republicans in Congress already voted no. They voted to default on the debt of this country and to close the government. That should give everyone pause.

THE KOCH BROTHERS

Mr. REID. Mr. President, over the last several months, the Koch brothers have been on a public relations campaign. This Koch propaganda campaign has accelerated over the past few weeks. Charles and David Koch have been going to great lengths to convince the American people that they are not just a couple of billionaires who are trying to dismantle Social Security and who closed the Export-Import Bank, putting 165,000 Americans out of work and costing the government billions of dollars. These two men fought a zoo in Ohio, and they fought a Republican mayor of Colorado Springs, CO, as he tried to fix the city's potholes. They stopped both from happening.

The Kochs want everyone to believe they are not the ones rigging the system to benefit themselves and their wealthy friends. The Koch brothers are spending their vast wealth holding newspaper and television interviews on their propaganda campaign. In spite of all their efforts, this Koch media tour has failed to bury the one simple truth: The Koch brothers are trying to buy America.

During an interview yesterday, the scales fell away once again and revealed the Koch brothers' true intentions. In justifying his and his brother's efforts to inject hundreds of millions of dollars into conservative political campaigns, Charles Koch said: ''I expect something in return.''

The Koch brothers are getting plenty in return. So far they have bought a Republican House, a Republican Senate, a government shutdown, an ousted Speaker of the House, a shuttered Export-Import Bank, and a Republican Presidential field where nearly every candidate kowtows to these billionaires. But that is not all. The Kochs have procured a media that is intimidated by their billions—too intimidated to hold them accountable.

Consider yesterday's interview on MSNBC's ''Morning Joe'' show. This is classic. Here are some of the questions that Joe and Mika asked the Koch brothers.

Joe Scarborough asked: ''It's hard to find people in New York, liberals, we were talking about this before, liberals or conservative alike, who haven't been touched by your graciousness, whether it is towards the arts or cancer research. Do you think you got that instinct from your mom?''

Mika asked: ''Sitting here in your childhood home''—they were doing this interview in Topeka, KS—''we have the Koch brothers. Which was the good brother?'' That was another tough question.

Joe then asked: ''You guys both play rugby together, right?''

Sometimes—most of the time—they weren't even questions; they were just compliments.

At one point, here is what he said: ''You sound like my dad. That's very diplomatic. That's very good.''

Wow. Those were some really tough questions asked by the host of ''Morning Joe.'' That is tough journalism.

Those questions are so easy; they may even qualify them to moderate the next Republican Presidential debate.

It seems that some journalists are determined not to get on the wrong side of the Koch brothers and their billions. After all, we have seen how the Koch empire targets people, cities, and States that do anything that conflicts with the Koch brothers' radical agenda. When the media rolls over for these modern-day robber barons, as it is doing now, our country is in trouble.

As Charles Koch himself said, he and his brother are not spending this money for altruistic reasons; they are doing it for one reason and one reason only—for the profits of themselves and fellow billionaires who have rigged the system against the middle class. They said it themselves. They want something in return, and what they want is profit for their corporations. Their own publicist once explained why the Koch

brothers are trying to buy a new government: ''It's because we can make more profit, OK?''

That is what this is all about for Charles and David Koch: bigger profits, more money because $100 billion or more isn't enough for them.

By their own admission, the Kochs will spend and spend and spend until they get the government they want—a government that lets Koch Industries do what it wants, a government whose sole goal is to make these billionaires even richer.

Unfortunately for the United States, the Supreme Court has constructed a political system that allows them to do just that. The Citizens United case, decided in January 2010, has effectively put the U.S. Government up for sale to the highest bidder, and right now the Koch brothers are the highest bidder. Right now our country has no real restrictions on how much money a billionaire or a millionaire can spend to buy the government they want. All the power is with the wealthy, and that puts middle-class Americans at a significant disadvantage.

So we can't stand idly by while the government sits on an auction block and neither should any American sit idly by. Instead, we should be working to rid the system of the Koch brothers' dark money, but this cannot and will not happen if reporters and journalists refuse to ask Charles and David Koch questions—maybe even probing questions. Otherwise no one is holding these two oil barons accountable for their nefarious actions.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided in the usual form.

The Senator from Nevada.

Mr. HELLER. Mr. President, I thank the Chair.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. HELLER. I will yield.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Nevada I be recognized, unless an intervening minority Member should come in, in which case that I be recognized after that minority Member.

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

The Senator from Nevada.

Mr. HELLER. Mr. President, I rise to speak on an issue that will impact every single one of my constituents and probably all of the constituents of my colleagues in this body; namely, the Environmental Protection Agency's and the Army Corps of Engineers' new definition for ''navigable waters.''

Also known as waters of the United States, this overreaching and burdensome regulation is bad for Nevada and frankly it is bad for the Nation. My home State of Nevada is one of the driest in the Nation, and the water of course is a very precious resource. The only thing more scarce than water in the Silver State is probably private property, and the implementation of this waters of the United States rule will only do more harm for both of these.

Since coming to Congress, one of my primary goals has been to promote job-creating policies that grow Nevada's economy, and the key to promoting these types of policies is to cut redtape regulations handed down by Washington bureaucrats. Unfortunately, time and time again, this administration is bound and determined to issue overly burdensome regulations that damage the economy and stifle job creation. The latest edict from Washington bureaucrats is no different.

After years of failed legislative attempts to change the scope of regulatory authority over water, this administration has overturned both congressional intent and multiple Supreme Court decisions to further overregulate hard-working Nevadans. I have long been an outspoken advocate and a cosponsor of Senator BARRASSO's legislation, the Federal Water Quality Protection Act, that would make the EPA and the Army Corps of Engineers redo this rule and consider stakeholder input—something they completely ignored the last time around. Considering that nearly 87 percent of my home State is managed by the Federal Government—which I often refer to as our Federal landlords—it is easy to see why this rule is thought of by many back home as yet another Federal land grab.

I have heard from many of my constituents who have shared with me their staunch opposition to this rule, like Marlow from Ruby Valley and Darryl from Yerington. They write about the rule that it ''creates confusion and risk by providing the Agencies with almost unlimited authority to regulate, at their discretion, any low spot where rainwater collects, including farm ditches, ephemeral drainages, agricultural ponds and isolated wetlands found in and near farms and ranching.''

The EPA may tell us that farmers and ranchers are protected from this regulation by exemptions under the Clean Water Act. The problem with this so-called exemption is that if a landowner made any changes on their farmland or their ranch since 1977 that impacts any land or any water on their property, they do not qualify for an exemption. Think about it again. Since 1977, if a landowner made any changes on their ranch land or on their farm that impacts water or land, they don't qualify for this exemption. So under this new rule, almost everyone would be regulated.

Ranching is the backbone of Nevada's rural economy. Implementation of this rule will devastate Nevada's landowners and businesses. Like Marlow and Darryl, I believe this rule needs to be redone with significant input from local stakeholders and in a way that will not impact the ability of Nevada ranchers to provide food for Americans.

Unfortunately, the Senate was not even able to proceed to this measure and debate legislation to exert some much needed oversight over the EPA due to the left's circle-the-wagon mentality of the Obama agenda. Although I was sad to see this vote fail, today I am proud to stand in support of Senator ERNST's resolution of disapproval, which will send this regulation back to the administration and send a clear message that Congress doesn't accept overreaching regulations created by Washington bureaucrats.

The fact is, the implementation of this rule has already been halted by the Federal courts. I strongly believe that at the end of the day, the courts will decide to overturn this onerous regulation. That is why I stand here today to urge my colleagues to support this resolution of disapproval. Instead of waiting years for the courts to decide, Congress needs to take immediate action to show this administration that we will not stand for any more regulations that kill jobs and stifle economic growth.

Good stewardship of our natural resources is part of Nevada's character that makes it so unique. This is not about dirty water or a rollback of the Clean Water Act. This is about Federal regulations that severely limit land use, infringe on property rights, and diminish economic activity in Nevada and nationwide. This is about Federal regulatory overreach by an agency that is using the Clean Water Act as a means to greatly increase its authority. At a time when the American public is still waiting for answers on the Animas River spill in Colorado, I find it greatly disturbing that this Agency is using clean drinking water as an excuse to gain authority over all waters of the United States. Enough is enough with these power trips.

Should we really trust the ''Environmental Pollution Agency'' with this?

As a sportsman, I grew up understanding the importance of being a

good steward of our environment. I support efforts that balance conservation and economic growth, and that is why I urge my colleagues to stand with me against this administration's heavyhanded mandates.

Mr. President, thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, yesterday 41 Senators refused to have a substantive debate on an issue that is critically important to all of our constituents—the scope of Federal authority under the Clean Water Act—and voted against a motion to proceed to Senator BARRASSO's bipartisan Federal Water Quality Protection Act, S. 1140.

Later in the day I was extremely disappointed to learn that 11 of those 41 Senators agreed that the EPA's rule is flawed, but instead of doing their job to provide legislative clarity to the EPA on the regulation of our Nation's waters, they wrote a letter. In this letter they told the EPA that they have concerns with the rule, but instead of acting now they reserve the right to do their jobs simply at a later time.

If only 3—only 3—of these 11 Senators who signed this letter would have voted to proceed to the bill, we could have worked with them to resolve their concerns and ours about the WOTUS rule disapproval.

As Senator SASSE so eloquently reminded us yesterday in his maiden speech, what are we here for if not to have a substantive debate on issues? No wonder the American people think Congress is not looking out for their interests.

Instead of doing their jobs, 11 Senators asked the EPA to change the final rule through guidance. That can't happen. EPA can't do that. That would be a violation of the Administrative Procedure Act, and I think most of us know that. These 11 Senators also asked the EPA to enforce the rule in a way that will protect people who are not regulated today. That also will not happen. The WOTUS rule is on the books. Even if the EPA doesn't bring enforcement action against someone, some activist, environmentalist community is going to file a lawsuit, and we know what the result of that would be.

In the letter I am referring to, the 11 Democrats agreed that the EPA did not provide clarity in its final WOTUS rule to protect American landowners, but instead of voting to debate a bipartisan bill that would have forced EPA to provide that clarity and to offer perfecting amendments, if they wished to do so, they wrote a letter. I know I am sounding very critical, and in a minute I will tell my colleagues why, because this happens to be the No. 1 issue of the farmers and ranchers in my rural State of Oklahoma. It is a big deal.

The EPA's entire rulemaking process, and now the lack of debate in the Senate, is an example of Washington at its worst. This is a long and sordid story that dates back to 2009. EPA wanted to be able to control isolated ponds, wetlands, and dry channels water only when it rains, but they were blocked because the Supreme Court said the Clean Water Act is based on the authority over navigable waters. I think everybody understands that the State has always had the authority, but certainly if they are navigable waters, I agree, the Federal Government should be involved.

First, the EPA backed legislation—and this is the legislation I referred to yesterday by Senator Feingold, 5 years ago, and Congressman Oberstar in the House—to take the word ''navigable'' out. If we take the word ''navigable'' out, everything is then in the authority of the Federal Government.

To support this legislation, EPA created a propaganda message that action was needed to protect drinking water. The EPA spread this propaganda, even though they know that all sources of drinking water are already regulated. That is already done. That is a done deal. It should have been done and it was done, but the American people were not fooled. The bills were so unpopular with the American people that even though Senator Feingold's party held the Senate, the White House, and the House—everything was on their side—the bill never reached the Senate floor and Congressman Oberstar did not even try to move his bill through the committee he chaired.

So the American people held them accountable. Both of them, I might add, lost their elections for reelection to office in 2010. After that election, EPA changed its strategy. Even though in 2009 the EPA said they needed legislation to expand Federal control after Congress rejected their attempt to take the word ''navigable'' out of the clean Clean Water Act, they tried to do the same thing through regulation.

This is exactly what this administration has been doing. Every time they try to pass something legislatively and they can't do it, they get a regulation. That is what they are doing. How many times did we vote on the global warming and the cap-and-trade bills, and each time it went down resoundingly in the Senate. Well, it happened over and over again. So what did they do? They said if we can't do it legislatively, we will do it through regulation.

In this new regulation, EPA tried to dodge the Supreme Court rulings by pretending that all water has a connection to navigable water. EPA also cranked up its propaganda machine. On May 19, the New York Times said: ''In a campaign that tests the limits of federal lobbying law, the agency orchestrated a drive to counter political opposition from Republicans and enlist public support in concert with liberal environmental groups and a grass-roots organization aligned with President Obama.''

That was in the New York Times. They created social media messages and asked people to send these EPA-directed messages of support back to EPA—a true echo chamber going back and forth.

After soliciting comments using its propaganda machine, the EPA claimed that 90 percent of the comments supported the rule and that every comment is meaningful to the EPA. However, the Corps of Engineers told my committee—the committee that I chair, the Environment and Public Works Committee—that only 39 percent of unique comments supported the rule, and 60 percent were opposed.

The difference is that EPA is counting each email address on a list as a separate meaningful comment. For example, EPA counts a list of nearly 70,000 email addresses sent in by Organizing for Action, President Obama's political campaign arm, as 70,000 comments. It is actually only one. Apparently the EPA considers an email address more meaningful than substantive comments submitted by States and by local governments, by farmers, ranchers, and property owners. The EPA has ignored the significant concerns raised by these groups, and they should not have.

I am sure that every Member of this body has heard from someone comparable to Tom Buchanan in my State of Oklahoma. Tom Buchanan is the president of the Oklahoma Farm Bureau. He speaks for a lot of farmers and ranchers, and we are a rural State. He says of all the problems that farmers and ranchers have in Oklahoma, these issues are not found in the farm bill, and they are not in the ag bill. They are the overregulations of the EPA. He is talking about endangered species, where you can plow your fields and where you can't. But of all the regulations of the EPA, the most onerous are the water regulations because they will allow the Federal Government to have an army of bureaucrats crawling over every farm and every ranch, not just in my State of Oklahoma but throughout America.

Two courts have already said it is illegal. It will be overturned. We don't have to stand for this. We don't have to endure years of confusion before the courts act. They are going to act, but it could take a long, long time. In the meantime they will go forward, and the overregulations will continue.

We have only one way to stop the rule right now, and that is coming up. It is through the CRA offered by Senator ERNST. A lot of people don't know what a CRA is, but it forces responsibility on Members of the Senate. There are a lot of Senators who want overregulation; the liberal ones do. So they would rather go ahead and go home, and when people complain, they can say: Hey, it wasn't us who did that; it was an unelected bureaucracy that did that. A CRA will not let them get by with that.

The President can veto it, which he will, and it will come back for a vote to override the veto, and we will know and our constituents throughout America will know just how their Senator is

voting. Senator ERNST's CRA would do that. I certainly urge a ''yes'' vote, not just for me but for all my farmers and ranchers in Oklahoma.

After vacating this rule, if any Senator wants to work with my committee on substantive issues around the scope of Federal authority under the Clean Water Act, I stand ready to work with them.

Mr. President, I ask unanimous consent that all time spent in a quorum call before the 12 noon vote be charged equally against both sides.

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

Mr. INHOFE. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I thank my colleague from Iowa who has led the effort this morning as we speak about the waters of the United States rule that would lead to a resolution of disapproval on this very wrong-headed rule.

I also want to acknowledge the good work of my colleague from Wyoming, Senator BARRASSO, who had the opportunity yesterday to discuss the devastating impact of the WOTUS rule, as we lovingly refer to it. It was a combined effort to address the concerns that so many of us have across the country about the waters of the United States rule that has stemmed from the EPA and Army Corps of Engineers.

This WOTUS rule that so many of us speak to is not only an overreach, it is a significant overreach that will allow for a dramatic expansion of the Federal Government's ability to regulate our land and regulate our waters and will harm the people in the State of Alaska and other States across the Nation. They have said in no uncertain terms that this rule could have as damaging an impact on our State and our State's ability to engage in any level of development—this rule would have greater impact than most anything we have seen before.

So I am here to urge my colleagues in the Senate to support the resolution of disapproval that we now have pending, which we will have an opportunity to vote on in just a little over an hour.

I have had dozens of meetings—meetings with constituents, meetings with people across the country who have raised this as an issue. We have sent letters, and we have questioned the EPA Administrator about the impact of the rule.

I had an opportunity to have a field hearing in Alaska earlier this year, joined by Senator SULLIVAN, focusing on those areas we would consider to be Federal overreach, those areas that hold our State back from any level of economic activity and development. Time after time, the concern was whether this waters of the United States—again, this expansive interpretation of the Clean Water Act literally designed by the EPA, a concern about how its negative impact on our State will be felt.

In addition to many of the legislative efforts that are out there, as chairman of the Appropriations interior subcommittee, I included a provision within the Interior appropriations bill to halt the implementation of the waters of the United States rule. I am a cosponsor of the bill we tried to advance yesterday. Unfortunately, it was blocked. I am also a cosponsor of the disapproval resolution that is being offered by our colleague from Iowa.

My position on this is pretty simple: The WOTUS rule cannot be allowed to stand. The agencies have to go back to the drawing board. I am not alone in this view. It is a highly controversial rule. It stands out among many of the rules we have seen finalized by this administration. Of the controversial ones that are out there, I would argue that if this is not in the top tier, if it is not the top, it is certainly No. 2.

It is a rule that is controversial enough that it draws bipartisan opposition as well. We have a large majority, a bipartisan majority of the House that opposes it. When we look to how this has been addressed by the States, some 31 States, including the State of Alaska, have sued to block it. A wide range of local governments and business groups have done the same. Just last month, the Sixth Circuit Court of Appeals issued a nationwide injunction to prevent the implementation of this rule.

I welcome what the courts have done so far, but I do not think Congress should sit back on this and hope we get the right legal outcome. We should not just be sitting back because that right legal outcome may come. It may come in months, it may come years from now, or it may not be the right outcome. Our opinions here in the Congress are not based solely on what the courts say. We have to look to the reach, to the impact of this rule, and then determine whether it is appropriate. Again, my answer to this is pretty simple: It is no. It is just not appropriate.

The agencies are claiming the WOTUS rule is somehow or other just a clarification. They have gone one step further and they renamed it. They are calling it the clean water rule because who out there is going to oppose clean water? Nobody opposes clean water. We all strive for cleaner water, cleaner air. This is something we all should be working to. But just changing the name on this rule does not make it so. In fact, this rule is really just muddying the waters. Excuse the pun, but that is what EPA is doing. They are creating confusion. They are certainly creating greater uncertainty. It opens the door to higher regulatory costs and delays for projects all over the country.

There have been many colleagues who have come to the floor and talked about kind of the mechanics of the WOTUS rule. Unfortunately, they are pretty complicated. When you start talking about ''categorically jurisdictional waters,'' when you try to explain the ''significant nexus'' analysis, the only people in the room who are really captivated by what you are talking about are the lawyers who might be in a position to gain some benefit because they are working these cases. But most farmers in Iowa and most miners in Alaska are not thinking about what a categorically jurisdictional water is and whether there is a significant nexus from my little plaster mining operation to a body of water. That is not what people are thinking about.

I want to use a little bit of my time this morning to speak to how, in the State of Alaska, people will be harmed by application of this rule.

To understand the reach of the rule in the State, take a look at this map of the State of Alaska. It is so big, we cannot even fit it all on one floor chart because really we need to go all of the way out to the Aleutian Chain and we do not have all of the southeastern part of the State in it, but we have the bulk here. Alaska, plain and short, is covered in water. It is just wet. According to our State government, Alaska has more than 40 percent of the Nation's surface water resources. Think about that. Think about the entire United States of America, and then appreciate that in one State, in my State, we have more than 40 percent of the Nation's entire surface water resources. So we are talking over 3 million lakes, over 12,000 rivers. We have approximately 174 million acres of wetlands. There are more wetlands in the State of Alaska than in the entire rest of the country combined.

So all you colleagues, all you folks in the 49 other States who are concerned about the impact of this rule, I don't mean to diminish your problems, but think about what this rule would do in Alaska.

We have more wetlands in the State of Alaska than in all of the rest of the country combined. Out of 283 communities in the State, 215 of these communities are located within either 2 miles of the coast or a navigable waterway. We live on the water, even in the inland part of the state, where I was raised and went to high school—the lakes, the rivers, up in the north country here, where you have just a small lake. Out in the whole southwest of Alaska—when you fly over it, you look at it, and it is dotted with small lakes and bodies of water. Plainly said, it is wet in Alaska.

Surprise—if it is not wet, it is frozen. Think about the permafrost we have there. How do you deal with the permafrost? How is that considered in this proposed rule, in this waters of the United States? If it is frozen, is it

waters of the United States? Well, you know, we don't know because the rule is unclear, but we are going to go ahead and just assume that it is going to be covered.

We have a map here where what you see is blue. The reason it is blue is because all of it is water.

This is the National Hydrography Dataset, Streams, Rivers and Bodies for the State of Alaska, September 2015.

EPA has produced maps of the waters and wetlands in each of our 50 States. Our colleagues in the House actually had to force the Agency to release these maps last year. Almost the full State of Alaska is shaded in. That is what the EPA wants to be able to regulate under this rule. So what exactly could that cover? What are we talking about?

It could be out here in Bristol Bay, where it is all about fishing. It could be a new runway project there that would be subject to regulation or a seafood processing plant out there in Bristol Bay.

Up here in the interior of Alaska, in Fairbanks, it could be a new neighborhood they want to accommodate to deal with the growing population there that would be subject to regulation.

It could be a parcel of land awarded under the Native Land Claims Settlement Act that just so happens to be in a wetlands area or have a small river present. But the fact that it was a conveyance of land under the Native Claims Settlement Act does not get you beyond regulation through the EPA.

It could be the new industrial park in Anchorage that wants to diversify, wants to help expand the economy there.

It could be an energy project up on the North Slope that the Arctic Slope Regional Corporation wants to pursue. But, again, it is either wetlands or it is clearly permafrost up there.

It could be Alaska's proposed gas line. We are hoping to run a gas line from the Slope all of the way down to tidewater in Valdez. This is a major project our State's legislature is working on. Right now they are in the midst of a special session. It is going to run across—if you want to talk about wetlands and rivers and areas that will be subject to this permitting requirement, it could be any of those. It could be many more.

That brings us to the potential impact under the WOTUS rule. I am not certain that the agencies will try to stop every project in the State—that is too much even for them—but I recognize that they could use this rule to stop any project that they want, whenever they want, and for as long as they may want. So maybe not every project will be affected, but any project could be targeted. Think about that. If you are trying to make an investment decision, if you are a business that is seeking to expand but you have that level of uncertainty because you don't know if you are going to be targeted, that is tough. It is tough to make these decisions.

We know these agencies have cast an extremely wide net with this rule. We know from Keystone XL and from our experiences in Alaska that regulatory decisions are not always fair or impartial or even logical within this administration. We know that almost everything in Alaska is either near water, it is wetlands, or it is permafrost. You add it all up, folks, and almost every project in Alaska could suddenly be subject to Federal permitting under the Clean Water Act. That, in turn, means most projects in our State will end up costing more, taking longer, or being indefinitely delayed.

I would remind friends that the cost of securing a section 404 permit can easily run $300,000 and take over 2 years to do. So you are adding cost and you are adding delay. The delay adds to further cost. Some developers just give up. They raise the white flag and they say: I am tired. I am frustrated. I just cannot run this regulatory gauntlet.

They give up. All of this would be in addition to the significant regulatory burdens Alaska is already facing.

One last example I will leave you with comes from Craig, AK, down here in the southeast. This is a small town of about 1,200 people. We have a local tribal organization that wants to construct a 16-unit affordable housing project. The Army Corps required a $46,000 downpayment to a mitigation bank prior to permitting. Again, this is for a small project in a community of 1,200 people. It is a tribal organization trying to bring in some low-income housing units, and they are going to have to spend $46,000 just to get started. Think about what they could have done if they could have put those dollars toward that project. Imagine then—a town like Craig—when you scale this up to communities such as Anchorage and Fairbanks, what do those costs mean to you? There is just too much at stake.

Again, I strongly oppose the WOTUS rule because of the uncertainty it will create, the delays it will deliver, the costs it will impose, because Alaska is the only State that has permafrost and we still have no idea whether or under what circumstances these areas will be regulated and, further, because this rule could dampen our efforts to begin new resource-extraction projects, which we depend upon for a majority of our State's budget.

Finally, I oppose the WOTUS rule because it is yet another regulatory burden for Alaskans, for people all over the country. This is on top of all of the other regulations we have seen in our State and from the Interior Department's anti-energy decisions to EPA's quest for project veto authority before, during, and after the permitting process. It gets to a point where it is just too much. It is just too much, and this is where we must come together and stand to stop it.

I thank my colleagues for their leadership and look forward to the opportunity to support the disapproval resolution that is pending before the body.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Michigan.

THE BUDGET

Ms. STABENOW. Mr. President, just a week ago the American people were able to breathe a collective sigh of relief—and I think all of us did in this Chamber as well—as Republicans and Democrats in the House and Senate finally pulled back from what would have been a financial catastrophe. We had a potential default of our country's bills. There was a potential government shutdown, but that was averted, and we passed a budget with no time to spare. It was a good thing to do on a bipartisan basis, to be able to show that we could work together, develop a bipartisan budget.

I believe it was 3 a.m. when we had the final vote on early Friday morning, but we put that in place and had some confidence at that moment that we were going to be moving forward with a comprehensive budget—a comprehensive appropriations process—that would allow us to say to the American people that we were addressing all of the needs they care about: security, growing the economy, making sure we are investing in middle-class families, strengthening our defense, and so on.

Now, not even a week later, Republican leaders are back to their old tricks again. We are quite shocked to see that rather than giving the appropriators the opportunity to put together a comprehensive appropriations process, a comprehensive budget to be able to move forward on all of the needs of the country, what we are seeing is potentially a trick to undo the bipartisan budget agreement through the backdoor. We have seen this movie before, a few years ago, passing the Department of Defense appropriations and then forcing everything else into a long-term continuing resolution.

We are not going down this road again. We are operating under the basis that we have a bipartisan agreement. A lot of folks on both sides of the aisle deserve credit for that, but we want to stick to that and a comprehensive budget moving forward—no tricks to undo the bipartisan budget agreement.

Frankly, our families deserve a budget that grows the economy and invests in our middle-class families. How many of us have said the issue is that folks don't have money in their pocket, good-paying jobs, and can't do what they need to do to be able to put food on the table, send the kids to school, pay the mortgage, be able to support their families in a way that we always have in America, and be able to grow the economy with a strong, vibrant middle class.

We also need to strengthen our national defense—our national security—broadly. If we only move forward on Department of Defense, as we know, we

are leaving out a whole range of things that are part of our national security.

I can say that as a border State in Michigan, we need to be concerned. We hear a lot of debate and discussion about border security. We need to make sure we are adequately funding border security. Cyber security, for us it means things such as the Coast Guard. When we look at other areas of security, it includes food security efforts that people care about. It includes first responders, police, and firefighters. It includes airports—a whole range of things that need to be looked at comprehensively.

We want to see the whole budget, not just the Department of Defense. We want to see the agreement on the whole budget so we know there aren't going to be any tricks. If there aren't going to be any tricks, what are folks trying to hide? Let's just develop the whole budget and then move the whole budget.

We also know people care deeply about growing the economy and jobs, and that means supporting small business. It means investing, making things, and growing things, which I talk a lot about in Michigan. That is what we do; we make things and grow things. There are efforts to support that that we need to do.

Frankly, some of that is in critical partnerships with the private sector and job training. The No. 1 thing I hear from manufacturers today—in fact, the National Association of Manufacturers tells us there are 600,000 unfilled jobs today because we don't have people with the right skills for the right job. That is something we need to address in our budget: job training, education, and college affordability.

How many times have we heard about young people or in our own families know people who have come out of college, they did everything we told them to do: Go to college, get good grades. They graduate, and then they come out with more debt than if they were trying to buy a big house. In fact, the realtors tell us now they can't qualify young couples to buy a house because of their college debt. That is part of this debate on the budget: education, access to college, job training, support for small businesses, and support for our manufacturers and our farmers, large and small.

Another critical area in our budget that we want to make sure is adequately funded is our ability to save lives through medical research, such as new treatments, new cures that we all have heard so much about that we are excited about. The whole effort now—finally, we are doing research on the brain, the least researched organ in the body. That impacts Alzheimer's; $1 out of every $5 Medicare dollars is spent on Alzheimer's disease and dementias, Parkinson's, mental illness, and addictions. That doesn't count what needs to happen with cancers. It doesn't count how close we are if we were to double down on our medical research in this country. Juvenile diabetes—we could go on and on. That is part of this budget.

We want to see what is being funded on medical research in the National Institutes of Health before we move forward on only one piece of this, as we are very late in the game to debate this. This might have been a strategy we could do last spring. Now what we need to have is a look at the entire budget: mental health, substance abuse, services for veterans. Whether it is veterans and job training, whether it is providing veterans an opportunity to have a home and live in dignity, whether it is mental health substance abuse services, that is in this budget. We need a comprehensive budget. We need to know, the American people need to know the whole budget and that there are not going to be tricks in this process.

Protecting our natural resources. For us around the Great Lakes, 20 percent of the world's freshwater, it is incredibly important for us that we know how the Great Lakes Restoration Initiative is funded; how we are supporting our clean air, clean water, and land initiatives.

We have new challenges in outrageous things such as what is happening in Flint, MI, where there is very high lead found in the water and we need pipes changed. We need to be supporting infrastructure around not only roads and bridges, which are critically important, but aging pipes that have been there for 60 years, 70 years, 80 years, 100 years that we are now seeing—and multiplied by a series of errors and incredibly bad misjudgments at the State level, at the minimum. We are seeing situations where we are going to need to support efforts on making sure we can upgrade our pipes, our water pipes, water and sewer, and so on. That is all part of this budget.

So when we look at moving forward, last week at the end of the week was a good time because it was an opportunity to come together in a bipartisan way, avert disaster, and actually come together as the American people want us to do every day. People in Michigan ask: Can't you guys just get something done? Can't you just work together?

Well, at the end of last week we actually did that. We actually came together and developed a plan, a 2-year overall budget process, and now it is implementing it through appropriations. What we as Democrats are committed to doing is implementing the agreement in total. We are not going to support going back to where we were before, where we move one budget—the budget that has the most interest among Republican colleagues, the Department of Defense—and then potentially see all of these other needs go unaddressed in a fair and responsible way in terms of what American families are asking us to do. We just want to know that we are truly working to implement a bipartisan budget that we voted on—no backdoor tricks. Unfortunately, we have seen this movie before—no backdoor tricks to undermine critical needs for jobs, the economy, quality of life, protecting our natural resources, our broad security needs as a country. Let's put that strategy aside rather than trying to have a vote on only moving forward on the Defense appropriations.

I urge that Republican leadership put that strategy aside, give the appropriators the time they need—we have good people on both sides of the aisle who can work together as appropriators—and provide us a balanced, responsible budget for the United States of America that will in fact grow the economy, invest in our middle-class families, and strengthen our national defense. I am hopeful that in the end that is what will happen.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I had a few minutes yesterday before the vote—the Congressional Review Act vote on this truly terrible EPA rule on water—to talk about the reasons EPA shouldn't do this, the long-term understanding of what ''navigable waters'' meant, the ability for EPA—if they wanted to change the law—to come and ask the Congress to change the law, but of course they don't want to do any of that. In fact, I had a small version of this map yesterday that shows the Farm Bureau projection—that I believe other projections agree with—of how much of our State is covered by this new jurisdiction by the Federal Government over essentially all the waters of the country. If you will notice, the only part of Missouri that would be covered under the so-called waters of the United States rule is just the part in red. Only 99.7 percent of the State would be under this new jurisdiction that the EPA would ask for. Surely, nobody believes the EPA could ever exercise this jurisdiction. And uniquely, as it relates to this rule—I think ''uniquely'' is the right word to say here—Federal agency after Federal agency opposed the EPA going forward with this rule. This is basically not just the EPA versus a few people who are concerned about it. It is the EPA versus anybody who has looked at it.

According to the Small Business Administration—by the way, another agency of the Federal Government headed by someone else who is appointed by the President—they have a number of concerns. One is that utility companies would have a hard time complying with the law in a way that allowed the power grid to continue to be utilized. Of course, anything that raises utility company power costs raises the cost to the consumer. There is no mythical way anybody else pays for that except the people who get utility bills, which almost every person in America or at least the family of almost every person in America does.

The Home Builders Association of St. Louis believes that if this rule goes

into effect, on average, the increased cost for permitting to build a home would go from a little under $30,000—right now the average cost, at least for St. Louis home builders to get all the permitting necessary, is $28,915—and would increase by 10 times. So the average permit to build a home, if this silly waters of the United States thing is allowed to happen, would go from a little under $30,000 to $271,596, and the wait time would go from a little less than 1 year to more than 2 years, just to get the permitting you need to build a home.

Now, the SBA also says the rule will increase permitting costs generally by $52 million in the country, just for permitting costs generally, and environmental mitigation costs by $113 million every year. With the addition of the power rule the EPA also has out, I think you would be hard pressed to come up with a third rule that would do anywhere as much damage as the two rules they already have out there do to the American economy.

In April of 2015, a memo from MG John Peabody to Assistant Secretary Darcy of the Corps of Engineers, states that ''in the Corps' judgment, the documents contain numerous inappropriate assumptions with no connection to the data provided . . . and logical inconsistencies.'' This is the view of the Corps of Engineers—not necessarily my favorite Federal agency—on the EPA rule.

This rule would also mean that Federal bureaucrats, assuming you could ever assemble enough of them to do the job the EPA says they like here, can decide what falls under the jurisdiction, and they would be deciding from a long way away. This kind of authority is barely able to be exercised by the local city or county. It becomes even more complicated when the State department of natural resources gets involved. It would be impossible to do and will slow down both the economy and add cost to families.

Thirty-one States, including mine—including this State here, where again only the red part is covered by the waters of the United States rule—have sued the EPA to overturn the rule, and the courts appear to be listening. The district court that covers our district and North Dakota issued an injunction for 13 States. Then in early October, the Sixth Circuit issued a nationwide stay on the rule.

So not only is the Congress concerned and involved, or a majority of the Congress—unfortunately, only 59 Senators were concerned with something that 60 Senators could have solved—but so is Federal agency after Federal agency, and the courts themselves are saying this should not be allowed to happen.

I hope we see the Congressional Review Act put this issue exactly where it deserves to be—on the President's desk. He appointed the head of the EPA. The Senate confirmed the head of the EPA. I didn't vote to confirm the head of the EPA. In fact, I held that nomination back as long as I could possibly hold the nomination back, hoping the new nominee would suggest they were going to be better than the person who had been holding the job before. This rule indicates the EPA doesn't really have the best interest of the country at heart. They do not have a reasonable way to enforce the authority they say they would like to have. So I look forward to the President having to deal directly with this issue and that the American people will pay attention, as we all do, to the job we are sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

THE BUDGET

Mr. SCHUMER. Mr. President, first let me thank my colleague from Michigan for her outstanding remarks. I too want to talk about the budget. We have agreed to a bipartisan budget framework, and that has been very good. We have avoided a shutdown, and we have avoided defaulting on our debt. I am glad the brinkmanship that some on the other side of the aisle wanted to play did not prevail. That is a very good thing.

Now we have to move forward. I want to join my colleagues to ask our friends on the other side of the aisle to engage in a fair process on the omnibus that must follow. The budget, after all, is only a blueprint. Now it is up to Democrats and Republicans to fill in all the details and honor the agreements that both sides worked to pass together. Already we have some on the other side of the aisle threatening to insert policy riders that should have no business in an appropriations process, particularly a delicate one like this.

So first things first—let us be crystal clear. If folks on the other side of the aisle insist on inserting poison pill riders into the omnibus bill and the Republican leadership on either the House or Senate side goes along, they will be dragging us into another government shutdown. We are happy to debate any of these so-called poison pill riders but not to use the whole budget process as a hostage.

The only reason that our colleagues who want these riders want to use the budget process and hold, in fact, the whole rest of the American people hostage is because they know they can't win on their own. They can only do it by hostage-taking, by saying we won't fund the government or this part of the government unless we get our way on these nonrelated riders. Well, we Democrats, on both sides of the Capitol, at both ends of Pennsylvania Avenue, are totally united on preventing poison pill riders in riding along on an omnibus.

Yesterday, I was disappointed to hear Speaker RYAN, who I think is a fair man—and I have worked with him on a number of issues—say that he expects to use the power of the purse to push riders. Again, the power of the purse does not give anyone the right to jam through ideological riders that can't stand on their own merits. The power of the purse doesn't give anyone the right to hold government hostage until we repeal parts of Dodd-Frank or defund Planned Parenthood. That doesn't make any sense.

The power of the purse means, and has always meant in this grand Republic in our history, that Democrats and Republicans, House and Senate, work together to produce a fair budget that strengthens our national and economic security, free of poison pill riders.

Second, with respect to the timetable for these bills, I want to echo my friend Senator STABENOW in saying we have to see the whole funding picture up front before we move to any comprehensive funding legislation.

I understand our colleagues on the other side of the aisle want to do Defense first—sure. Then what about the rest of the budget? In 2010, we did Defense and then did a CR for the rest of the budget. And then it leaves the fight on riders undone.

Now, they say they need a vehicle. It is true. There are lots of vehicles. You don't need the Defense bill for a vehicle, No. 1, and, No. 2, you don't have to do that vehicle now. What should be happening now is the House and Senate, Democrats and Republicans, should be negotiating the whole picture, the whole omnibus. When they come to an agreement, we can then move them on the floor of the House and the Senate.

So we all agree the Nation breathed a sigh of relief when we agreed to a balanced framework that would see us lift the sequester caps for domestic as well as defense spending. We can't be goaded into passing an increase in defense spending without seeing the rest of the omnibus to make sure both sides are part of it, because 50–50 was always part of the deal. Let us see the 50–50, and let us see the details.

What we also believe has to be part of the deal is no poison pill riders, whether they be Democratic or Republican. Those should be for another day and not risk a government shutdown, which is still a very real possibility if some of the ideologues have their way and say it is my way or no way.

So for this budget agreement to work, we need to see each piece of the appropriations puzzle before we move forward on defense spending. That is not too much to ask. Democrats want a simple, fair process to fill in the blueprint we agreed on in the budget—no poison pill, no sleight of hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The pending business is S.J. Res. 22.

Mr. WICKER. And that deals with the waters of the United States rule; is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. If I could, I would also like to ask that Senator BLUNT's poster be placed back on the easel, because I agree with what the Senator from Missouri had to say about the so-called waters of the United States rule. It is a massive Federal overreach, a massive Federal land grab with hardly any environmental benefit, if at all. The map behind me of my neighboring State of Missouri points this out. Everything in red would be subject to regulation under the Clean Water Act. Almost every square inch of the State of Missouri and other States would be subject to this massive overreach of a statute that was never intended to do that.

So I was pleased just a few weeks ago when the U.S. Court of Appeals for the Sixth Circuit pretty much agreed with us, on a temporary basis at least. They ordered a nationwide stay of the Obama administration's wholly unnecessary waters of the United States rule. I agree with the court's action. I agree with the 31 States that have filed lawsuits against this rule. I agree with the efforts in this Chamber to overturn it.

I appreciate Senator BARRASSO's legislation entitled the Federal Water Quality Protection Act, and I certainly appreciate the efforts of the junior Senator from Iowa, Senator ERNST, and will be supporting her efforts when we vote at the top of the hour.

The waters rule is an unlawful—unlawful—attempt by the EPA and the Army Corps of Engineers to wield enormous power over our Nation's land mass, as this chart points out very dramatically. Americans are concerned—and Americans are right to be concerned—by this Federal overreach. The rule could have far-reaching effects on our lives and on our private property.

I am particularly concerned about what this rule could mean to our Nation's farmers and ranchers, especially in States such as Mississippi, where agriculture is one of the leading industries. The administration's attempt to expand the scope of waters of the United States under the Clean Water Act would lead to unprecedented regulatory authority—unprecedented regulatory authority—and everything from property rights to economic development could be affected. Small ponds, even ditches would be subject to the decisions of Washington bureaucrats.

This expansion of Federal regulation could also adversely affect conservation efforts that are working at the State level in States such as Mississippi. We have begun considerable work with farm drainage ditches to enhance conservation. The waters rule threatens to undermine this important work. So it actually puts us back a step in terms of conservation.

Moreover, this rule makes States, cities, counties, and private citizens vulnerable to confusing and expensive legal challenges.

Just get ready for the Federal Government to come in with legal challenges. Because of the regulation's lack of clarity, the Federal Government could declare jurisdiction over almost any kind of land or water, as this map of Missouri points out. Even areas that may have been streams or wetlands more than a century ago could come under the rule of this expansive regulation. The rule's exemptions do not make clear whether water in tile drains, for example, or erosion features on farmlands could fall under Federal control. At the very least, these flaws should be fixed before the rule is fully implemented, and I do appreciate the efforts of the Senator from Iowa in challenging this.

Americans should worry and Americans should be concerned that the Obama administration has pushed forward with this rule despite these legitimate concerns being voiced over and over again by 31 States. State and local governments, farmers, small business owners, and landowners are worried about how this unilateral expansion could lead to substantial compliance costs, fines, legal battles, and permitting requirements—very expensive to job-creating agriculture and agribusiness.

As they do with many of the administration's other onerous rules, Americans are asking: What is the benefit? What is the environmental benefit here? No one is arguing that our waters should not be protected, but water sources such as isolated ponds and ditches that do not threaten to pollute navigable waters should not become a regulatory burden for States, for municipalities, or for private citizens.

I am a member of the Environment and Public Works Committee. I participated in a number of hearings on the WOTUS rule this year. It is clear the rule should be revised in a way that protects the rights of farmers, ranchers, and landowners—and the American public, for that matter.

Senator ERNST is absolutely correct. Her resolution of disapproval would allow us to send this message to the EPA and the administration: Americans do not deserve this unnecessary confusion and job-killing redtape.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, in a few moments we will have an opportunity to vote on the Congressional Review Act, on the final rule under the Clean Water Act on waters of the United States. Yesterday, I thought we had a rather robust discussion and debate about this, the Barrasso bill, which would have not only prevented the final rule from going forward but also would have changed the underlying bill. Cloture was not invoked.

Now we are on the CRA—the Congressional Review Act—that would stop the rule from going forward. Yesterday on the floor of the Senate, I explained to my colleagues why I hope they will reject this motion and allow this rule to go forward. My main reason for saying that is that since 1972, Congress has had a proud record on behalf of public health, on behalf of our environment and protecting the people of this country from the dangers of dirty water. Before the Clean Water Act, we saw rivers that caught fire. In the Chesapeake Bay, we had the first marine dead zones reported. We made a commitment as a nation that we were going to do something about clean water, and Congress in a very bipartisan way passed the Clean Water Act as a commitment to the people of this country that we would take steps to protect their drinking water, to protect their public health, and to protect their environment so that the legacy would be cleaner water for future generations.

This Clean Water Act—the reason why we have this rule is because of a couple of Supreme Court decisions which basically unsettled what most people understood to be regulated waters. By a 5-to-4 decision in Rapanos, the Supreme Court's ruling sent it back to EPA to come up with additional regulatory guidance, throwing into question the well-established thoughts that waters generally that flow into our streams, into our wetlands, and into our water supply were regulated waters. So this final rule is a response to the Supreme Court decisions in order to give clarity to those who are affected by the Clean Water Act. So if we reject the rule, we are, in fact, removing clarity and we will go back to the stage where people don't know whether a particular water is regulated under the Clean Water Act.

I was listening to my colleagues on the floor give examples of where they say regulation will take place, when, in fact, in agriculture, there is basically no change in the regulatory structure. There are no new permitting requirements for agricultural activities.

If we don't go forward with the regulation, the risk factor is that approximately one-half of the stream miles in this country will not be fully protected. That is a huge risk to the public health of the people of this country.

Approximately 20 million acres of wetlands will not be regulated. Wetlands are the last frontier to filter water before it enters our water systems, our streams, our drinking water supplies. Do we really want to call into question that type of deregulation of clean water, which is critically important to public health and the drinking water supplies of Americans?

If this rule does not go forward, the source of the drinking water of approximately 117 million Americans will be compromised. One-third of the people of this country will see that we are not fully protecting their drinking water, and if we have an episode, they will be asking what did we do in order to protect their basic health. They expect us to make sure that when they turn their tap on, they get safe drinking water, and that when they bathe, they have safe water in order to bathe, and we are not doing everything we can

to do that if, in fact, we block this rule from going forward.

In reality, what we are doing is saying: No, we are not going to let science guide what goes forward; Congress is going to tell us whether the EPA can regulate our water based upon science. I don't think we want this to be a political decision; I think we want this to be a scientific decision.

As I said earlier, agriculture practices are not changed under this final rule. Many have mentioned the court challenge. Any regulation coming up by EPA is going to be subject to court challenge. We know that. And the courts have not been helpful. The 5-to-4 decision left a lot in question. Ultimately, we are going to have to rely upon a court decision. Let's get there sooner rather than later and not go back to the drawing board and delay the necessary regulations for our country.

Yesterday on the floor, I quoted from business leaders, environment leaders, small business leaders. Let me share a couple other quotes about why it is important for us to allow this rule to go forward. Let me talk about a business concern. This is a quote from Travis Campbell, president and CEO of Far Banks Enterprises, an integrated manufacturer and distributor of fly fishing products. He says:

My company depends on people enjoying their time recreating outside, especially in or near watersheds. Clarifying which waterways are protected under Clean Water Act isn't a nice-to-have, it is a business imperative.

Allowing this rule to go forward helps America's businesses, helps our economy.

I will give two quotes on the health issue.

This is from Dr. Alan Peterson, a family physician in Lancaster County, PA. He said:

Because it would protect the streams that are the headwaters of drinking water supplies for 1 in 3 U.S. residents, this rule is a health imperative.

Lastly, a person who used to be our health secretary in Maryland, Dr. Georges Benjamin, executive director of the American Public Health Association, stated:

Our nation relies on clean water for basic survival—it's essential for daily activities including drinking, cooking, bathing, and recreational use. When that water is polluted, Americans are at risk of exposure to a number of harmful contaminants. We are pleased that EPA has moved forward with this strong, evidence-based rule that will be vital to protecting the public from water pollution and keeping our nation healthy.

For the sake of our public health and the sake of our environment, for the sake of our economy, and for the legacy of this Congress to protect the people of this Nation, I urge my colleagues to reject the motion that would stop the final waters of the United States rule from going into effect.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. ERNST. I ask unanimous consent to speak for 5 minutes on the joint resolution that is before us.

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

Mrs. ERNST. Mr. President, we have a choice today to stand with our farmers, ranchers, small businesses, manufacturers, and homebuilders, or stand with an overreaching Federal agency pushing an illegal rule greatly expanding its power. That is an easy choice for me. I am standing with my constituents. I am standing with Iowans.

Rolling back this harmful WOTUS rule is hugely important to my State and, I know, to many others. I especially wish to thank the junior Senator from Wyoming and the senior Senator from Oklahoma for all their hard work on this issue. I also wish to thank those from the other side of the aisle who recognize the harm this rule will have and are supporting this bipartisan effort to halt an expanded WOTUS.

I am proud to stand with them and all of my other colleagues who have decided to act today to push back against yet another power grab by the EPA. This is what the American people expect. They expect us to take the votes and debate the issues of the day, not simply put in writing how we may do our job tomorrow when it is more convenient or wait for the courts to solve a clear problem.

Every community wants to have clean water and to protect our Nation's waterways. No one is disputing that. I grew up on well water. I understand that clean water is essential, but that is not what this vote today is about.

To build on what the junior Senator from North Dakota, my colleague from across the aisle, said yesterday, to suggest that 31 States, agricultural groups, the Association of Counties, our Governors, municipalities—that we are all wrong is absolutely insulting.

Look at this grass waterway behind me. This is from Iowa. This was taken by one of my staff members as he was out on RAGBRAI, the Register's Annual Great Bicycle Ride Across Iowa. This is what we are debating. This is what the rule is about. Should Washington, DC, bureaucrats control the land in this farmer's field? The clear answer is no, they should not.

As so many of my colleagues mentioned yesterday and this morning, this confusing WOTUS rule threatens the livelihoods of rural communities and middle-class Americans. It threatens to impede small businesses and manufacturing. It impacts middle-class Americans. These people are the backbone of this country. How can these industries flourish when under this rule they will be faced with excessive permitting requirements that will delay future projects and conservation efforts? They can't.

Yesterday we saw many of our colleagues across the aisle block a commonsense bipartisan measure designed to stop the harmful impacts of this rule. They claimed this rule is grounded in science and the law. Science and the law? Really? The Army Corps' memos show that the science was blatantly ignored by the EPA in favor of politics, and two Federal courts have already called into serious question the legality of this WOTUS rule and the science behind it.

This claim is in spite of the fact that Members on the other side voted for Senator BARRASSO's legislation yesterday. This is in spite of the fact that Members of the other side also support this legislation, and this is in spite of the fact that 11 Democrats sent a letter to the EPA yesterday stating their concern over serious issues with this rule. Yet this administration continues to unilaterally enforce its harmful agenda on the American people.

We must take a stand, put our constituents first, put American jobs first, and say: No more, Mr. President. It is time to put politics and ideology aside and start listening to the commonsense voices of the American people. I urge my colleagues to support this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I haven't talked about the popularity of the Clean Water Act, but every poll has shown that the overwhelming majority of Americans support what EPA is doing in protecting our water supply. They are for this rule. They are for a commonsense, science-based way to protect their drinking water. They are for a scientifically based, commonsense way to make sure that their rivers are clean. Whether it is because of their concern for the environment and their children and grandchildren's health or whether it is their concern about our economy, recognizing that clean water is necessary for agriculture and for our activities—recreational activities along our waterways which are critical to our economy—for all of those reasons they support the Clean Water Act.

I urge my colleagues to look at the rule. It doesn't regulate new activities in agriculture. It doesn't require anything different than has been historically the role of the Clean Water Act in protecting our waters. It deals with waters that are affecting our water supply. It doesn't deal with isolated ponds. It doesn't deal with ditches. They are not regulated under this law any differently than they were in the past.

I urge my colleagues to look at what is in this regulation, not the claims that have been made. The EPA listened to the different interest groups. There were over 400 meetings with stakeholders across the country to provide information, hear concerns, and answer their questions. EPA officials visited

farms in Arizona, Colorado, my home State of Maryland, Mississippi, Missouri, New York, Pennsylvania, Texas, and Vermont.

The 207-day public comment period on the proposed rule resulted in more than 1 million comments. All of this public input helped to shape the final clean water rule. The act does not require any new permitting from the agricultural community. There is an exemption under the existing Clean Water Act, which is preserved by this final rule. Normal farming, silviculture, and ranching practices—those activities that include plowing, seeding, cultivating, minor drainage, and harvesting for production of food, fiber, and forest products—are exempt. They are not covered under this final Clean Water Act. Soil and water conservation practices and dry land are exempt. Agricultural storm water discharges are exempt. Return flows from irrigated agriculture, construction, and maintenance of farm or stock ponds or irrigation ditches on dry land are not covered under the rule. Maintenance of draining ditches is not covered under the rule. Construction or maintenance of farm, forest, and temporary mining roads are not covered.

When my colleagues come in and say that this ditch is being regulated under the Clean Water Act, it is not the case. Only those flows of water that directly impact our streams, impact our wetlands—those you want to make sure we cover because they affect our drinking water supply for one out of every three Americans, because they affect our public health for those of us who swim in our streams and our lakes, and because they affect those of us who enjoy the recreation of clean water. That is why we have small business owners. That is why we have the businesses that depend upon clean water. That is why we have a lot of people around the country saying: Look, it is in our economic interest to make sure this rule goes forward.

The bottom line is, the stakeholders need clarity. This rule will allow that process to go forward so that we can get clarity in the implementation of the Clean Water Act, which was jeopardized not by Congress and not by EPA but by the Supreme Court's decisions. It is our responsibility to make sure that clarity exists.

If Congress blocks this clean water rule from going forward, we are adding to the uncertainty that is in no one's interest, whether it is a person who depends upon safe drinking water or the safe environment or a farmer who wants to know what is regulated and what is not. All of that very much depends upon clarity moving forward.

EPA listened to all the stakeholders, and it is important to allow this rule to go forward. I urge my colleagues to reject this effort to stop the final act from going forward. Let our legacy to our children and grandchildren be safe, clean water for drinking and recreational purposes for our economy. Since 1972, we have had a proud history of allowing and building upon safe and clean water. I urge my colleagues to reject this effort to stop this rule from going forward.

I yield the floor.

I yield back my time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. SASSE). The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

Graham	Rubio	Vitter

The joint resolution (S.J. Res. 22) was passed, as follows:

S.J. RES. 22

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to ''Clean Water Rule: Definition of 'Waters of the United States' '' (80 Fed. Reg. 37054; June 29, 2015), and such rule shall have no force or effect.

The PRESIDING OFFICER. The majority leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 2685.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 118, H.R. 2685, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. 2193

Mr. CRUZ. Mr. President, our country does many things well, but our government in Washington often fails the people whom it exists to protect. One of the best examples is the Obama administration's failure to enforce our Nation's immigration laws, despite the American people's continued demands that the Federal Government follow its duty to do so.

It is worth noting that just yesterday the voters of San Francisco voted to replace the sheriff who had defended the sanctuary city policy. That is a striking statement of where the American people are on this issue.

Unfortunately, the Democrats in the Nation's Capitol refuse to listen to the American people. Just 2 weeks ago, Senate Democrats blocked a bill that would have imposed a 5-year minimum mandatory sentence on criminal aliens who have illegally reentered the country. This issue is too important to give up and this fight is far from over. That is why I intend to call up Kate's Law for its urgent and immediate passage in the Senate. This bill is named in honor of Kate Steinle, who died tragically in the arms of her father on a San Francisco pier after being fatally shot by an illegal alien who had been deported from the United States multiple times.

When it comes to stopping sanctuary cities and protecting our safety, we need governing, we need leadership, and we need elected officials in Washington to listen to the people we are elected to represent. We need to actually fix the problem. Enough hot air, let's demonstrate we can come together and solve this problem. This ought to be a clear choice. With whom do you stand? Do you stand with violent criminal illegal aliens or do you stand with American citizens? Do you stand with our sons and daughters and those at risk of violent crime? I hope my colleagues in the Senate will come together and stand in bipartisan support that we stand with the American people.

I will note that Bill O'Reilly has been tremendous, calling over and over again on leaders of this body simply to pass Kate's Law. This is not a partisan

issue, at least it should not be. We should stand with American citizens. I am reminded of the heartbreaking words of Kate Steinle as she lay in her father's arms. She simply said: ''Dad, help me.'' Well, we have an opportunity to determine if we are willing to listen to her dying words, if we are willing to stand with her. I would note, by the way, this should not be a red State-blue State issue.

For the people of San Francisco to throw out of office the sheriff responsible for the policies that led directly to Kate Steinle's murder indicates that even in the bluest of blue cities and the bluest of blue States, the American people are tired of politicians standing with violent criminal illegal aliens. This should bring us together. We should stand together and say we will protect the American citizens.

I will tell you, the Obama administration's record on this is shocking. In 2013, the Obama administration released from detention roughly 36,000 convicted criminal aliens who were awaiting the outcomes of deportation proceedings. These criminal aliens were responsible for 193 homicide convictions. They were responsible for 426 sexual assault convictions. They were responsible for 303 kidnapping convictions. They were responsible for 1,075 aggravated assault convictions. They were responsible for 16,070 drunk driving convictions.

On top of that, the Obama administration had another 68,000 illegal immigrants with criminal convictions whom the Federal Government encountered but never even bothered to take into custody for deportation. That is over 104,000 criminal illegal aliens the Obama administration is responsible for releasing to the public.

I ask my friends on the Democratic side of the aisle how you look in the eyes of a father or mother who has lost their loved one because of a violent criminal illegal alien, who has murdered, who has raped, who has assaulted, who has kidnapped, who has brutalized your child? We are responsible for the consequences of our actions. Kate's Law is commonsense legislation. It is legislation that says: If a criminal illegal alien who is an aggravated felon—who is the worst of the worst—illegally reenters this country, comes in a second time, that criminal illegal alien will face a mandatory minimum of 5 years in prison.

If Kate's Law had been passed 5 years ago, Kate Steinle would still be alive. That means every Democrat who stands up and blocks Kate's Law needs to be prepared to explain why standing with violent criminal illegal aliens is more important than protecting American citizens.

I am proud to have joining me as cosponsors of Kate's Law Senator GRASSLEY, Senator VITTER, Senator RUBIO, and Senator PERDUE. They are all coming together in what should be bipartisan leadership to protect the American citizens.

Mr. President, accordingly, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2193; further, that the bill be read a third time and passed and the motion to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

A unanimous consent request is pending before the body. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the new mandatory minimum sentences this bill would create would have a crippling financial effect—that is an understatement—with no evidence that they would actually deter future violations of law. This legislation would require about 20,000 new prison beds—20,000—12 new prisons and cost over $3 billion.

This is yet another attack on the immigrant. The reason this bill did not go through the Judiciary Committee is because Republican Senators objected to it going through the committee. In the House, Speaker RYAN said he cannot trust the President to do immigration reform. In the Senate, after passing a bipartisan bill in 2013, all we have seen from Republican leaders and their caucus are bills to attack immigrants and to tear families apart. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRUZ. Mr. President, you know I will tell you it is sad that the Democratic leader chooses to stand with violent criminal illegal aliens instead of American citizens, but even sadder is that he impugns legal immigrants. When the Democratic leader suggests that incarcerating aggravated felons, murderers, and rapists who illegally enter the country is somehow a slight to immigrants—I am the son of an immigrant who came legally from Cuba. There is no one in this Chamber who will stand and fight harder for legal immigrants than I will. For the Democratic leader to cynically suggest that somehow immigrants should be lumped into the same bucket as murderers and rapists, it demonstrates the cynicism of the modern Democratic Party, it demonstrates just how out of touch the modern Democratic Party is.

You know who does not agree with the Democratic leader? The voters of San Francisco—I would venture to say almost all of whom consider themselves Democrats. Yet they just voted out the sheriff for saying basically the same thing the Democratic leader did, for saying that the Democratic Party stands with violent felon illegal immigrants instead of the American citizens.

Let's listen to what the Democratic leader just said: Gosh, it would cost too much to incarcerate aggravated felons who illegally reenter the country. If it costs too much to lock up murderers, rapists, kidnappers, then you know what, we need to spend the money it needs to lock up every single murderer we can. I am sorry the Democratic Party does not want to spend the money to lock up murderers, and instead apparently it is cheaper to lose our sons and daughters. I think we have the resources to lock up murderers. There should be no confusion where the parties stand.

The Democratic leader suggested that locking up aggravated felons is somehow disrespectful to immigrants. With all respect, as the son of an immigrant, I believe immigrants who come here legally, who are not criminals, should be treated markedly different from murderers and rapists. Yet the Democratic Party chooses to stand with the murderers, rapists, and violent criminals. That is unfortunate, indeed.

UNANIMOUS CONSENT REQUEST—S. RES. 224

Mr. President, I would now like to turn to a second matter. This is a matter I have raised a number of times on the Senate floor and intend to continue raising. It is the matter of the human rights abuses in the People's Republic of China. I would like to talk about some specific examples, starting with the one-child policy. I want to talk to you about Feng Jianmei.

PRC officials forced Feng Jianmei, who was 7 months pregnant with her second daughter, to undergo an abortion. While her husband Deng Jiyuan was at work, five family planning officials abducted Ms. Feng on June 2, 2012. When she could not pay the fine of 40,000 RMB, they restrained her and forcibly aborted her daughter.

As her husband recounted, ''At the hospital, they held her down. They covered her head with a pillowcase. She could not do anything because they were restraining her.'' The so-called ''medics'' forced her to ''sign'' an abortion consent form by inking her thumb and pressing it against the paper. Then they proceeded to inject toxins into the brain of her unborn daughter.

After the injection, Jianmei suffered excruciating contractions until 3 a.m. on June 4. Then, having received no anesthesia, she gave birth to her deceased child. Jianmei said:

> I could feel the baby jumping around inside me all the time, but then she went still. It was much more painful than my first childbirth. The baby was lifeless. She was all purple and blue.

In an act of heartlessness that is difficult to comprehend, the so-called doctors who performed this abortion left the lifeless body of Feng's 7-month-old

baby on her bed beside her, leaving a bereaved mother with nothing but the sight of what could have been. Feng Jianmei's father-in-law rushed to the hospital, but family planning officials prevented him from seeing Jianmei until after the abortion.

After seeing her mother for the first time after her forced abortion, Feng's elder daughter innocently inquired, ''What happened to your tummy? Where did the baby go?''

Reggie Littlejohn, a world-renowned human rights activist who broke this story in the United States, stated in the wake of this tragic story: ''This is an outrage. No legitimate government would commit or tolerate such an act.''

China is among the leading nations in suicide rates. It is the only nation where more women commit suicide than men. A large contributing factor to this morose distinction is the totalitarian one-child policy.

Another example is the crackdown on lawyers. When the United States engages with China in any sort of bilateral negotiation or agreement, we have to understand that the rule of law is not a reality in the PRC. Despite laws duly passed by the National People's Congress, and a supposed Constitution, the reality since 1949 remains unchanged: China has a ''rule of the party''—the Communist Party—and it is ready to punish anyone who challenges its violation of the law within the legal system.

The latest example is human rights lawyer Pu Zhiquiang. In early May 2014, Pu attended a small, private seminar where the participants discussed the Tiananmen Square Massacre and the party's violent suppression of students. Pu was a student leader during the infamous 1989 protests, so marking the auspicious occasion was no doubt of personal importance to him.

The following month Pu was arrested and charged with ''illegally obtaining personal information of citizens'' and ''picking quarrels and provoking trouble.'' As the year progressed, PRC authorities added additional charges ''inciting splittism'' and ''inciting ethnic hatred.'' In May 2015, a Beijing court officially indicted Pu on two of these charges, and he remains in custody today.

While legal officials cited Pu's criticisms of the PRC's treatment of the Uighur ethnic minorities, his real offenses were taking cases and representing victims of forced eviction and shining a light on China's labor camps. His defendants included a who's who of China's prominent political dissidents, including Liu Xiaobo—a brave, selfless action that undoubtedly painted a target on Pu's back.

Prior to his arrest, the PRC praised Pu as a paragon of social justice. The state-run China Newsweek magazine named Mr. Pu the most influential person in promoting the rule of law in 2013. This is a microcosm of life in authoritarian China: Compliance with the party and compliance with the law are often at odds, and the party always wins.

In the past year, Beijing has detained and jailed hundreds of activists standing for the rule of law, ideals the party ostensibly espouses. Words are one thing; public embarrassment of public officials is quite another. Xi Jinping and his cohorts cannot abide the erosion of their credibility or anything that would threaten their legitimacy.

A third example is Pastor Zhang Shaojie. Under President Xi, the atheist Communist Party of China has targeted Christianity for special oppression. Using a campaign in Zhejiang—a province which President Xi ran earlier in his career—to forcibly remove crosses from churches, in some cases, the PRC has gone on to bulldoze entire churches and to arrest pastors and congregants for standing boldly for their faith.

Persecution of Christianity is not confined to Zhejiang. One such victim of this crackdown is Pastor Zhang Shaojie. On July 24, 2014, the Nanle County People's Court, ignoring domestic and international due process provisions, sentenced Pastor Zhang Shaojie to 12 years in prison on a count of ''fraud'' and ''gathering a crowd to disrupt public order.''

Again, arrest charges in China do not reflect reality. Prior to his arrest, Pastor Zhang was defending the rights of his church in regard to the land they had purchased. Pastor Zhang and his parishioners traveled to Beijing three times in November 2013 seeking resolution of the land dispute. Maybe this is what the People's Court meant by ''fraud.'' According to his congregants, the minister also had a ministry of helping victims of legal injustice seek restitution. Perhaps this is what the Communist Party referred to in its charge of ''disrupting public order.''

The following month, the Puyang Municipality Intermediate People's Court rejected Zhang's appeal.

In October, the Nanle County Court threatened to auction off Zhang's house to pay for a court-ordered fine, ordering Zhang's family to leave the house by October 26. In response, Zhang's mother physically stood between the Chinese officials and her home, holding gasoline in one hand and a lighter in the other.

It is a sad reflection of China's supposed progress on human rights when a citizen feels her only recourse against a dictatorial regime is the threat of self-immolation.

His sister, having been detained, along with several of Pastor Zhang's parishioners, suffered in one of China's most infamous black prisons for 1½ years. Her words, penned in this letter, require no substitute:

I am Zhang Cuijian, one of the Nanle County Christian Church members detained in 2013. When my brother was kidnapped, I went with other church members to the public security bureau for information about his detention. Unexpectedly, I became the target of arrest, as well as more than a dozen other church members. We became prisoners who were unprepared and innocent. The prison was hell on earth; no other words can describe it.

In prison, I was very grateful. I truly felt that God was with me, even though I suffered punishment in prison. I had a thankful heart; I had joy from God. I deeply know my true and living God. While my body suffered, my heart was free. God let me learn different life lessons. I know that the more persecution I endure, the greater the blessing.

In America, we should stand with victims of oppression. In America, we should stand with Christians being persecuted by the brutal Communist totalitarian dictatorship. In America, we should stand for women's rights. Women being forced to have abortions are horrific acts of brutality. They are inhumane. They are contrary not only to American values but to human rights across the globe, and they are carried out as a matter of policy in the People's Republic of China.

When it comes to Chinese oppression, when it comes to Communist oppression, this is not an abstract or academic matter for me. My family has been tortured at the hands of Communists in Cuba. My father was imprisoned and tortured by Batista in Cuba, and my aunt was imprisoned and tortured by Castro's Communist goons in Cuba.

Communist oppression is real, and we have a powerful example of what America could do. When the Soviet Union was in power, this body renamed the street in front of the Soviet Embassy ''Sakharov Plaza.'' Renaming that was done by President Reagan.

Iowa Senator CHUCK GRASSLEY introduced the resolution in this body. Every day the Soviet officials had to write on the address of their Embassy: ''Sakharov Plaza,'' honoring the imprisoned dissident. This resolution is to use the same power of moral clarity, the same power of shaming, and the same power of speaking the truth to shine a light on the oppression in China.

When Senator GRASSLEY took the lead with Sakharov Plaza, that helped shame the Soviet Union into changing their conduct. We should use the same moral authority with respect to the People's Republic of China.

My resolution is cosponsored by Senator RUBIO, Senator TOOMEY, and Senator SASSE. It was on a path to being unanimously approved in this body. Every Republican had signed off on it and initially every Democrat had as well. Yet moments before it was about to pass the Senate, unfortunately the senior Senator from California decided to come to the floor and object.

After objecting, after blocking its passage, Senator FEINSTEIN put out a press release, a press release with which I agree emphatically. Senator FEINSTEIN observed, powerfully, that ''we urgently request the Chinese government to allow Liu Xia to seek medical treatment abroad and release Liu Xiabo, the world's only jailed Nobel Peace Prize laureate.''

Senator FEINSTEIN was exactly right. If anything should bring us together in

bipartisan agreement, it should be against the Communist Party's wrongful imprisonment and oppression of a Nobel Peace laureate. Yet sadly, each time I have attempted to follow the successful pattern of Sakharov Plaza, to rename the street in front of the Chinese Embassy ''Liu Xiabo Plaza,'' the senior Senator from California stood and objected.

For the life of me I cannot understand why any Member of this body would choose to stand with Communist Party oppressors against dissidents, against human rights, against women's rights, against the rights of those standing to speak for freedom.

Yes, we have to negotiate with the Chinese. Yes, we have to talk to them. Just like in the Cold War, we negotiated at Reykjavik with Gorbachev, but we did it from moral authority and truth.

If we are afraid of even embarrassing the Communist Party, if their conduct doesn't embarrass them, we shouldn't shy away from speaking the truth.

Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 224. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. PERDUE). Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, and this is the first time I will have objected, I would like—since my name was raised and a communication of mine was read—to explain the circumstances.

Yes, this is a press release that I wrote, and, yes, I do feel that the wife of this man should be released from house arrest and the man himself, the Nobel laureate, should be released by the Chinese. He has certainly served time for a substantial period, and more than that I do not believe it works to the benefit of China, the family, human rights or the progress of the country.

Unlike the Senator from Texas, I have had a long experience with the Chinese, going back more than 30 years. I know what can convince them to move toward a goal and I know what will become a real stumbling block and a point of opposition. To change the name of a street on which the Chinese Embassy in the United States rests will only be a greater stumbling block to achieving this goal, so I will object to that.

Since my name was also raised—or San Francisco's name was raised in his prior discussion, I would respectfully ask if I could make a few remarks about Kate Steinle and the situation the Senator from Texas has raised.

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

Mrs. FEINSTEIN. Thank you very much.

Respectfully, Senator, I do not believe that you know much about San Francisco. I am a lifelong San Franciscan. I served the city as a mayor for 9 years, president of the board of supervisors for 7 years, and another 8 years as supervisor. I believe I know something about the city of my birth, my education.

The reason for the defeat of the sheriff is multifaceted. It doesn't just begin with one thing, and I want you to know that.

With respect to the situation we spoke about, which is whether a local sheriff should in fact respond to a Federal Government request, if that request is for a detainer, if that request is for a communication, I believe very strongly that sheriff should do that. And was that part of the campaign of the sheriff that is going to be the sheriff-elect? I can't say with any specificity, but I can say that is my belief.

I think going overboard and punishing everybody makes very little sense. So I am hopeful the Department of Homeland Security, through its efforts with the PEP program, will be able to secure cooperation from the city and county of San Francisco. If it does not, then that is another story. But I believe the Department is making headway in discussions with other communities that are in fact sanctuary cities.

Since we are on the subject, in 1985, as mayor of the city, I was the first person to be sought out by the archbishop who asked for a brief reprieve or a reprieve for nuns from El Salvador, and that was the first piece of legislation. It was small and it was restricted to a country that was in a civil war with some terrible things happening. Since that time, the sanctuary concept has expanded considerably and, to some extent, I think far beyond what it should be. But I think the way to do this is through hearings and discussion among the Members and not with over-the-top rhetoric that moves visceral impulses—because we have to live, Senator, by the public policy we espouse, and we have to know that it is wise and prudent. I deeply believe that.

So I just wanted to clarify the record, and I thank the Senator for allowing me to do so.

I yield the floor, and I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CRUZ. Mr. President, I would note with regard to Kate's Law, the senior Senator from California just said that going overboard and punishing everyone is not something we should do. This is reprising the same thing the Democratic leader said—that somehow incarcerating aggravated felons is punishing everybody.

As the son of an immigrant, I take offense at the suggestion from the Democratic Party that every immigrant is somehow an aggravated felon. Incarcerating murderers and rapists is not punishing everybody.

Mrs. FEINSTEIN. Will the Senator allow a question?

Mr. CRUZ. I will be happy to.

Mrs. FEINSTEIN. I don't believe there is anything I said that related to our letting aggravated murderers and others who would reap great harm to our society. I do not favor that, and I would like the record to clearly reflect that.

Mr. CRUZ. I would note the senior Senator from California characterized Kate's Law—and this is a verbatim quote—as ''going overboard and punishing everyone.'' Kate's Law is targeted only to aggravated felons. It is only murderers and rapists and other violent criminals—those who have committed aggravated felonies and have reentered the country illegally.

So what the Democratic Party has attempted to do, what the Democratic leader has attempted to do is to suggest that incarcerating illegal immigrants who are murderers and rapists is somehow maligning or impugning immigrants. To the contrary, it is targeting violent criminals. I do not believe the millions of legal immigrants who followed the rules, like my father did, are in any way swept into a law that is targeting aggravated felons.

Aggravated felons is a discreet category. Had Kate's Law passed 5 years ago, Kate Steinle would still be alive today.

Mrs. FEINSTEIN. If I might respond—I think the Senator from Texas is a member of the Judiciary Committee, I am a member of the Judiciary Committee, and the chairman of the Judiciary Committee is on the floor. It is something we ought to take a look at. I haven't reviewed the case law, I don't think ever on this specific point, and I would like an opportunity to do so. But what I really bristle to is the extreme rhetoric and throwing everybody into the same basket as somebody who is a violent criminal, because the immigrants whom I know in California by and large are not violent criminals. They are family people. They sustain the No. 1 agricultural industry in America. They work hard, they pay their taxes, they get in line for legalization, they are good citizens, and our economy is better for them, not worse. So I don't want to impugn everybody, which your broad, sweeping language, candidly, does.

Mr. CRUZ. With respect, I would note that the only overreaching rhetoric that has been heard on this floor has come from the Democratic leader, suggesting somehow that targeting violent criminals is targeting all immigrants.

It is worth noting that Kate's Law addresses only aggravated felons. So the suggestion of the senior Senator from California that we should not assume aggravated felons are criminals is a statement that, on its face, makes no sense. They are by definition. It is only the violent criminals—the aggravated felons—that this is targeted to.

I will say I am encouraged, though, that the senior Senator from California

stated she would become interested in the Judiciary Committee taking this up. As she noted, the chairman of the Judiciary Committee is here. There is unanimous support on the Republican side of the aisle, and it would truly be significant if the senior Senator from California were willing to join with Republicans in targeting actual aggravated felons, which is what Kate's Law does.

The Senator from California says she doesn't want overheated rhetoric. The rhetoric has been coming from the Democratic side. What I have been saying is we should not be releasing violent criminal illegal aliens. That is a commonsense proposition that the overwhelming majority of the American people agree with.

Let me also make a point about the objection of the senior Senator from California—for the third time now—to my effort to stand up to Communist Chinese oppression. It is one thing for Members of this body to give a good speech, to send a letter, and to put out a press release. That is something Washington does a lot. It is something we are really quite good at. It is another thing to act. We should be acting. We should be leading.

Now, the Senator suggested this would be counterproductive. I would note that the senior Senator from California did not address the fact that when we followed the exact same strategy in the 1980s under President Reagan, with Senator GRASSLEY's leadership, in renaming the street in front of the Soviet Embassy Sakharov Plaza, it had a very positive effect. Now, the Soviets didn't like it. They howled mightily. But the heat and light and attention of world scrutiny helped to change their behavior and helped to win the Cold War.

To Liu Xiaobo, to Liu Xia, to all the human rights dissidents imprisoned in China, to the mothers who faced forcible abortions, I hope my words penetrate the dark prisons in which they are sitting. I hope my words serve as light and encouragement to each of them.

I think back to when my father and my aunt were in Cuban prisons, and how much I would have liked leadership in the United States to shine a light of hope and encouragement.

Some months ago, I met with Natan Sharansky in Jerusalem. He described how, in the dark of a Soviet gulag, President Ronald Reagan's words shined into that darkness and prisoners passed from cell to cell: Did you hear what President Reagan said? Evil empire, ash heap of history, tear down this wall. Those words, that moral clarity, that American leadership for human rights changed the world. If we stand together, we can do the same thing with regard to China.

As much as I hope my words penetrate those cells, I pray the words and actions of the senior Senator from California do not penetrate those cells. It saddens me that, in the face of unspeakable brutality and evil, the Democratic Senator chooses to align herself with the Communist Party dictators rather than a Nobel Peace laureate.

My hope is that time and reflection will cause the senior Senator from California to recognize that we should be united in a bipartisan manner in support of human rights. It is my hope that we stand together.

I intend to continue to submit this resolution over and over and over, because every time the light is shined on the grotesque evil of what China is doing, we are vindicating our values of who we are as Americans. It is my hope, as I speak out to the Chinese American citizens in California, in Texas, and across this country, that their voices are heard by their senior Senator from California, that the Chinese American citizens ask their senior Senator: Why is it that you are standing and defending the Communist Government in China for its human rights abuses?

That is not a question I would want to answer to my constituents whom I am charged with representing. It is my hope that all of us say: Listen, we can disagree on all sorts of political matters. We can disagree on marginal tax rates. But when it comes to forced abortions, when it comes to imprisoning and mistreating and torturing political prisoners, including a Nobel Peace laureate, the United States Senate stands in unanimity, 100 to nothing. That is my hope—that, in time, truth will prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Before I speak on the main subject for which I came to the floor, I want to compliment the Senator from Texas for both of the points he has made about the renaming of the street by the Chinese Embassy and also for what he has done in regard to Kate's Law today.

Maybe something good has come out of his presentation on the floor, even though he wasn't able to proceed, in that if there is a real desire in the Judiciary Committee, which I chair, for a bipartisan approach to getting mandatory sentences for criminal felons who have been deported and have come back into the country, so that we don't have 121 people murdered in the future, as we have had in the last 5 years—because of mandatory sentencing under Kate's Law—I would be glad to pursue that.

The reason this bill didn't go through the committee in the first place is that we felt there would be every effort to stop it from getting out of committee.

INSPECTOR GENERAL EMPOWERMENT ACT

Before I go to my full prepared remarks, I want to tell my colleagues why we ought to pass the legislation I am going to refer to. I will summarize by saying that the 1978 inspectors general law says that an inspector general is entitled to all material he needs in each agency to do the work that he has to do.

Well, about 3 months ago, probably at the behest of the FBI, a single person in the Justice Department, in the Office of Legal Counsel, issued an opinion that said ''all'' doesn't mean all. So that means an inspector general has to go through a lot of redtape in order to get the material he or she needs to do their job.

I don't need to tell my colleagues how important inspectors general are. They are important because they help us do our congressional job of oversight to ferret out waste, fraud, and mismanagement.

Americans have a right to know when our government is misbehaving or wasting taxpayer dollars. To ensure accountability and transparency in government, Congress created inspectors general, sometimes referred to as IGs, as their eyes and ears within the executive branch.

Those independent watchdogs are uniquely positioned to help Congress and the public fight waste, fraud, and abuse in government. But IGs cannot do their job without timely and without independent access to all agency records. That is why ''all'' means all.

Agencies cannot be trusted to restrict the flow of potentially embarrassing documents to the IGs who oversee them. Watchdogs need access to those documents to do their job. They are mandated by law to keep Congress fully informed about waste, fraud, and abuse problems. If the agencies can keep IGs in the dark, then this Congress will be kept in the dark as well. If given the chance, agencies will almost always choose to hide their problems from scrutiny. In other words, the public's business that ought to be public sometimes does not become public and there is less accountability.

Getting back to the 1978 act, when Congress passed this act, we very explicitly said that IGs should have access to all agency records. Let's get back to what happened. What happened was one person in the Department of Justice said that ''all'' doesn't mean all. Does it make sense to have one person out of the entire bureaucracies of the United States make a ruling that when Congress says ''all'' means all, all of a sudden ''all'' doesn't mean all?

If inspectors general deem a document necessary to do their job, then the agency should turn it over immediately. Inspectors General are designed to be very independent but also to be a part of the agency. They are inside so they can see when the laws aren't being followed, when the money isn't being spent according to law. They are there to help agency leadership identify and correct waste, fraud, and abuse. I would hope every agency head appreciates a person whose main responsibility is to help see that the law is followed.

Fights between an agency and its own inspector general over access to documents are a waste of time and a

waste of taxpayers' money. The law of 1978 requires that inspectors general have access to all agency records precisely to avoid these costly and time-consuming disputes. However, since 2010 a handful of agencies—led by the FBI, the law enforcement agency of the U.S. Government—has refused to comply with this legal obligation that ''all'' means all. Agencies started to withhold documents and argued that IGs are not entitled to ''all records'' even though that is exactly what the law says.

In other words, it is pretty simple: ''All'' means all. But on this island of DC, surrounded by reality, maybe common sense doesn't prevail and maybe ''all'' doesn't mean all. The law was written to ensure that agencies cannot pick and choose when to cooperate with the IGs and when to withhold records. Unfortunately, that is precisely what several agencies started doing after this single person in the Department of Justice made this ruling.

The Justice Department claimed that the inspector general could not access certain records until Department leadership gave them permission. Requiring prior approval from any agency leadership for access to agency information undermines the inspector general's responsibilities and, most often, his independence. That is bad enough, but it also causes wasteful delays. It effectively thwarts inspector general oversight. This is exactly the very opposite of the way the law is supposed to work.

After this access problem came to light, Congress took action. The 2015 Department of Justice Appropriations Act declares that ''no funds provided in this Act shall be used to deny the Inspector General of the Department of Justice timely access to all records, documents, and other materials. . . . ''

The new law also directed the inspector general to report to Congress within 5 days whenever there was failure to comply with that statutory requirement. In other words, these people take an oath to uphold the laws. The law says ''all'' means all, and somehow they can ignore it.

In February alone, the Justice Department's inspector general notified Congress on three separate occasions in which the FBI failed to provide access to records requested for oversight investigations. IGs for the Environmental Protection Agency, for the Department of Commerce, and for the Peace Corps have experienced similar stonewalling. Then, in July, the Justice Department's Office of Legal Counsel released a memo arguing that we did not really mean all records when we put those words in the law of the United States of America. That is the one person I am talking about. The Office of Legal Counsel released this memo that says ''all'' doesn't mean all even though the law says ''all'' means all. So let me be clear. We meant what we said in the IG Act: All records really means, pretty simply, all records.

In early August, I chaired a hearing on this opinion and the devastating impact it is already having on the work of inspectors general across government. Multiple witnesses described how the opinion handcuffed inspectors general and brought their important work to a standstill. In fact, the Internal Revenue Service had already cited the misguided Office of Legal Counsel opinion in order to justify stiff-arming its IG access to all records.

Even the Justice Department's witness disagreed—get this—we had a Justice Department official testify, and that witness disagreed with the results of the Office of Legal Counsel opinion and directly told us that we ought to support and initiate legislative action to solve the problem.

Now, here is a high-level person, above the Office of Legal Counsel, saying we ought to pass a bill to correct what that agency says had had an impact that wasn't surmised would happen—that we ought to pass a bill when they could just withdraw the Office of Legal Counsel ruling.

As a result of that testimony, following that hearing, 11 of my colleagues and I sent a bipartisan, bicameral letter to the Department of Justice and to the inspector general community of the various agencies. In that letter, the chair and ranking member of the committees of jurisdiction in both the House and Senate asked for specific legislative language to reaffirm that ''all'' means all for all inspectors general, every one of them.

It took the Justice Department 3 months to respond to that letter for the very same thing they had testified about—that we ought to pass a law to do it, and we asked them for their help. The language it provided, however, fails to address the negative effects the Office of Legal Counsel's opinion is already having on the ability of IGs to access their agency records all across government. However, the inspector general community throughout our bureaucracy responded to our letter within 2 weeks and provided language that is actually responsive to our request.

In September, a bipartisan group of Senators and I incorporated the core of this language in S. 579, called the Inspector General Empowerment Act of 2015—a bill we shouldn't even have to pass, if Justice would just withdraw this Office of Legal Counsel opinion that causes this problem in the first place.

Specifically, I was joined in this effort on this bill by 11 other Members, including Senators MCCASKILL, CARPER, BALDWIN, and MIKULSKI. Senator MIKULSKI serves as vice chair of both the Appropriations Committee and the subcommittee which has jurisdiction over appropriations for the Justice Department. She and Chairman SHELBY were the authors of the appropriations rider I recently spoke about.

In July, 1 week after the Office of Legal Counsel issued its awful legal opinion, Senators MIKULSKI and SHELBY sent a letter to the Justice Department correcting the Office of Legal Counsel's misreading of that appropriations rider, also known as section 218. I will read a few excerpts from that letter from the two highest people on the Appropriations Committee, who are in a pretty good position to tell these bureaucrats where to go and particularly where to go when the law is very clear and the Appropriations Committee is very clear that some opinion by the Office of Legal Counsel isn't even justified. Quote:

> We write to inform you that Office of Legal Counsel's interpretation of Section 218—and the subsequent conclusion of our Committee's intention—is wrong.
>
> Surmising that multiple interpretations of section 218 created uncertainty, Office of Legal Counsel chose one of the three rationales that most suited its own decision to withhold information from the Office of Inspector General.
>
> This conclusion was not consistent with the Committee's intention at all. Rather, the Committee had only one goal in drafting section 218. . . . to improve OIG access to Department documents and information.
>
> We expect the Department and all of its agencies to fully comply with section 218, and to provide the Office of Inspector General with full and immediate access to all records, documents, and other material in accordance with section 6(a) of the Inspector General Act. End Quote.

So there we have the appropriators saying what our bill is trying to do, saying that it is wrong for one person in the Office of Legal Counsel to overturn 30 years of law that we have had in the inspector general's office.

I applaud my colleagues on this very important Appropriations Committee for standing up for inspectors general, and I applaud my colleagues who have joined me in sponsoring the legislation entitled The Inspector General Empowerment Act of 2015.

I especially thank Senators JOHNSON and MCCASKILL for working with me on this legislation from the very beginning and for their work in getting this bill through their committee. Apparently the plain language of the IG Act and the 2015 appropriations rider was somehow not clear enough for the Office of Legal Counsel to understand, so the Inspector General Empowerment Act includes further clarification that Congress intended IGs to access all agency records—and these next words are very important—notwithstanding any other provision of law unless other laws specifically state that the IGs are not to receive such access.

This ''notwithstanding any other provision of law'' language is what the OLC opinion indicates would be necessary before OLC would believe that Congress really means to ensure access to all records. But overturning an OLC opinion that was roundly criticized by both sides of the aisle is just the beginning. In addition, the legislation also bolsters IG independence by preventing agency heads from placing them on arbitrary and indefinite administrative leave.

The bill would also promote greater transparency by requiring IGs to post

more of their reports online. The bill would increase accountability by equipping IGs with tools to require testimony from contractors, grantees, and other employees who have retired from the Government, often while under investigation by an IG.

In September, we attempted to pass this bill via unanimous consent. It has been more than a month since the leadership asked whether any Senator would object. Not one Senator has put a statement in the RECORD or come to the floor to object publicly. At the August Judiciary Committee hearing, there was a clear consensus that Congress needed to act legislatively and needed to overturn the Office of Legal Counsel opinion as quickly as possible.

Senator CORNYN noted that the Office of Legal Counsel opinion is ''ignoring the mandate of Congress'' and undermining the oversight authority that Congress has under the Constitution.

Senator LEAHY said that this access problem is ''blocking what was once a free flow of information'' and called for a permanent legislative solution.

Senator TILLIS stated that the need to fix this access problem was ''a blinding flash of the obvious'' and that ''we all seem to be in violent agreement that we need to correct this.''

However, some have raised concerns about guaranteeing IG access to certain national security information. I wish to explain why this bill should not be held up for that reason.

First, this bill is cosponsored by a bipartisan group of Senators, including Democrats and Republicans on the Intelligence Committee. These people know something about the protection of national security. These Senators are Senator MIKULSKI, Senator LANKFORD, and Senator COLLINS.

Second, the inspector general of the intelligence community supports the bill.

Third, the bill would not affect intelligence agencies under title 50, such as the CIA and the Office of the Director of National Intelligence.

Fourth, the Executive orders restricting and controlling classified information are issued under the President's constitutional authority. This bill does not in any way attempt to limit that constitutional authority at all. It clarifies that no law can prevent an IG from obtaining documents from the agency it oversees unless the statute explicitly states that IG access should be restricted. No one thinks this statute could supersede the President's constitutional authority.

Fifth, there is already a provision in the law that allows the Secretary of Defense and the Director of National Intelligence to halt an inspector general review to protect vital national security interests.

Nothing in the bill would change that already existing carve-out for the intelligence community. All IGs should have the same level of access to records that their agencies have, and all IGs are subject to the same restrictions and penalties for disclosure of classified information. No inspector general's office has ever violated those restrictions. They have an unblemished record of protecting national security information.

If there are changes that can be made to the bill so that it can pass by unanimous consent, I am ready to consider those. However, any changes or carveouts for the intelligence community should not impact other IGs. The point of the bill is to overturn the Office of Legal Counsel opinion and restore complete, timely, and independent access for IGs to agency records. That goal must be preserved.

We all lose when inspectors general are delayed or prevented in doing their work. Every day that goes by without a fix is another day that watchdogs across the Government can be stonewalled. I urge my colleagues to support this bill.

Finally, I ask unanimous consent to have printed in the RECORD letters that I mentioned earlier and a letter I received from the inspector general community today showing why the Department of Justice's proposed language is insufficient to solve the problem at hand. I also ask unanimous consent to have printed in the RECORD an op-ed that was recently published in the Washington Post in support of this bill.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 30, 2015.

Hon. SALLY QUILLIAN YATES,
Deputy Attorney General, U.S. Department of Justice, Washington, DC.

DEAR DEPUTY ATTORNEY GENERAL YATES: This letter is in response to the Department's Office of Legal Counsel's (OLC) memorandum dated July 20, 2015, that provides a legal opinion on the Office of Inspector General's (OIG) access to sensitive information throughout the Department. On July 23, 2015, the Department provided our Committee with a copy of the memo, which includes an opinion on Division B, section 218 of the Consolidated and Further Continuing Appropriations Act of 2015 (Public Law 113–235). We write to inform you that OLC's interpretation of section 218—and the subsequent conclusion of our Committee's intention—is wrong.

Specifically, OLC erroneously speculated that section 218 held one of three possible interpretations, one of which included the supposed conclusion that Congress intended to permit the Department to withhold information from the OIG. Surmising that multiple interpretations of section 218 created uncertainty, OLC chose one of the three rationales that most suited its own decision to continue to withhold information from the OIG.

This conclusion was not consistent with the Committee's intentions at all. Rather, the Committee had only one goal in drafting section 218; therefore, there is only one correct conclusion. As the explanatory statement accompanying the fiscal year 2015 bill simply states, ''The Inspector General shall report to the Committees on Appropriations not later than 180 days after the date of enactment of this Act on the impact of section 218 of this Act, which is designed to improve OIG access to Department documents and information,''

Throughout this ongoing dispute between the Department and the OIG about access to information, the Senate Committee on Appropriations has shown clear concerns about the frequency and abundance of material that the Department has chosen to withhold from the OIG. In addition to the fiscal year 2015 language, the Committee raised concerns with the Attorney General during a fiscal year 2016 hearing, which occurred well in advance of OLC issuing its recent opinion. For OLC to determine our intentions as anything other than supporting the OIG's legal right to gain full access to timely and complete information is disconcerting.

While the issue of the Inspector General's access to information covers many areas of the law, and OLC's memo is equally expansive on the matter, we feel compelled to set the record straight regarding section 218. We were not contacted by OLC to solicit our feedback in the formulation of their memo to you. However, should you or anyone in the Department request further information about this section or any other areas of our fiscal year 2015 spending bill, we, and our staff will be glad to assist.

Regardless, we expect the Department and all of its agencies to fully comply with section 218, and to provide the OIG with full and immediate access to all records, documents and other material in accordance with section 6(a) of the Inspector General Act.

Sincerely,

RICHARD C. SHELBY,
Chairman, Senate Subcommittee on Commerce, Justice, Science and Related Agencies.

BARBARA A. MIKULSKI,
Vice Chairwoman, Senate Subcommittee on Commerce, Justice, Science and Related Agencies.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 13, 2015.

Hon. SALLY QUILLIAN YATES,
Deputy Attorney General, U.S. Department of Justice, Washington, DC.

Hon. MICHAEL HOROWITZ,
Inspector General, U.S. Department of Justice, Washington, DC.

DEAR DEPUTY ATTORNEY GENERAL YATES AND INSPECTOR GENERAL HOROWITZ: Last month, the Department of Justice (DOJ) made public an Office of Legal Counsel (OLC) opinion that allows DOJ to withhold access to certain records sought by DOJ's Office of Inspector General. Under the OLC opinion, and subsequent guidance provided by the Office of the Deputy Attorney General, the DOJ Inspector General must now obtain agency permission to access certain documents related to grand jury testimony, Title III wiretaps, and the Fair Credit Reporting Act. This opinion undermines the longstanding presumption that Inspectors General have access to any and all information that they deem necessary for effective oversight, as specified in the Inspector General Act of 1978.

On August 5, 2015, the Senate Judiciary Committee convened a hearing entitled, '''All' Means 'All': The Justice Department's Failure to Comply with Its Legal Obligation to Ensure Inspector General Access to All Records Needed for Independent Oversight.'' This hearing brought to light serious questions about the effect the OLC opinion would have on the independence and effectiveness of the Office of Inspector General, not just at the Department of Justice but also across

the federal government. The opinion has already been relied on by other federal agencies to prevent their Inspectors General complete and timely access to documents necessary to conduct audits and investigations. It is apparent that Congress needs to act to ensure that Inspectors General have complete and immediate access to all records in the possession of their respective agencies, unless a statute restricting access to documents expressly states that the provision applies to Inspectors General.

We understand the Office of the Deputy Attorney General and the Office of Inspector General have been working collaboratively on legislative language to address this issue. Accordingly, by no later than August 28, 2015, please provide your recommended legislative language that would ensure Inspectors General have access to all Department records, notwithstanding limitations contained in any of the potentially hundreds of provisions of law or any common-law privilege that might otherwise arguably limit such disclosure.

Thank you for your immediate attention to this matter.

Sincerely,

Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary; Patrick Leahy, Ranking Member, U.S. Senate Committee on the Judiciary; Ron Johnson, Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs; Tom Carper, Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs; Bob Goodlatte, Chairman, U.S. House of Representatives, Committee on the Judiciary; John Conyers, Ranking Member, U.S. House of Representatives, Committee on the Judiciary; Jason Chaffetz, Chairman, U.S. House of Representatives, Committee on Oversight and Government Reform; Elijah Cummings, Ranking Member, U.S. House of Representatives, Committee on Oversight and Government Reform; John Cornyn, U.S. Senate Committee on the Judiciary; Claire McCaskill, U.S. Senate Committee on Homeland Security and Governmental Affairs; Thom Tillis, U.S. Senate Committee on the Judiciary; Amy Klobuchar, U.S. Senate Committee on the Judiciary.

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY,

November 4, 2015.

Hon. CHARLES E. GRASSLEY,
Chairman, U.S. Senate Committee on the Judiciary.
Hon. RON JOHNSON,
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs.
Hon. BOB GOODLATTE,
Chairman, U.S. House of Representatives Committee on the Judiciary.
Hon. JASON CHAFFETZ,
Chairman, U.S. House of Representatives Committee on Oversight and Government Reform.
Hon. JOHN CORNYN,
U.S. Senate Committee on the Judiciary.
Hon. THOM TILLIS,
U.S. Senate Committee on the Judiciary.
Hon. PATRICK LEAHY,
Ranking Member, U.S. Senate Committee on the Judiciary.
Hon. TOM CARPER,
Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs.
Hon. JOHN CONYERS,
Ranking Member, U.S. House of Representatives Committee on the Judiciary.
Hon. ELIJAH CUMMINGS,
Ranking Member, U.S. House of Representatives Committee on Oversight and Government Reform.
Hon. CLAIRE MCCASKILL,
U.S. Senate Committee on Homeland Security and Governmental Affairs.
Hon. AMY KLOBUCHAR,
U.S. Senate Committee on the Judiciary.

DEAR CHAIRMEN, RANKING MEMBERS, AND DISTINGUISHED SENATORS: On behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), we write to express our strong opposition to the proposal of the Department of Justice (DOJ), sent to you in a letter dated November 3, 2015. The DOJ proposal would amend Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) in response to the July 2015 opinion of the DOJ's Office of Legal Counsel (OLC). While the DOJ agrees with CIGIE that legislation is needed and should be passed by Congress to reverse the impact of the OLC opinion, the DOJ's proposal only applies to the DOJ Inspector General's access to records and fails to ensure that all other federal Inspectors General have the same independent access at their respective agencies. As such, DOJ's proposed legislative language is not acceptable. Effective and independent oversight is the mission of all Inspectors General and, therefore, all Inspectors General require timely and independent access to agency information necessary to carry out that responsibility. This is a bedrock principle of the IG Act.

Three months ago, an OLC opinion determined that the words ''all records'' in Section 6(a) of the IG Act does not mean ''all records'' and therefore the IG Act did not give the DOJ IG independent access to all records in the DOJ's possession that are necessary to perform its oversight work. Section 6(a) is the cornerstone of the IG Act for federal Inspectors General, and an opinion that undercuts its broad access provision places our collective ability to have timely and independent access to agency records and information at risk. Yet the DOJ's proposal would restore access authority to only one Office of Inspector General. The DOJ's proposal is clearly inadequate and would leave in place a threat to the independence of all other Offices of Inspector General. Indeed, we have seen the impact of this threat at both the Peace Corps and the Commerce Department. Inspectors General at both agencies have faced claims by their agency's counsel that they are not entitled to access all records in their agency's possession.

We urge you and your colleagues to reject the DOJ's proposal and proceed with the bipartisan substitute amendment to Senate bill S. 579, the ''Inspector General Empowerment Act of 2015.'' This bill amends Section 6 of the IG Act and makes clear that no law or provision restricting access to information applies to any applicable IG unless Congress expressly so states, and that such IG access extends to ''all records'' available to the agency. This is the only way to effectively restore to all IGs the independence that has been the lynchpin to our success for more than 35 years, and ensure that we can continue to conduct effective oversight on behalf of the American people.

Sincerely,

MICHAEL E. HOROWITZ,
Inspector General, U.S. Department of Justice; Chair, CIGIE.
KATHY A. BULLER,
Inspector General, The Peace Corps; Chair, CIGIE Legislation Committee.

[From the Washington Post, Oct. 31, 2015]

LET INSPECTORS GENERAL DO THEIR JOBS

(By Editorial Board)

A few years ago, the Justice Department's Office of Inspector General was looking into how the department had handled people detained as material witnesses after the 9/11 attacks. There had been complaints that civil liberties were abused in some detentions. The inspector general made a request for documents from the FBI that included grand jury testimony by those detained—and hit a roadblock. In 2010, the FBI refused to turn over the documents.

The Justice Department inspector general, Michael E. Horowitz, has pointed to this refusal in appealing to Congress to rectify a larger problem: Not only at Justice but in other agencies, inspectors general are coming up against hurdles to their independent investigations created by the very departments they are supposed to keep an eye on. Inspectors general, created by a 1976 law to be independent watchdogs over government, are finding it increasingly difficult to carry out their vital mission.

The original law said that inspectors general must have access to ''all records, reports, audits, reviews, documents, papers, recommendations or other material available'' for their work. But the ''all'' in this language has been thrown into doubt by the FBI's actions and by a subsequent opinion by the department's Office of Legal Counsel, which suggested that, in certain conditions, the inspector general should not get ''all.'' According to Mr. Horowitz, every time he was blocked, he turned to the attorney general or deputy attorney general and asked for an override, which they provided. But the result has been significant delays in the investigations, including the probe into the use of the material witness statute and another looking at Operation Fast and Furious, the failed weapons sting operation. Mr. Horowitz has pointed out that such objections to the release of documents for investigations were not raised for many years after the creation of his office, only beginning in 2010.

The inspector general should not have to pester the attorney general for access that is already provided in the law. As Mr. Horowitz argued recently in these pages, such foot-dragging turns statutory language on its head, so that the words ''all records'' do not mean all. This is ''fundamentally inconsistent with the independence that is necessary for effective and credible oversight,''

he wrote. In August 2014, 47 inspectors general told Congress that such roadblocks to independent probes had cropped up elsewhere, too, including at the Environmental Protection Agency and the Peace Corps. They said withholding documents ''risks leaving the agencies insulated from scrutiny and unacceptably vulnerable to mismanagement and misconduct.''

Legislation pending in both chambers of Congress would clarify this by making clear that all records mean all records—and that inspectors general remain an important mechanism of accountability and oversight. The legislation has bipartisan support and deserves to be passed.

Mr. GRASSLEY. Mr. President, I see Senator JOHNSON on the floor. I thank him very much for his leadership in this area.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to urge passage of S. 579, the Inspector General Empowerment Act of 2015. I want to thank my friend, Senator GRASSLEY, who just spoke, for his work on this bill and for his longstanding commitment and dedicated promotion of accountability and transparency for efficient government.

It is an unfortunate reality that the executive branch today is more powerful, more expansive, and less transparent than it has ever been. Senator GRASSLEY and I are privileged to be the chairmen of committees that have expansive authorities and responsibilities to oversee the executive branch and all of its programs. But we need help in our efforts.

We are fortunate that Congress in 1978 created crucial partners for us: independent watchdogs embedded in each agency, accountable only to Congress and the American people. They are the American people's eyes and ears, and they are our best partner in rooting out waste, fraud, and abuse of taxpayers' hard-earned money.

This bill is about increasing agency accountability and transparency. It exempts IGs from time-consuming and independence-threatening requirements such as the computer matching and paperwork reduction statutes.

The bill also allows inspectors general, in limited circumstances, to compel the testimony of former agency employees or Federal contractors whose information they need to pursue cases of fraud and abuse. But the bill also ensures that inspectors general are made accountable to the public and to Congress.

Earlier this year, I issued a subpoena to the inspector general of the Department of Veterans Affairs, in part to produce the over 100 reports the inspector general had completed but not made public. One report that the VA inspector general kept from the public was a report on dangerous overprescription of opiates at the Tomah VA Medical Center in Tomah, WI—practices that resulted in the death of at least one Wisconsin veteran.

This is how important transparency is. The daughter of the Wisconsin veteran who died from substandard care at that facility told me that had she known about the practices at the facility—in other words, if the report had been made public—she never would have taken her father there, and he could be alive today.

I want that to sink in. The bottom line is transparency and accountability in government can literally be a matter of life and death. The VA inspector general is not the only offender. In 2013 the Department of Interior Office of Inspector General closed over 400 investigations but released only 3 of those to the public. This should not happen. The public deserves transparency and accountability.

An amendment that I offered in committee, and that was accepted unanimously, requires inspectors general to publicly post their work on their Web site within 3 days of providing the final report to the agency. So this bill will ensure that findings of misconduct, waste, and fraud are exposed to the public and to Congress.

The public also deserves an inspector general that is independent. One of the greatest threats to inspector general independence is when the President fails to nominate a permanent inspector general and leaves an acting IG in place who wants the permanent job.

In 2014, when I was ranking member of the Financial and Contracting Oversight Subcommittee, we found that the former acting inspector general for the Department of Homeland Security, Charles Edwards, was compromised because of his desire to curry favor with the administration to get the permanent inspector general's job. We found he changed and delayed findings of reports to protect senior officials. That type of behavior is completely unacceptable.

In addition to using our powers as Members of Congress to call upon the President to nominate permanent inspectors general, as I have done for the Veterans Administration, this bill requires an independent study of problems with acting IGs and recommends ways to address them.

We know that many agencies are not in the business of transparency, and they often try to restrict their inspector general's work. As Senator GRASSLEY already explained so well, we shouldn't have to clarify what was meant when we said IGs shall have access to all their agency's documents so they can do their work. Nonetheless, this bill will make it even clearer that ''all'' really does mean all.

This is a bipartisan cause. We want all inspectors general to be able to do their jobs well. That is why the substitute amendment I filed in September has 11 bipartisan cosponsors, spanning members of my committee, the Committee on Homeland Security and Governmental Affairs, the Judiciary Committee, the Armed Services Committee, and the Intelligence Committee.

I want to thank my ranking member, Senator TOM CARPER, for his support and the other cosponsors for their assistance in getting this bill passed. I urge my colleagues to support S. 579 and to support the work our IG partners do every day to try to keep our Nation safe, our agencies accountable, and our taxpayer dollars spent efficiently.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN ACT

Mr. ISAKSON. Mr. President, 36 years ago today, 53 Americans in the American Embassy in Tehran were captured, beaten, held hostage, and tortured. As I speak on the floor of the Senate today, in the streets of downtown Tehran, Iranian people are marching in the streets, burning American flags, yelling ''Death to America'' and celebrating the capture of our citizens 36 years ago today.

From the moment of their release in January of 1981, they have been promised justice and compensation. But 5 administrations and 17 Congresses have gone by, and there has been no justice and there has been no compensation. Unfortunately, cynicism has set in, and the remaining 38 of the 53 who were originally held hostage wonder when their justice is coming.

Many have suffered. One, a former CIA agent, committed suicide. Another attempted suicide but failed. Many families have been torn apart and asunder by PTSD and other ramifications of torture and capture. It is a sad chapter in the history of our country, at the hands of a tyrannical dictatorship in the nation of Iran. But don't just take my word for it. Let me read you the words of two American citizens who were taken hostage in Tehran 36 years ago.

William Daugherty from Savannah, GA, said the following:

> I'd like to remind the Congress that the corporations and banks have long ago received their ''compensation'' in whatever form it took. I'd like to remind the Congress that the Carter administration intended for us to be compensated. They told us we would be, and today it's pretty much now or never for many of us.

Their lives are passing.

Or there is Joe Hall of Lenox, GA, who told me:

> 35 years after our release from confinement, one fourth of our group has passed away. Those who remain are aging, ailing, and frustrated. Yet, they remain loyal, law-abiding, and patriotic; the very characteristics they took to Iran when they [were captured and] stepped forward to serve their country, so many years ago.

Still there is no justice, still no reward.

Four years ago I introduced the Iranian Hostage Compensation Act. To this date, it has been supported by every Member of the Senate and House who I have talked to. Minority Leader HARRY REID came to me the other day seeking help to make sure we get this bill passed. BEN CARDIN, the ranking member of the Foreign Relations Committee, BOB CORKER, the chairman of

the Foreign Relations Committee, the members of the House Foreign Relations Committee—everyone I have talked to has said: Yes, it is right for us to do this. The money is in the bank in the control of the Department of Justice—Iranian money that is available to pay the hostages the compensation they deserve. The amounts have been negotiated—$6,750 per hostage per day of captivity. They are the only American hostages ever held captured and never been recompensed for the tragedy they suffered.

It is time for America to act now. While the Iranians celebrate in the streets and burn our flag and say ''Death to America,'' we should say to the survivors of the Iranian hostage crisis: We are going to see to it that you get the compensation and the justice you deserve.

In the weeks ahead before this year ends, I will talk to each Member of the Senate and to each Member of the House to find a way—whatever way we can and whatever vehicle is necessary—to get that authorization out of Congress and in the hands of the Justice Department and the administration so each and every one of those survivors can be compensated because they deserve it. They risked their lives for the United States of America just as every State Department employee and every Ambassador does around the world. We never need the State Department employees or our Ambassadors to think that one day America might look the other way if they are ever captured or taken hostage.

I appeal to my colleagues in the Senate and the House and to all the people in the United States of America to come together and see to it that those remaining hostages who have survived so far are compensated for the horror and the terror they endured. While the Iranians celebrate the capture and the horror they administered to their victims in the streets, let's do what we as Congressmen and as Members of the Senate came here to do and see to it that they get their justice and compensation and that we do what America always does: stand by our citizens who went in harm's way to protect our country.

I yield back the remainder of my time and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RELIGIOUS LIBERTY IN AMERICA

Mr. HATCH. Mr. President, freedom of religion is one of the foundational principles of the Republic. It has long been central to our identity as a self-governing people, and as a cause, it has long enjoyed wide support across partisan and ideological divides for generations.

Recently, however, religious liberty has come under coordinated assault by those who would hastily discard one of our founding principles to serve a narrow, transient political agenda. Given how defending religious liberty has been one of the animating goals in my public life, I feel compelled to speak out against this disturbing development.

Since the end of the August recess, I have endeavored to speak regularly on the subject to remind my colleagues of the need to maintain our historic allegiance to this most American of values. So far, I have addressed the first principles of why we should protect religious freedom, as well as the legal and political history of the concept. Today I aim to address the role of religion in public life and its critical contribution to the preservation of freedom of religion.

One particular phrase has come to describe the relationship between faith and public life in this country: ''the separation of church and state.'' Over the years, the invocation of this phrase has become so rote that many consider it axiomatic. While the phrase itself is quite terse, it has become shorthand for a particular narrative about the history and status of religion in American life. This narrative traces back to Thomas Jefferson, who famously advocated for a ''wall of separation between church and state.'' Under Jefferson's leadership, Virginia passed the Law for the Establishment of Religious Freedom in 1786, which aimed to end state prescription and proscription of any particular religion.

Anchored in a cursory reference to Jefferson, generations of Americans have been brought up to believe that our founding principles demand that faith be driven out of government and kept contained to a private sphere with no role in public life and no semblance of interaction with the state. This narrative is flatly inconsistent with our history and our Constitution. Put plainly, the Jeffersonian model of strict separation was a novel experiment that constituted a decidedly minority viewpoint in the early Republic.

The dominant model at the time was embodied by the 1780 Massachusetts Constitution drafted by John Adams, which largely protected religious liberty but also instituted a ''mild and equitable establishment of religion'' that enshrined Christian piety and virtue. In Adams' view, as articulated by one scholar, ''Every polity must establish by law some form of public religion, some image and ideal of itself, some common values and beliefs to undergird and support the plurality of protected private religions. The notion that a state could remain neutral and purged of any public religion was [neither realistic nor desirable].''

Jefferson himself acknowledged that the statute he crafted in Virginia was a ''novel experiment'' that broke with practice not only in the American colonies but also in the United Kingdom and the wider Western world.

At the outbreak of the Revolution, the Anglican Church enjoyed official established status in Georgia, Maryland, North Carolina, South Carolina, Virginia, as well as in the New York City area. In Connecticut, Massachusetts, and New Hampshire, the system of municipal government empowered individual towns to choose a church to establish, resulting in Congregationalism as the established religion throughout most of New England. Only Delaware, New Jersey, Pennsylvania, and Rhode Island lacked officially established churches. Nevertheless, even these states without officially established churches—including famous havens for religious dissenters, such as Pennsylvania and Rhode Island—maintained significant ties between church and state, including in matters of church finances, religious tests for public office, and blasphemy laws.

While the Revolution brought about a number of new state constitutions that officially disestablished a number of state churches—particularly the Church of England after the severing of political ties to the Crown—the advent of the new Republic did not bring about universal disestablishment or adherence to the model of strict separation.

At the time of the adoption of the First Amendment in 1791, about half—depending on one's exact definition—of the 14 States then admitted to the Union had an established church or allowed municipal governments to establish such a church. Moreover, every single state sponsored or supported one or more churches at the time. In the words of Notre Dame's Gerard Bradley, even ''Rhode Island, that polar star of religious liberty, maintained'' what would today constitute ''an establishment at the time it ratified the First Amendment.''

My purpose for bringing up this history is not to advocate for states to return to the era of officially established churches or to advocate for any of the restrictive measures of that time. Indeed, as a Mormon, I am keenly aware both of how the machinery of government can be used to oppress religious minorities and of how a faith's flourishing comes not from the State's sanction or promotion but rather from the dedication and devotion of individuals, families, and communities. Instead, my purpose is to note the plain incongruity between the conventional wisdom of rigid separation between church and state supposedly commanded since the founding by the establishment clause and the actual history of religion in public life in the days of the early Republic.

This apparent disconnect can be resolved by an examination of the text of the Constitution. The text of the First Amendment reads: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'' Note the exact formulation: ''Congress shall make no law regarding the establishment of religion. . . .'' On its face, the language

affects only one actor—Congress—not States and local governments and not individual citizens. Put another way, at the time of its adoption, the First Amendment neither created an individual right to be free from religion nor limited the power of the States to establish religion; it simply created a structural limit on Federal power.

The debates over the ratification of the Bill of Rights confirmed this interpretation. As a general matter, the Establishment Clause received relatively little attention in the ratification debates in the state legislatures and among the public. Indeed, it hardly seems tenable that States would have adopted a measure at odds with their ongoing practices with little discussion or dispute. What attention the establishment clause did receive made it clear that its language was intended to prevent the Federal Government from choosing a preferred religious secret—a logical move befitting a new nation made up of states with a wide variety of religious traditions and approaches to established religion.

Furthermore, the ratification debates clarify that the ratifiers viewed official establishment of a particular church as direct financial support for a preferred sect, wholly distinct from the nondiscriminatory support and establishment of religion in general, which the Establishment Clause was not thought to limit.

For a century and a half, this misunderstanding of the Establishment Clause endured with little challenge. Before the Civil War, the Supreme Court decided only three Establishment Clause cases of any significance. Indeed, the major debate on the subject during the intervening years revolved around a proposed change to the Constitution: the 1875 Blaine amendment that sought to extend the application of the Establishment Clause to the states and to ban explicitly any church's access to public funds. This legislative effort, borne largely out of anti-Catholic prejudice, failed—a failure that further underscored the settled nature of the Establishment Clause at that time.

Unfortunately, religion was not spared from the destructive judicial activism of a Supreme Court that spun wildly out of control in the mid-20th century. A new crop of justices, disinclined to follow the traditional judicial role of applying the law as written, instead sought to remake the law according to their left-wing worldview. From inventing new rights for criminals to mandating nearly unlimited access to abortion on demand, the Court in this period left few stones unturned in its radical rewriting of the Constitution.

The longstanding understanding of the Establishment Clause was one of the mid-century Court's first victims. Abandoning the understanding of the clause I have previously detailed—an understanding that was clearly supported by text, structure, history, and precedent—the Court turned the Establishment Clause on its head.

In the error-filled words of Justice Black, the Court said in Everson v. Board of Education that ''the establishment of religion clause of the First Amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another.'' This pronouncement had no basis in text, history, or law. To the contrary, it was diametrically opposed to the understanding of the relationship between government and religion and between the federal government and the states that had endured for much of America's history. Justice Black justified the Court's entirely novel, ahistorical view by turning to Jefferson: ''In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.'' Thus was born the now-commonplace view that the establishment clause was meant to create a high wall separating church and state.

This decision represents a complete inversion of the previously settled, proper understanding of the establishment clause. The command that Congress should make no law regarding an establishment provision is turned from a structural protection against federal power into an individual right to be free from religion. The text protecting the states' power to decide whether and what church to establish is, in the words of one scholar, paradoxically and perversely transformed into a limitation on states' authority to make such a decision. The critical distinction between official establishment of a particular church and general support of religion without regard to particular sects is casually discarded in favor of a blanket prohibition on religious involvement in public life. In the words of two scholars, throughout its decision, the Court ''not only ascribed to the establishment clause separationist content; it imagined a past to confirm that interpretation. Both majority and dissent treated the history of the United States as if it were the history of Virginia. Despite dissimilarity of language, the justices equated the establishment clause with Virginia's statute on religious freedom, thereby appropriating for the federal provision the separationist message and rhetoric of the state enactment.''

As I have explained, the history of Virginia on the subject of state establishment of religion is not the history of the United States. Rather, Virginia was, as Jefferson said, a ''novel experiment'' on the issue. Other states continued to support state-established churches. The wall-of-separation doctrine, which the Court created out of whole cloth in Everson, was not the American tradition. It was an idiosyncrasy of Jefferson's.

Upon this fundamentally flawed foundation, the federal courts have constructed a jurisprudence that threatens any place for religion in the public sphere. Embracing the demonstrably false notion that ''the three main evils against which the establishment clause was intended to afford protection [were] sponsorship, financial support, and active involvement of the sovereign and religious activity,'' the Supreme Court soon adopted the so-called Lemon test for any law to withstand: ''First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . finally, the statute must not foster an excessive government entanglement with religion.''

In announcing this test, the Supreme Court sounded the note of modesty, noting that the justices could ''only dimly perceive the lines of demarcation in this extraordinarily sensitive area of Constitutional law.'' This admission—though ironic, given the Court's ambition to complete the transformation of the establishment clause away from its historical and textual foundation—was, if anything, an understatement. The Court's efforts to draw a line between the permissible and the impermissible have completely failed. Justice Rehnquist rightly diagnosed the cause of these bizarre results:

These difficulties arise because the Lemon test has no more grounding in the history of the First Amendment than does the wall theory upon which it rests. The . . . test represents a determined effort to craft a workable rule from a historically faulty doctrine; but the rule can only be as sound as the doctrine it attempts to service.

The Court has responded to these acknowledged difficulties not by abandoning its flawed establishment clause jurisprudence but by inventing new tests while never overturning Lemon or the flawed understanding that undergirds it. By one scholar's estimation, the Supreme Court has employed 9 alternate tests of impermissible establishment of religion; another scholar identified 16. While the exact count understandably varies, the result is the same: muddled law that lacks any principled means of application. This lack of clarity enables judicial activism. By liberating the judiciary from the obligation to apply a clear rule, this muddied framework invites judges and justices to implement their own policy views as law.

While this framework shows confusion in marginal cases, its overall effect is clear: to squeeze religion out of government and to deny religious organizations the opportunities afforded to secular counterparts. While the addition of principled jurists to the Court has turned momentum against previous excesses, the thrust of the Court's misguided establishment clause jurisprudence remains dominant.

The Court's flawed wall-of-separation jurisprudence has kept religion out of the public square and fed the idea that

religion is a private matter to be practiced within the confines of one's church or home. Legal and social pressures have taken their toll, and the results are stark: no prayer in school; no new Ten Commandments displays—or even Christmas or Hanukkah displays—unless carefully secularized; a widespread prejudice in many quarters against public officials talking about God or about their beliefs in public; and even the crusade every December to replace the phrase ''Merry Christmas'' with ''Happy Holidays.''

The conventional wisdom peddled by advocates for stringent exclusion of religion from the public sphere is that aggressive enforcement of their vision of the establishment clause enhances religious freedom. Unfortunately, nothing could be further from the truth. The erroneous wall-of-separation doctrine has narrowed the role of religion in public discourse, fueling the view that religion is a private matter rather than a fundamental precept of American civil society. Even members of this esteemed body have fallen prey to the disturbing claim that religious freedom does not extend much further than the church door. Such an approach undermines religious liberty in numerous ways. It counsels government to avoid any perceived entanglement with religion—even accommodation of religious practice, at the core of the right to free exercise. It tells the religious believer that in order to participate fully in public life, he should cabin and hide his religious devotion: Just abandon your religious affiliation, and the government will partner with your school or charity. Just muzzle your faith, and you can fully participate in representative government and lawmaking. Just keep your religion private, and you won't face a swarm of litigation.

Indeed, despite the hard-fought progress in recent years both in protecting religious liberty and in restoring sanity to the courts' approach to the establishment clause, this notion of strict separation continues to exert a pernicious influence, shrinking the sphere of acceptable religious exercise. In so doing, it undermines religious liberty and limits the ways in which faith enriches our society. Restoring a proper relationship between faith and public life must continue to be a top priority as a key component of our broad reference to protect religious liberty for future generations.

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

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

WATERS OF THE UNITED STATES RULE

Mr. BOOZMAN. Mr. President, I rise today as a strong supporter of the resolution of disapproval we passed today. The WOTUS rule is a classic example of overreach. Arkansans understand that we don't need DC bureaucracies controlling our lands. That is why I stand with homeowners, small businesses, and family farmers in Arkansas in opposition to the WOTUS mandate.

Passage of this resolution today reflects the American people's rejection of this heavyhanded mandate and shows our commitment to a balanced and thoughtful approach to water quality protection. Congress needs to send this resolution to the President. The President needs to understand the opposition this power grab is facing is very real. Not only is there strong bipartisan opposition to this mandate in Congress but also in the courts and most importantly with the American people.

Last week I got an email from David in North Little Rock. David told me that he works in construction, and his email was clear. He supports protecting our Nation's waters, but David believes the Obama administration's rule will create huge problems and uncertainty for the construction industry. He said costs will increase, the industry will lose jobs, and he and others will face unnecessary delays as a result of the mandate that has nothing to do with protecting our waters.

Legal experts within the executive branch have doubts about this rule too. At a recent EPW hearing, we heard that many career experts inside the agencies, particularly the Corps of Engineers, believe this rule is wrong, but each time the Corps expresses concern that the rule went too far, the EPA and the rest of the administration refuse to make changes.

From puddles to irrigation ditches, the EPA wants jurisdiction over every body of water in Arkansas, no matter the size. These are not scare tactics, they are very real truths. In fact, the White House and the EPA are the ones engaging in scare tactics to defend this power grab. They falsely claim that this mandate is necessary to protect drinking water.

Those protections are already in place with laws like the Safe Drinking Water Act. For more than 40 years, the Safe Drinking Water Act has fostered Federal-State cooperation. It has kept our drinking water clean. It is an effective law, one I support. It does far more to protect distribution water than anything in the EPA's power grab. In case these false claims don't scare enough people into supporting this unjustified power grab, the EPA has invoked rhetoric about rivers catching on fire and claim there is rampant toxic pollution in our waterways. Again, this is simply false.

Without waters of the United States, major rivers will continue to receive Federal and State protection just as they have for decades. Isolated nonnavigable waters will continue to be protected by State and local efforts as they have in the past. The courts recognized how misguided this mandate is and have issued a temporary halt to the implementation of WOTUS. That injunction now extends to all 50 States.

I applaud the Arkansas attorney general, Leslie Rutledge, for helping to lead that challenge in the courts. Senator COTTON and I stand arm in arm with our State's attorney general in this fight. We are committed to fighting this mandate legislatively, while supporting efforts to stop it in the courts. That is why today's vote is so very important. The resolution of disapproval will nullify the waters of the United States mandate.

Arkansans understand how unnecessary this heavyhanded mandate is. We already go to great lengths to protect our State's natural resources. We must ensure that States, local communities, and private citizens remain a vital part of the process instead of giving all of the power to Washington. That is what this resolution of disapproval aims to do. I am pleased we passed it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

(The remarks of Mr. MERKLEY pertaining to the introduction of S. 2238 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from North Carolina.

WATERS OF THE UNITED STATES RULE

Mr. TILLIS. Mr. President, I hate to sound like a broken record, but unfortunately that is the scenario the Obama administration and the minority leader have led me to today. When I sought this position as a Senator from North Carolina, I promised the voters back in my home State that I was going to come up here and fix problems, fix Washington, and get us back to work.

Yesterday an attempt to rein in the President and the EPA failed. It failed along party lines. Today we had another chance to come together and help protect Americans from Washington's continual power grab, to ensure they are not subject to illegal Executive overreach, and to take control of a bloated bureaucracy. Today's effort passed but only by a slim margin. We must stand up to the President and to the Senate minority leader and their efforts to continue implementing policies that destroy our Nation's economy and in this case harm farmers and small businesses in a variety of ways.

I want the voters to remember this day. I want them to remember who stood against the illegal expansion of Federal control over their land and their livelihood and remember those who did not. The waters of the United States—we have acronyms for everything, it is called WOTUS—is just another Washington power grab that has more to do with controlling your property than ensuring access to clean water.

Leaders at the EPA claim that those who oppose WOTUS oppose clean

water. That seems like an absurd notion for anybody who is in this body. This is a completely false and elitist claim. I firmly believe that Members on both sides of the aisle can all agree we value clean water. I love nothing more than going out on Lake Norman back in my home State or spending time fly-fishing in the mountains of North Carolina or spending time on the rivers near our coast, but under this rule virtually every nook and cranny of the country would be subject to EPA control. There is a risk that puddles in our backyards and ditches and crop fields will be regulated in the same manner our States regulate—properly—our beautiful lakes and rivers.

One thing is clear under the waters of the United States, WOTUS, there is no clarity. There is complete uncertainty and layer upon layer of bureaucratic redtape. Our landowners, our farmers, our ranchers, and business owners across the country will be subject to compliance costs, new fines, and the risk of litigation—all at the discretion of the Environmental Protection Agency.

In March, the Senate agriculture committee held a hearing on the waters of the United States, inviting stakeholders to discuss their concerns. We were proud to have the secretary of the North Carolina Department of Environment and Natural Resources, who told us in regard to the rule: ''It's not absolutely clear what in the world it does say, other than providing the EPA with a lot of discretion when determining navigable waters.''

Navigable waters—not a ditch, not a depression that gets filled up when it rains but navigable waters. How on Earth are Members of this body, Senators, willing to allow such a horrible policy to plague our farmers, our businesses and, I might add, our cities and towns that on a bipartisan basis have expressed concern to me in my home State. It is clear to me the Obama administration did not consult with our State leaders, county leaders, and city leaders when choosing to redefine the rule. We are at a moment where we must prevent this policy, putting our landowners and job creators ahead of partisan politics.

It is not my goal to focus simply on North Carolina in this speech. I know my colleagues from Colorado, Florida, Indiana, Iowa, Minnesota, Missouri, Montana, New Mexico, Nevada, North Dakota, a number of States have family and friends who will endure burdens if this bad policy stands.

My State is a great example of just how detrimental this rule is to our farmers and to families in North Carolina. North Carolina has over 300 miles of coastline, 17 major river basins, and roughly 37,000 miles of freshwater streams—all places that North Carolina residents, farmers, and businesses call home. Much of the eastern part of the State, which runs along the Atlantic Ocean, is susceptible to flooding, even after the lightest rainfall.

Earlier this week parts of the State were again hit hard with heavy rainfall, compounding the effects of last month's historic flooding associated with the hurricane. If the Environmental Protection Agency moves forward with waters of the United States, it will severely restrict the local government's ability to quickly react when we are recovering from events.

Imagine this. Imagine a water event or a hurricane or a rain like we had in South Carolina, which dumps 1 foot or 2 feet of water on an area that has been cropland, cultivated, and harvested by farmers—let us say in North Carolina or South Carolina. This rule is going to make it almost impossible for that farmer to begin recovering immediately because of the uncertainty of the regulations that come with waters of the United States. Not only will they suffer the ravages of the storm, they will also suffer the ravages of this poorly thought-out policy overreach.

The policy raises many questions. For example, is a flooded ditch considered a navigable water under waters of the United States? Many people believe it is. What about a crop field that just had 2 feet of rain? A standing pothole may actually be subject to waters of the United States, which puts a farmer in the position where they may get punitive measures imposed upon them by the EPA.

Don't get me wrong. I am a firm believer in ensuring clean water. It is imperative to a flourishing agriculture industry and our local State and national economies. In North Carolina we have a thriving brewery industry out in the beautiful mountains of Asheville. They need access to abundant, clean water.

In Eastern North Carolina, we have a thriving pharmaceutical industry. They need access to abundant, clean water. There are a variety of reasons why we have to make sure our water resources are clean and abundant.

How can I tell our farmers that in ensuring clean water, we may fine them for small flood puddles such as the one shown here? We need fair practices that will help turn our economy around, not hinder the hard work of our farmers, our ranchers, and small businesses across this country. We need policies that will help families put food on their kitchen tables and not penalize our land and homeowners.

Americans need clarity and they need fairness, not vague, ambiguous rules such as the WOTUS, waters of the United States, which undercut State authority, undercut local authority, and promote what I believe is an illegal government overreach.

The Supreme Court has tried to rein in the EPA's misinterpretation of ''navigable water'' several times. Based on the result of our vote earlier today, the majority of this Chamber and the House believe the EPA has overreached—and the courts agree. Yet the President said he will veto the bipartisan resolution that just passed out of this Chamber today. This administration continues to disregard the will of the Congress, the warnings of the courts, and the preferences of the American people. How long will we continue to let the partisan Obama administration dictate our course of action in the Congress and for the country? We must stop this unfunded mandate and alleviate the burdens on our farmers and business owners, not punish them.

If we do not stop the implementation of this egregious rule right now, we are setting a dangerous precedent and we are betraying the trust of many Americans. I urge my fellow colleagues today: Let us stay strong on this bill. Let us send a message to the President that he should sign this resolution into law and get back to healing this economy.

Thank you.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent that the cosponsors of the resolution I am about to call up and I be allowed to engage in a colloquy.

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

COMMENDING AND CONGRATULATING THE KANSAS CITY ROYALS ON THEIR 2015 WORLD SERIES VICTORY

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 305, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 305) commending and congratulating the Kansas City Royals on their 2015 World Series Victory.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUNT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BLUNT. Mr. President, it may be obvious that my colleagues and I, here in the back of the room—even during a serious debate—are a little happier than the Senate usually finds itself. Of course, we are very pleased to be able to commend our baseball team.

While Senator MCCASKILL and I wish to quickly point out that the team is located in Kansas City, MO, certainly Kansans and Missourians join together to support the Royals, support the Royals in the American League, and in this case support the Royals in the

World Series—and what a series it was. What a team it has been to watch the last couple of years.

I think maybe my favorite comment from the series that didn't end quite so well for us last year was the one game the manager of the Giants just said: They kept hitting the ball where we couldn't get to it.

That is very much the kind of baseball the Royals play, that big ball park they play in. Home runs aren't as much a part of the game as just hitting the ball where the other side can't get to it and then always getting to the ball that the other side hits anywhere.

This is a series that started with a 14-inning classic and ended in a 12-inning thriller, with 5 Royals' runs being scored in the top of that 12th inning.

If this had been a seventh-inning series, the Royals wouldn't have won. The Royals outscored the Mets 15 to 1 from the seventh inning on and won three of the four games after they were behind in the eighth inning or later in the World Series. That just doesn't happen. It is a great record. It has been a great team. Every player on that team contributed to the wins and contributed in significant ways.

Christian Colon became the first Major League player in history to get a series-clinching hit in his first postseason at bat ever. Raul Mondesi became the first player in history to make his Major League debut in the World Series. He never played a World Series game before because he had never played a Major League game of any kind before. Of course, the manager of the Royals, Ned Yost, had the highest winning percentage in Major League Baseball postseason history as he goes right on to do what he and the Royals have been doing. Salvador Perez hit 0.364 in the World Series and started 16 consecutive postseason games after catching 139 games in the regular season. It makes my knees hurt just to think about it, but he did it.

Yesterday 800,000 fans turned out in Kansas City to welcome the Royals home. We are all pleased to be here. I certainly wish to congratulate the owners, the Glass family; the manager, Ned Yost; the general manager, Dayton Moore; the players; the coaches; the fans; and the families. What a great series for the Royals, what a great series for Kansas City, but what a great series for baseball. What a great season for baseball. Certainly, we were all pleased to see the Royals bring this victory home.

We will start by going to Senator ROBERTS of Kansas and then we will go back to either a Missourian or a Kansan as we talk about this great baseball team and this great victory.

Mr. ROBERTS. I thank my colleague for yielding.

Mr. President, I have been sitting here thinking about Missouri and Kansas and our past histories—some differences in politics, some differences in sports, big time, down through the years. What a great thing to happen when, yes, there is the Kansas City Royals in Missouri. I might be a little local here and say primarily filled by Kansas fans, but I will not do that, but it is a great day for both of our States and for people who live in our area.

We are all proud of our Kansas City Royals. It was a hard-fought World Series victory, but it was celebrated in Kansas from Goodland to Liberal, from Parsons to Troy, way up there on Highway 36 and everywhere in between.

Yesterday we saw something amazing happen: Kansas fans and Missouri fans marching in a sea of blue in downtown Kansas City. There were more than one-half million people—no shoving, no pushing, no fires, no problems. There were young and old people from all walks of life, all races, all nationalities, and all Royals fans. The schools were closed. Workers took a break. The streets filled. The windows opened, and it was a gorgeous Royals blue day.

Some are celebrating this kind of victory for the first time. Others are remembering 1985, George Brett and that team, and seeing that same excitement again, this time in their children's eyes. You see, some of us really counted us out—or some counted us out. We are, in fact, a small market team, a team with young but very talented guys. They said we haven't had what it takes to be World Series champions. We didn't have the big name home run hitters or the big name flamethrower pitchers or a big park made smaller for home run hitters. What we did have was a team, players who kept the line moving. The stats made the difference, as indicated from my colleague and friend from Missouri, who went through a number of stats that are rather remarkable.

In this postseason, the Royals strikeout rate was only 16 percent, just 81 strikeouts in 505 plate appearances. The Royals' regular season average was better, just 15 percent. For baseball, that is really amazing and it was the best in baseball. The league average in the regular season was more than 20 percent—20 percent strikeouts, one out of five. That is why people keep yawing. They don't yawn when they watch the Royals.

These Royals had a manager who let them play as they were: young, fast, and aggressive. That is rather remarkable. Ned Yost let them choose whether or not to steal—that is amazing. He let them swing at the first pitch. Alcides Escobar hit that inside-the-park home run in the first pitch in the bottom of the first inning of the first game of the World Series at Kauffman. That is a ball park for playing baseball: hitting, running, fielding, and a few home runs.

He let them play the game. They were relentless. They kept the lines moving, went against unconventional baseball wisdom—and oh was it fun to watch.

We won, Kansas City won, and baseball won. Our celebration today is about the Royals, the joy of the game of baseball, but it is also about our identity as a city and a region.

We were told that a small market team from flyover country would not be able to beat the New York Mets. We won because we kept the line moving—just like the Royals fans do in Kansas and Missouri every day—through a couple of decades of post-season drought, proving our team, our fans, our kind of game is the best in baseball.

I know I speak for the fans all over our State and the hundreds of thousands of fans that gathered to enjoy and celebrate a victory for our team and, yes, for our region, too—and I think for our country. Everybody adopted the Royals. Thank you, Royals. Thank you for showing the world what fun baseball can be if you play the game, if you keep the lines moving.

The Kansas City Royals are the 2015 World Series champions. How about them apples?

I thank my colleague.

Mr. BLUNT. ''Them apples'' as in the Big Apple? Are those the apples we are talking about?

I start in the spring going to minor league games and to major league games, but as we go back and forth across the border here, there is no bigger, more dedicated baseball fan in the Senate than Senator MCCASKILL. If you want to know who is playing, what position they are playing, what their batting average is likely to be, this is always a good way to find out, and I look forward to hearing what she has to say about the Royals.

Mrs. MCCASKILL. Mr. President, listen, I am lucky to be from Missouri because I love baseball. I love sports. I was raised by a great uncle who was like my grandfather and made me go out to the backyard every night in the summer. I even remember he had a small burgundy transistor radio. I would lie on a blanket, he would sit in a lawn chair, and he would hush me—hush me—when important parts of the game came on. He was a big Cardinals fan. I was raised as a Cardinals fan. I spent time in Kansas City early in my career. In fact, I was in Kansas City during the 1980s, the last time that Kansas City won the World Series.

Some people have the nerve to call our part of the world flyover country but not when it comes to baseball. For 4 of the last 5 years, teams who play ball in the middle of America with lower payrolls and with smaller media markets have made it to the World Series, and for 2 of those last 5 years, the world has seen a different kind of ball team. In this day and age when it is all about endorsements, and it is all about your agent, and it is all about whether you are a free agent and how much money you are going to make, they have seen a team that plays like a team. From the fun they have with each other to the way they interact with the community, this is a different kind of professional baseball team. Yesterday, when most teams would have on swag that talked just about their team, T-shirts that would say ''World Series Champion'' or hats that would say ''World Series Champion,'' what did this team have on yesterday in front of those, some say 800,000 people from Kansas and Missouri who flooded into the city in such numbers that they abandoned their cars on the interstate so they would be part of it? What did the team have on? Thank you, KC. It wasn't about them; it was about the community and how closely knit the team felt with the community.

From the fun they had with 1738 to the T-shirts that people wore saying ''Straight Outta Kauffman,'' this was a

team that took baseball seriously but didn't take themselves too seriously. They played the game with intensity, they played the game with immense skill, but always with joy.

I have to tell you the truth. I never thought I would be on the floor of the Senate quoting the amazing orator Jonny Gomes. Most people in America probably don't know who Jonny Gomes is, but the people of Kansas City know. Just because you are a backup outfielder doesn't mean you are not important on this team. Jonny Gomes stole the show yesterday. To paraphrase him—and I have to be careful, because I can't exactly paraphrase him. I don't think one of the words he used I am allowed to use on the floor of the Senate. But I believe it went something like this: Cy Young winner? Not on our team. We beat them. Rookie of the year? Not on our team. We beat them. MVP of the league? No, sorry guys, not on our team. We beat them. We kicked all of their—something which I can't say on the floor of the United States Senate.

So I am proud to quote Jonny Gomes today. I am proud of who he is and what he represents. I am proud of this team. This is a team that understands the essence of being an underdog and coming from behind and proving to everybody they are wrong.

There is a famous poem about baseball, and one of the famous lines starts with the phrase ''there is no joy.'' I have to tell you, there is joy; there is unbridled joy in Kansas City for this team and for all the right reasons. I am incredibly proud to represent a State and an area of our country that has produced this kind of sportsmanship and this kind of grit and determination. The Royals never say quit.

Thank you, Mr. President, and I will turn it over to my colleague from the State of Kansas, who is appropriately sporting a very royal blue tie.

Mr. MORAN. Mr. President, I thank the Senator from Missouri for yielding to me, and I appreciate both my colleagues from Missouri and Kansas joining us on the Senate floor this afternoon.

I wonder if there are folks out in the country who might not be baseball fans and are wondering, with all the challenges our country faces, why these four Senators have gathered on the Senate floor to talk about baseball. But the reality is that this is an example of what can happen when we work together.

We are divided here between Republicans and Democrats in support of this legislation, and that is much easier to overcome than the fact that Missourians and Kansans are working together. There has been a long rivalry between our two States, much of it done with a smile but some done with a little more intensity than just that smile of Kansas versus Missouri or Missouri versus Kansas. The good news is the Royals and their championship are more evidence that rivalry—when it comes to important issues, when it comes to the ability to work together for the benefit of Kansas City and Missouri and Kansas, those communities come together.

I guess my colleagues ought to know that there is Kansas City, MO, and there is Kansas City, KS, and suburbs of both those cities on both sides of the State line. As I have said, as communities they have come together to make sure good things happen, and the Royals is just one more example. This is something that matters to Kansans, whether they live close to Missouri or they live close to the Royals stadium.

The first overnight visit I ever made to Kansas City and actually spent the night in this big city—I grew up about 350 miles west of the stadium—was to watch the Royals play ball in the old stadium. All my life I have said, ''Come on, Royals.'' You can walk through the room in our house, the television is on, the Royals are playing, and that expression out of my mouth is always ''Come on, Royals.'' It is something we all grew up with, wherever we lived in the State of Kansas. You can find almost no fan of baseball in our State who is not a Royals fan.

There is something also about this Royals baseball team. Throughout my lifetime, hearing the voice of Denny Matthews and Fred White as they called the games in Kansas City and around the country gave me a sense—and still today gives me a sense—of peace; that there is something still right in the world; that baseball is still played and teams come together.

Most of us grew up in our early days being on a softball or a baseball team. Baseball brings us together. So while my colleagues and I recognize the importance of the many issues that our country faces and that we are dealing with in the Senate and in the Congress in Washington, DC, there is something comforting in knowing that America can still come together on a pastime, on a sport, on an activity that still means so much to so many Americans.

So we celebrate with this resolution and ask our colleagues to join us in approving this effort in honoring the 2015 World Series champions. It was an amazing season. This is something that hasn't happened since 1985. So 30 years ago, in Kansas City, the Royals played in the World Series and won.

I still envision my wife and her deceased father—her now deceased father. Robba, with her dad, grew up on the Missouri side of the State line, in the shadows of Kauffman Stadium. I can still envision what it was like for a little girl to grab hold of her dad's hand and go to a Royals game to watch baseball. Again, it brings families together on an almost weekly basis over a long season in Kansas City, and it has been true in our family.

We are here today to commend the great things that happened during this season. Since the last time the Royals were champions, many Kansans, many Missourians, many Americans have grown up and gone off to college, served in our country's military, gotten married, and started their own families. So there is great pride, and we are here to affirm how good it feels to have that success once again.

It is pleasing to be an American where baseball is a way that we live our lives, and it brings us together. It is great to be a Kansan who is so proud of the Kansas Royals, and it is great to represent many folks in Kansas City who know life as something that surrounds them with the Kansas City Royals.

This was a special year, a special team, and they loved playing the game. They exuded confidence. They never lost focus. Having fallen 90 feet short a year ago, the Royals players were relentless this year in their drive to get back to the World Series, and it was a joy for all of us to watch them accomplish that and finish that job last weekend against the New York Mets.

So I join my colleagues in congratulating the Royals team, the Royals fans, and Americans who enjoyed this sport and saw great sportsmanship on a baseball field. We are thankful to Mr. Kauffman, and now Mr. Glass, and their families who have invested their efforts and their time and their commitment to the Kansas City Royals. We appreciate the general manager Dayton Moore, and the manager Ned Yost, and commend and congratulate them on this amazing accomplishment. We hope we don't have to wait another 30 years for another national championship involving the Royals and their crowning again.

Once again, I would say, ''Come on, Royals.''

Mr. President, I yield back to the Senator from Missouri.

Mr. BLUNT. Mr. President, my good friend from Kansas mentioned that distance between third base and home plate, and in the ninth inning of the fifth game of the World Series, Hosmer was on third, and I believe there was one out. A ball was hit squarely to the third baseman, who caught it, ready to throw it to first, and then Hosmer did something nobody ever does: He decided he was going to steal home. And when you do that kind of thing, people respond in certain ways. They are surprised, you are surprised, and the Royals did that over and over again. He stole home and the game was tied in the 9th and then went to the 12th, but only because somebody did something nobody thought they would do. We could do a little more of that here, but certainly the Royals did that all season.

I want to ask Senator MCCASKILL if there is anything she wants to add as we close up here.

Mrs. MCCASKILL. Well, I was lucky enough to be a witness to game 5 in New York, surrounded by a lot of apple-eating fans who were in shocked disbelief when it looked like the Mets had it under control and the Royals pulled a patented move out of their

back pocket to tie up the game in the ninth inning.

That particular play was one of those that you could tell it was almost instinct on the part of Hoz because he saw the throw and just went. Frankly, a bad throw to home plate was his savior. I am not sure he would have made it had it not been for the throw that went wild at home plate from the first baseman. But that is the thing that is fun about this team. We can go through—Salvi got the hit. It was a sacrifice hit, but nonetheless this is a guy who got MVP. And it wasn't as if he hit a bunch of home runs in the World Series; he got MVP because he consistently performed in almost a utilitarian way, getting a hit when it was really needed, getting banged up consistently behind the plate. At one point he got hit so hard in the clavicle that I am sure a lot of players would have said: I need an inning. I need to get out. I need to be replaced. But he just kept shaking off every injury. It could get dangerous because he could go on and on.

There were so many contributors on this team. That is what made it so incredibly special. As Senator ROBERTS said, it is not as if there was one hero here, like so many teams that have an A-Rod or a Robert Griffin. We can name the big players who have been standouts, Ripkin and the rest. This is a team in which everybody is a standout because it is all about the team.

Mr. BLUNT. It was a great season. We have had a great time here on the floor talking about the Royals and the Kansas City spirit that drove those teams. For us Missourians, maybe we will see both of our teams in the World Series again next year.

Mr. ROBERTS. Will the Senator yield?

Mr. BLUNT. I will be happy to yield.

Mr. ROBERTS. Just a note of thanks to the Mets for showing up and playing the Royals—they are a great team—and to give them some encouragement. The season starts with the Mets and Royals at Kauffman Stadium, so they can start all over again. It would be a good thing, perhaps, if the Mets made it again, and certainly with the Royals, and gave it a shot.

I am very glad the Senator mentioned the incident where Hosmer decided to steal home. That was like Jackie Robinson back in the day when he was seeking to steal home. Who did that? And to do that in today's ball game, where people pitch only a certain amount of innings and players look to the manager to steal and do this and do that and everything is sort of in a box—the Royals played out of the box and they had fun.

The reason they are all great players is because they played as a team, as my distinguished colleague from Missouri just pointed out. It was a lot of fun. It is going to be fun next year. Don't worry, Mets, you will have a chance again.

Mr. BLUNT. There are a lot of life lessons watching the Royals. There might even be some lessons for us Senators watching the Royals and the way they do what they do.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

WATERS OF THE UNITED STATES RULE

Mr. MORAN. Mr. President, this week has been devoted legislatively to discussing and considering legislation affecting an EPA regulation called waters of the United States. It is one more example of executive overreach by an increasingly unaccountable Federal agency.

I want to speak about our efforts here on the Senate floor this week and again encourage my colleagues to continue their efforts to make certain this overreach is responded to by Congress. The courts have spoken, but we want to make certain we do our job.

One of the criticisms I hear regularly from people who support this regulation is this: Don't you care about water quality? Don't you care about clean water? I absolutely think it is important to protect our Nation's waterways. If you are a Kansan, water is life, water is the future of your community. Water matters greatly. We are not against clean water.

Agriculture producers—which dominate in my State—across Kansas are strongly opposed to this regulation, but they are certainly not opposed to the efforts to keep our water supply safe and clean. Most Kansas farmers and ranchers hope to pass their land and their farming operations on to their kids and grandkids. It serves their interests to preserve the land and water to which their family farms are tethered. It is not the Washington lobbyists and the environmental radicals who are telling Americans ''If you oppose this regulation, you are opposed to clean water.'' That is what they say. Kansans care greatly and particularly farmers and landowners who want their children to enjoy their farm or ranch in the future care greatly about clean water.

It is EPA's abusive regulatory path, characterized by fines, penalties, and potential civil lawsuits against landowners, that gives us major cause for concern. The Federal Government should not dictate to citizens how they manage their private lands.

I believe there are better ways to promote water quality than with threats of severe fines, penalties, or even jail time. One of the ways we see this effort take place is through the Department of Agriculture's Natural Resource Conservation Service. NRCS promotes soil and water health not by mandates and threats from Washington but through collaborative, voluntary approaches that encourage conservation through incentives and on-the-ground technical assistance for those landowners.

Unlike the EPA, which seems to view agriculture producers as untrustworthy partners who must be forced into caring for the land, NRSC and the USDA Farm Service Agency efforts are successful in large part because they operate under the recognition that farmers and ranchers are devoted stewards to their land.

Policies such as the Grassroots Source Water Protection Program and the Environmental Quality Incentives Program are examples of voluntary approaches that incentivize innovation, provide technical assistance, and more broadly promote clean water through localized, cooperative efforts. Compare those approaches to what we are debating here on the floor today and earlier this week—an overly broad, overly complex, overly ambitious regulation drafted by an agency that has shown a complete unwillingness to listen to or work with landowners.

This regulation is pretty straightforward. If it is water, EPA has the authority to regulate it unless it decides it doesn't want to. Again, what this regulation basically says is that if it is water, EPA has the authority to regulate it unless EPA decides it doesn't want to do it.

First, EPA declares that all ''tributaries'' are waters of the United States. Tributaries are defined as anything with a bed, banks, or an ordinary high-water mark, regardless of the frequency or duration of the water flow. This kind of definition is so broad and all-encompassing that the EPA can assert jurisdiction over streams and ditches that may flow only for a few hours following a rainstorm.

This regulation also controls waters that are ''adjacent'' to any water that is under EPA's jurisdiction, including 100-year-old floodplains. And if somehow water could still escape the EPA's long shadow, its broad definition, they came up with yet one more way to regulate it. The regulation states that if waters aren't adjacent or are not tributaries, they can still regulate if there is ''significant nexus'' between the waters EPA wants to regulate and navigable or interstate water. What that means is that every drop of rain can be regulated because every drop of rain always ends up in a body of water that is navigable. All EPA has to do is establish some connection between the two, and they have granted themselves the authority to regulate the waters.

With its significant civil fines and criminal penalties for those not in compliance, we can see why so many Americans are concerned.

Last year, EPA went on a public relations campaign of sorts to convince stakeholders and to convince people across the country that they only meant to ''clarify,'' not expand, the

regulation. Instead of lecturing, the EPA should have listened to the overwhelming feedback they received from constituents, including many who attended a meeting in Kansas City. The EPA should have scrapped the rule and started over.

Now we have learned that not only did the EPA ignore the outcry of the American people, but they also disregarded the technical experts at the Army Corps of Engineers who described the rule as ''not reflective of the Corps' experience or expertise.'' Again, the Corps is the agency that the EPA is to work with to develop rules. They are the experts, and they say this rule is not reflective of the Corps' experience or expertise. The Corps says it is not accurate. The Corps says it is not supported by science or law. The Corps says it is inconsistent with the Supreme Court's decision. And the Corps says it is regulatory overreach.

It is obvious that the regulation exceeds the EPA's legal authority under the Clean Water Act. It is equally obvious that the EPA intended to run roughshod over anyone who disagreed.

The waters of the United States regulation is, in short, a breathtaking abuse of power, and it is something Congress needs to address.

For too long, Congress has looked the other way when this Executive or any other occupant of the White House exceeds their congressionally mandated legal authorities. Republicans perhaps look the other way when there is a Republican President and Democrats look the other way when there is a Democratic President. The reality is that Congress needs to play its constitutional role in determining what the law is and prevent the abuse that comes from a White House that exceeds that legislative authority day after day.

The EPA's regulations ignore two Supreme Court opinions. It ignores a time-honored understanding of what the law does and does not permit in the way of regulation, as evidenced by numerous legislative attempts rejected by Congress to amend the Clean Water Act that the Obama administration now does by regulatory action. It ignores the serious repercussions for farmers and ranchers, electric cooperatives that provide electricity to my State, the oil and gas industry that provides jobs across Kansans, the homebuilders that provide homes for Kansans, and many other small business owners in our State and across the country. And it ignores the concerns voiced by so many more, including State and local officials across Kansas and our Nation.

At the end of the day, if the goal is to promote clean water and responsible land management, there is a much more effective method to do so, as evidenced by the voluntary cooperative efforts within USDA that respect private property rights, incentivize conservation rather than criminalize landowners, and don't threaten to do irreparable harm to our country and to the jobs Kansans so desperately need.

I urge my colleagues to block this regulation and to force the EPA and the Army Corps of Engineers to work with State and local officials and those affected by the regulation in protecting real waters of the United States. We must protect those waters. We should do it much differently than the Environmental Protection Agency proposes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CRUDE OIL EXPORT BAN

Mr. CORNYN. Mr. President, about a month ago the White House announced that it has reached a deal with 11 other countries along the Pacific Rim—known as the Trans-Pacific Partnership. This is a major trade agreement that followed on the approval of trade promotion authority by the Congress.

As we might expect, President Obama has been quick to tout his credentials as a pro-trade President, and I think so far, so good. In fact, though, you might say he is so pro-trade that he has significantly not only sought to open up the U.S. economy but also the Iranian economy, releasing billions of dollars to a hostile regime by negotiating a deal to ease sanctions against them and potentially releasing as much as 1 million barrels of crude oil by Iran onto the world markets. I think it has been well documented that I oppose that deal.

I do find the President's position is perplexing at minimum or hypocritical at worst. It is hypocritical that despite his self-proclaimed pro-trade stance, he refuses to do something that should be a no-brainer when it comes to any proponent of free trade: opening up foreign markets to the things we make and produce here, like lifting the antiquated ban on exporting crude oil.

By refusing to revise this outdated policy, the President continues to contribute to the flatline of our economy and to deny our potential as an energy powerhouse. And, I might add, at the same time, by not acting to lift this export ban, the President continues to deny our allies the energy they need for their economic security and to improve their national security.

Next month will mark 40 years since the United States put into place a ban on the export of crude oil. For those who might not be familiar with the history, let me offer a little bit of background.

The crude oil export ban was put in place decades ago as a precaution to protect the United States from disruptions to global supply of oil in the 1970s, at a time when we were importing the majority of the oil and gas that we consumed here in the United States. But, fortunately, the world looks a lot different than it did back in the 1970s. For example, in 1970, world production was roughly 48 million barrels of oil a day. In 2015 that number has doubled to 100 million barrels of oil a day, and the United States alone is producing about 9.4 million barrels of oil a day.

As recently as 2008, 76 percent of Americans believed that the world was somehow running out of oil. Thanks to the remarkable shale revolution, we have come a long way in helping the geopolitical energy landscape turn in our favor here in the United States and have reduced our dependency on imported energy from other parts of the country.

I should mention that it is because of the commonsense policies of States such as Texas, Pennsylvania, Ohio, and North Dakota that we have been able to take advantage of the incredible new technology in this field that goes along with horizontal drilling and fracking to produce a supply of oil and gas that we never would have dreamed of a few short years ago. These developments have been nothing short of revolutionary.

We have recently seen an uptick in oil imports in the United States, primarily because overseas energy producers are discounting their crude to be able to take advantage of the U.S. market. The downward trend for the past several years of imports of oil showed that the United States is importing less than it historically has. Why? Because we are producing more here, so we are less reliant. I think most people would think that would be a good thing.

Our country doesn't need to bar our domestically produced energy from reaching the global market. We should do away with this antiquated policy and, in so doing, help kick start the U.S. economy in the process. First, let me talk about what this would do to help our economy. Lifting the ban would mean real job creation right here in this country. These are not minimum wage jobs. These are well-paying jobs. It is easy to think that lifting the ban would only provide a limited benefit to those who work in the domestic energy sector, but that is actually not the case.

Domestic energy production involves many different sectors, from construction to shipping to technology companies. By allowing our country to export more crude, the United States has the potential to create many, many jobs here in the United States at a time when we need more jobs—not only in the domestic energy sector but deep in the supply chain as well.

One study estimated that for every new production job, it translates into three additional jobs in the supply chain and another six in the broader economy. It is estimated that in my home State of Texas alone, more than 40,000 jobs could be created in the coming years simply by lifting the ban and making available to producers the global benchmark price known as the Brent price. Several studies have suggested that hundreds of thousands of jobs in multiple sectors throughout the country could be created in the coming years if the crude export ban is lifted.

By the way, I should mention this—because this is probably on everybody's mind: What is this going to do to the price of gasoline? Study after study has

documented that gasoline prices are going to remain either where they are now or go lower should the ban be lifted. By the way, the Energy Secretary of the Obama administration, Dr. Moniz, agrees with that. It is plain old supply and demand, if you think about it.

Lifting the crude oil ban export would strengthen our economy and could actually save Americans money at the pump. But doing away with this outdated, protectionist policy also gives us the opportunity to promote stronger relationships with our friends and allies around the world. For example, our NATO allies and other nations in Europe rightly question why the United States doesn't lift this ban, which would help them achieve a source of energy that they need, instead of having to depend on countries such as Russia that use it as an instrument of coercion and intimidation.

Today, many of our allies in Europe rely not only on Russia but on Iran for their energy needs. Wouldn't it be so much better if we were able to enter into contracts to sell our energy to our friends and allies to help prop them up and provide them another source of energy, rather than leave them dependent on countries such as Russia that want to use it as an instrument of intimidation. Because of these countries' dependence on our adversaries for their basic needs such as heating, electricity, and fuel, this represents a real vulnerability, not just for them but for us as well because we are part of the North Atlantic Treaty Organization.

As our world becomes more interconnected, we need to take a more long-term strategic view. That means considering the implications of our energy policies for our own national security. By lifting this ban, the United States can offer to help our friends diversify their energy supplies and enhance their energy security and help reduce the revenue that these rogue states take in for nefarious purposes—such as Iran, the No. 1 sponsor of state terrorism.

Lifting the crude oil ban represents a rare opportunity to do two things vital for our country: to strengthen our economy and to promote a safer, more stable world for our allies and partners and ultimately for us.

Last month, in a strong bipartisan vote, the House of Representatives voted to overturn this ban. Now it is time for the Senate to do the same. Unfortunately, the White House has already sent a signal that were we to pass such a bill to lift the ban, the President might decide to veto this pro-trade legislation. I wish to point out to the White House and to anybody else who is listening that time and again the President has relied on Republicans in this Chamber to advance his pro-trade agenda. The reason we have done it is because we agree that a pro-trade agenda is good for our economy and good for our security.

Soon we will have an opportunity to read the full text of the Trans-Pacific Partnership Agreement that I mentioned earlier. Pro-trade Republicans in this Chamber, myself included, have voted to equip Congress with a powerful mechanism with which to consider trade agreements such as the Trans-Pacific Partnership Agreement or trade promotion authority. Trade promotion authority, or TPA, which passed with strong Republican support and only 13 Democratic votes in the Senate, does not guarantee that the President's agreement will pass this Senate or this Congress—far from it. I am going to use all of the tools that we have provided for in the trade promotion authority legislation to make sure this proposed deal, the Trans-Pacific Partnership, gets the kind of careful scrutiny it deserves.

We know the President, with not much time left in his administration, is looking for a legacy accomplishment. But this President's inconsistency with respect to free trade gives me great pause. I have to say that he can't take my support for granted or, I believe, the support of others in this Chamber for the Trans-Pacific Partnership, particularly if he acts so inconsistently on other free trade measures such as lifting the crude oil export ban.

Moving forward, I hope the President will learn to work with those of us in Congress who have traditionally supported free trade in every respect. If he were truly the pro-trade President he claims to be, his administration would prioritize lifting the crude oil export ban with the same ferocity with which it supports the Trans-Pacific Partnership.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Wyoming.

WATERS OF THE UNITED STATES RULE

Mr. ENZI. Mr. President, I applaud my colleague for what he just said, and I want to also applaud the colleagues who today took a stand against the regulatory onslaught and overreach being waged by the Environmental Protection Agency. In promulgating the waters of the United States rule, or WOTUS, the EPA and the Army Corps of Engineers have teamed up to promulgate one of the most expansive Federal power grabs across the Nation.

Recently, I spoke to this body about the threat that the growth and expansion of Federal regulations pose to this country's economic well-being. The growth of Federal regulation and bureaucracy is a menacing threat to this country's security and success. What America needs now is a smaller, less burdensome regulatory framework that will permit our Nation's economy to thrive. With the $18 trillion of debt, we can only afford policies that will serve as a catalyst for economic growth.

This waters of the United States rule is a prime example of a Federal agency coming up with regulations that do the precisely opposite. In the early 1970s, Congress passed the Clean Water Act and charged the EPA with protecting our Nation's navigable waters from pollutants. It has worked. Since then, the EPA and the Corps have been working to ever expand the definition and scope of ''navigable water,'' this time stretching the meaning all the way to the limits of common sense.

With the waters of the United States rule, the administration has once again demonstrated a willingness to advance its own goal at any cost. Under this expansive new rule, the EPA may implement substantial additional permitting and regulatory requirements under the Clean Water Act without any thought to the employees who will lose their jobs, to the businesses or industries this rule will cripple.

As the U.S. Chamber of Commerce said earlier this week in a letter to this body, business owners and their employees in all sectors of the economy would be affected by the regulatory uncertainty of this rule, which is ''certain to chill the development and expansion of large and small projects across the country.''

Again, this is not the kind of regulation America can afford. The waters of the United States rule is so expansive that it would redefine the jurisdiction of bodies of water under Federal control all the way down to, for example, all water located within 100 feet of other jurisdictional water. This is my favorite: The rule further includes all waters located within 1,500 feet of any other jurisdictional water, if it also is in the 100-year flood plain.

I don't know about you, Mr. President, but I won't stand for giving any Federal agency—much less the EPA—five football fields worth of leeway to enforce any rules or regulations.

As chairman of the Budget Committee, I seldom hear any agency talking about having enough resources. The EPA is not an exception. They can't take care of what they already do, and now they want to bite off every body of water in the United States. There is a lot of water that can be cleaned up. There is a lot of water that has been cleaned up. You always start with what is worse. I always tell people that Jesse James robbed banks because that is where the money was. You start where the most pollution is, not where the least pollution is.

States already know best what makes their waters navigable, and they don't need a Federal rule like waters of the United States to constrain them. This is particularly true for the Western States, where water is a rare and protected source and is respected accordingly. In Idaho, a State which historically relied on streams to support its timber industry, lawmakers consider a stream navigable if it will float timber in excess of 6 inches of diameter or if it is capable of being navigated by oar. Six inches—that is not a very big log. If the State of Idaho protects streams small enough to float logs that size, they don't need a rule like WOTUS to further constrict what is considered navigable.

At some point, the overregulation by the EPA and this administration has to

be stopped. Today we had an opportunity to do just that. By passing the resolution of disapproval, we have sent a message to the President, his administration, and all of its bureaucrats. Earlier this week, the body missed a keen opportunity to pass my friend Senator JOHN BARRASSO's bill to roll back this regulation. His bill would have sent the EPA and the Corps back to the drawing board to develop a new rule. It would have told them how to do it. It would have required them to conduct a thorough economic analysis and consult with States, consult with local governments, and consult with small businesses. Congress made a mistake in 1972 when it passed the Clean Water Act and left too much up to the EPA to define. We had a chance to fix that error with Senator BARRASSO's bill.

This rule allows the EPA to regulate any body of water that has a significant nexus to navigable water. Unfortunately, the rule leaves the definition of ''significant nexus'' open to the EPA's interpretation.

Here is something that fascinates me. If you contest, guess who gets to make the ruling in the case. The EPA does. Guess how they are going to rule. As anyone from Wyoming would attest, never has a Federal bureaucrat missed an opportunity to make life a little more complicated for the folks out West. I can't possibly think of why I would give the EPA an opportunity to do so here.

The Clean Water Act recognizes States as having primary responsibility for land and water resources within their boundaries. That is a responsibility taken very seriously in places like my home State of Wyoming, where so many farmers, ranchers, and small business owners rely on water for their livelihood. In Wyoming, folks know that you have to take care of the land or the land will never take care of you. You won't find better stewards for land and water anywhere, so if the folks in Wyoming tell you a rule governing the use of water is no good, you can take that to the bank.

As the State's Governor Matt Mead said, this rule was bad from the start. In his words:

> The EPA failed to properly consult with states or consider states' concerns. The rule unlawfully seeks to expand federal jurisdiction over water, undercuts state primacy and burdens landowners and water users in the West.

Wyoming has joined 30 other States in suing the EPA and the Corps of Engineers to block this rule. If over 60 percent of the States in this Nation are spending time and money to ask the courts to block this rule, then this resolution should pass with flying colors. In fact, if the 2 Senators from each of the 31 States that are suing were to vote for either the resolution before or this resolution, the previous one would have passed cloture. This one didn't require cloture. So in passing this joint resolution of disapproval, our actions appropriately reflected what our States are telling us to do: Stop this rule.

Two Federal courts have already recognized the fallacy of this rule and issued stays to prevent it from being enforced. Those courts have recognized what we should all recognize: the massive scope of this rule and the potential damage it could cause.

Wyoming was lucky in that it got some relief from a U.S. district court judge before the rule could be enforced in late August. In that ruling by which the court stayed the rule's enforcement, the court said:

> The rule asserts jurisdiction over waters that are remote and intermittent. No evidence actually points to how these intermittent and remote wetlands have any nexus to navigable-in-fact water.

I couldn't have said it better.

What the EPA is doing is more out of control than protection. It is an overreach, it is power, and they can't afford it. For the sake of farmers, ranchers, manufacturers, and small businesses and their employees, it is time to stop this outrageous regulation.

I thank the majority leader, Senator BARRASSO, and Senator ERNST for recognizing how important it is to fight this bad EPA rule and bring legislation to the floor to push back.

I urge my colleagues in the House to pass this resolution of disapproval so that we can send a clear message to the President that this Congress will not continue to accept ill-thought-out, ever-expansive, unendingly complicated regulations from this administration, ones that the courts have already ruled on three times.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to enter into a colloquy with Senators CARPER, WARREN, MURPHY, BLUMENTHAL, SCHATZ, and BROWN for up to 1 hour.

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

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, today I come to the Senate floor to discuss the issue of for-profit colleges. One may wonder how a Member of the U.S. Senate takes up an issue. This came to my attention when a young woman in Chicago, IL, contacted our office and told her story. She was a conscientious young woman who wanted a college education, and, having graduated high school, she shopped around on the Internet and found the degree she wanted. It was a degree in law enforcement offered by Westwood College. Westwood is a for-profit college based in Colorado.

She enrolled in Westwood, and 5 years later—5 years of classes later—she got her diploma in law enforcement from Westwood. She took it to every law enforcement agency in the Chicagoland area, and they said: Young lady, this is not a real college; this is one of those for-profit Westwood colleges. We don't recognize your degree.

When she went to another place, she got the same reaction, and then she realized she had wasted 5 years of her life on a worthless diploma. But that is not the worst part. She incurred a student loan debt of $80,000 and she couldn't get a job. She moved back into her parents' basement. Her dad came out of retirement to help her pay off this loan, and she is going to take years to do it. She has postponed buying a car, getting her own apartment, or even considering marriage or a family. This was one personal tragedy that opened my mind.

I used to drive out on the Kennedy Expressway and see Westwood College signs on these large, tall buildings and think, wow, this must be some college. Well, it turned out that it was part of a network of for-profit colleges and universities that I have been researching and speaking about ever since.

When I started 5 years ago, it was a different industry than it is today. Too many people like this young lady ended up with empty promises, deep debt, and worthless diplomas from for-profit colleges and universities.

Westwood isn't the only one. The biggest for-profit college is the University of Phoenix. DeVry University, based out of Chicago, IL, is the second largest. Kaplan—which used to own or was owned by the Washington Post, depending on your point of view—ITT Tech, and Le Cordon Bleu are names young people know right off the bat because they are inundated with advertising from for-profit schools. They and their parents think these are real schools. They think: It is worth my time. It is worth the debt to me and my family to pursue a degree.

Five years ago, this industry was in its heyday. Enrollment and profits were sky high. They were a favorite of Wall Street investors. Between 1998 and 2008, enrollment at for-profit colleges exploded by 225 percent. By 2010, total enrollment in these for-profit schools reached 2.4 million.

When the former chairman of the HELP Committee, Senator Tom Harkin of Iowa, released a report on the industry in 2012, they had grown to take an incredible share—$32 billion in Federal taxpayer dollars, 25 percent of all the Federal aid to education. Despite the fact that they had 10 percent of the students, they were taking 25 percent of the Federal aid at that point. Why? They are so expensive. The tuition is so much higher than public colleges and universities or even many private colleges.

Meanwhile, more than half the students who enrolled in for-profit colleges left without a degree within 4 months and found themselves in student loan default. Five years ago, 10 percent of the students accounted for 47 percent of the student loan defaults. How can it be that 47 percent of the students who can't pay back their student loans went to for-profit colleges? It costs so much and the degrees are worthless.

John Murphy is a cofounder of the University of Phoenix. This was the mother ship of them all during the

great for-profit college movement. Here is what he said in the Deseret News National:

They are not educators and they're looking to manipulate this model to make money. There is nothing wrong with making money, but I think anyone making money in an educational activity has a higher standard of accountability.

John Murphy, a cofounder of the University of Phoenix, is right. He explained that they started off as a serious venture to educate students, but they soon became a company listed on Wall Street chasing stock prices, tapping into the open spigot of Federal loans, which Mr. Murphy calls the juice of the for-profit college industry. He went on to say:

Phoenix was the one that got it rolling, and then all the other for-profits followed them in.

I will yield at this point to my colleague from Hawaii. I thank Senator SCHATZ for joining me in this colloquy.

Mr. SCHATZ. Mr. President, I thank the assistant Democratic leader for his leadership on this issue and for his willingness to educate colleagues and educate the public and to push the DOE to take much needed action in this area.

What is happening with some for-profit colleges is truly a national scandal, and it is a scandal for two reasons: First, students are being hurt, and second, we are wasting tens of billions of dollars. The numbers speak for themselves. Almost 2 million students are enrolled in for-profit colleges, and they have collectively taken on $200 billion in debt to attend, but they often leave with little to show for it. More than half drop out within a few months, and in some programs less than 5 percent of their students ever graduate. For those who leave without a degree, repaying loans is a struggle. Students at for-profit colleges default on student loans at double the rate of students at not-for-profit colleges.

People may be surprised to learn that these substandard programs are financed almost entirely by the Federal Government, and the amount is totally staggering. In total, for-profits receive over $32 billion a year in Federal financial aid—over 20 percent of the total aid—yet they serve only 12 percent of the students.

There are several for-profit companies that each take in more than $1 billion a year in Federal aid and graduate less than 10 percent of their students. Think about that. They take in more than $1 billion in Federal taxpayer money and they graduate less than 10 percent of their students. These companies include the Apollo Group, DeVry, ITT, Kaplan, and Education Management Corporation.

Not only are the educational metrics awful, but many of these for-profit colleges are also under investigation for fraud and deception. Essentially, they have been lying to students and to State and Federal agencies to cover up how bad their record is. Even while prosecutors go after these schools for fraud, they remain accredited and continue to rake in Federal funds. Here are a few examples:

Education Management Corporation, EMC, faces charges of fraud and deception brought by prosecutors in 13 States and the Department of Justice and faces a lawsuit to recover $11 billion in Federal and State funds. Yet EMC is still accredited and still receives $1.25 billion from the U.S. DOE. So the Department of Justice is trying to recover $11 billion at the same time that the Department of Education gives them $1.25 billion.

ITT Educational Services is being investigated and sued by 19 States, the SEC, CFPB, and the DOJ. It is also under scrutiny from U.S. DOE for failure to meet financial responsibility standards. Yet they are still accredited, and last year they received just under $600 million.

Another 152 schools are under investigation by a working group of 37 State attorneys general. They too are still accredited. Collectively, they received $8 billion in Federal financial aid last year.

What do all of these schools have in common? They are accredited. Accreditation is the key to the castle for accessing this spigot of Federal financial aid. It is supposed to signify that a program provides a quality education for its students. Too often, however, the accreditation means nearly nothing.

The GAO released a study on accreditation last year, and its findings are shocking. Over a 4-year period, the GAO found that accreditors sanctioned only 8 percent of the institutions they oversee and revoked accreditation for just 1 percent. Even more troubling, GAO found there was no correlation between accreditor sanctions and educational quality. In other words, schools with bad student outcomes were no more likely to be sanctioned by their accreditor than schools with good student outcomes.

Our accreditation system is broken. According to the Higher Education Act, accreditation agencies are supposed to be ''reliable authorities as to the quality of education or training offered'' by institutions of higher education.

That is the reason for making accreditation a core criterion for receiving Federal funds. How are we following the law when accreditation reviews find that 99 percent—basically, everybody—99 percent of institutions are providing an education of value? How can we say with a straight face that accreditors are acting as reliable authorities on educational quality?

The problem here is money. Incentives are lined up against being critical and against setting high standards. The problem can be traced to the funding and governance of the accrediting agencies. First, accrediting agencies are funded by the same institutions they accredit. Colleges pay an initial fee to become accredited and annual dues after that. They pay for site visits and other services.

Second, accrediting agencies are run and overseen by the institutions they accredit. The member institutions elect their own academics and administrators to serve on the board of the accreditation agency.

It is not hard to see how the incentives are misaligned here. We have created a dysfunctional, if not corrupt, ecosystem in which it is far too easy to become and remain accredited. This system is eerily similar to the one that enabled credit rating agencies to pump out inflated asset ratings, which contributed to the worst financial crisis of our time. Like credit rating agencies, accreditors have a financial interest to churn out accreditations.

The DOE has the authority to improve accreditation. There are a lot of things that Senator DURBIN and others, Senator MURPHY, and I are working on in terms of changing the Higher Education Act and working in the appropriations context, but U.S. DOE has authority that it is beginning to use but needs to use more of in the accreditation space. It can and must do more to ensure that accreditors are actually looking at academic quality and holding schools to high standards. For the sake of students and taxpayers, the DOE must make this a top priority.

I thank the assistant Democratic leader for his leadership on this issue.

I yield the floor.

Mr. DURBIN. Mr. President, I hope the Senator from Hawaii can stay for just a moment.

If a student is about to graduate from high school, looking for a college, and goes online and types in the word ''college'' or ''university,'' watch what happens. The page is flooded. The University of Phoenix, DeVry, Kaplan—all of these different schools are flooding the page saying: Come to our school. How does a student know if it is good or not? The only yardstick that can be used is, well, do they receive Federal Pell grants for their students? Do their students receive Federal loans? The answer, when it comes to for-profit schools, is yes.

Senator SCHATZ has put his finger on the problem. They accredit themselves. They decide among themselves who will stay in business. Guess what. They all stay in business.

So the unsuspecting student goes to a worthless, for-profit school, gets a worthless diploma, goes deep in debt, and thinks, I thought this was a good school. How can I get a Federal Pell grant to this school and get a worthless diploma?

The Department of Education is not doing its job. Congress is not doing its job. We have to enforce these standards.

Corinthian was one of the giants. Corinthian went bankrupt. They measured how many students came out of Corinthian and got a job. The numbers were pretty encouraging. The Huffington Post writer started following

the students that got the jobs. Do you know what Corinthian was doing? They were giving $2,000 to employers to hire their graduates for 1 month so they could report to the Federal Government that their graduates all have jobs. When they were caught with it, they went bankrupt.

Do my colleagues know what we ended up losing, what the Federal taxpayers lost? It could be billions. Who ended up on the hook? The students. The students ended up with the debt, and the taxpayers ended up as losers. Corinthian should never have been accredited.

Mr. SCHATZ. Mr. President, there are two problems here. Normally, when something is a waste of taxpayer money, it is not usually also harmful to individuals across the country, but this is a double whammy. This is harming students, causing them to collectively incur tens of billions of dollars' worth of debt, and it is a waste of money, so this really is a double whammy.

I will make this final point: The Obama administration has done the right thing in terms of going after malfeasance in this space, but they are split among their executive agencies. We have the Department of Justice who understands the fraud and deception. We even have parts of the U.S. DOE that understands what is going on, yet they have been slow on the uptake in terms of using the authority under the statute to make the accreditation process a little more reliable when it comes to students. I think that is one of the key things that we are going to be able to accomplish in the next couple of years. The U.S. DOE has to understand that there are separate accrediting agencies, but under the higher education statute, U.S. DOE has the authority to make sure that no institution that is providing a low-quality education and no institution that is engaging in fraud and deception ought to avail themselves of tens of billions of dollars in Federal financing.

Mr. DURBIN. I thank the Senator from Hawaii.

Last week, the senior Senator from Arizona came to the floor and said it was DURBIN's speeches that brought down Corinthian. Correction: What brought down Corinthian was its own malfeasance. They were under investigation by 20 different attorneys general for fraud and deception. They were also under investigation by the Securities and Exchange Commission, the Department of Education, and the Department of Justice. It was their malfeasance that brought them down, as Senator SCHATZ has indicated. The victims: Students and taxpayers.

For purposes of this colloquy, I wish to yield to my colleague from Delaware, Senator CARPER.

Mr. CARPER. Mr. President, I want to thank the Senator for inviting us to come to the floor this afternoon and have this conversation. It is great to be with our colleague from Hawaii as well.

Senator DURBIN and I came to the House of Representatives together in 1982. I had been a State treasurer and before that I was a naval flight officer. I was a P–3 aircraft mission commander. I served three tours in Southeast Asia. In 1968, the P–3 four-engine aircrafts were on 12-hour surveillance flights tracking Soviet nuclear submarines all over the world. We flew a lot of missions off the coast of Vietnam and Cambodia, low-level missions tracking infiltration. That is what I did on three tours over there.

I came back from overseas after the last tour, 5 years, and moved from California where my station was home ported, where my squad was home ported during the war, and I ended up moving across the country. I found Delaware on the map, drove my Volkswagen across the country, and enrolled in business school.

I signed up with the GI Bill. I remember the first check I got was $250. I was thrilled. I used that money to help pay my expenses, and I signed up with a Reserve P–3 aircraft squadron up at the naval air station north of Philly and started flying the same aircraft and a new squadron. I did that for another 18 years and then retired as a Navy captain.

As Senator and as a Governor for 8 years and as commander in chief of the Delaware National Guard—they have a special spot in my heart. A couple of months ago, a delegation with the Governor were sending off the 300 men and women from the Delaware National Guard to eventually end up in Afghanistan. I suspect they are there by this time. I said to the men and women and their families as they were preparing to leave—I told them about my GI Bill and how grateful I was to have it for my generation. I talked to them about their GI Bill. I said: When you come home, if you have 3 years of service during your time in Afghanistan, here is what you are going to get. If you go to Delaware State University, University of Delaware, Delaware Tech Community College, you go for free—tuition, free; books, free; fees, tutoring, free. Plus you get a $1,500 a month housing allowance. People said: Wow. And I said: If the GI doesn't use it—the Delaware National Guardsman—if you guys don't use it when you come home, your spouse can use it. If your spouse doesn't use it, your dependent children can use it. It is the most incredible GI bill benefit ever. My generation, we got $250 a month. I am happy for the folks today who serve in Afghanistan and in Iraq for the benefit they receive.

It has not only been a great benefit for the veterans and their families, it puts in the words of—I think it is Polly Petraeus who works at the Consumer Financial Protection Bureau. Polly said that what the GI bill does is it also puts a silver bull's-eye on the veterans because they come back and what happens is a lot of colleges and universities and training schools want to help those GIs and their spouses and maybe their kids go to school. Some of them are for-profits and some of them are non-profits; some of them are public colleges and universities. Some of them do a great job. Some of the for-profits even do a great job. But some of them—and the Senator from Illinois has mentioned some of them here today—do not. They spend more money on trying to recruit people to come to their schools than they actually spend educating them. They are preparing them for careers, allegedly, for what there are no jobs. Senator DURBIN mentioned what Corinthian has done to place people in work opportunities for a month or so just so it will look like people are being gainfully employed.

There is a lot of money to be made by these for-profit colleges and universities, and for the ones that aren't the white hats but the black hats, what is happening to the GIs and, frankly, to taxpayers is shameful. It is just shameful.

I want to say around maybe 1992, maybe the early 1990s, maybe on this floor, the Senate debated whether or not there should be some way to harness market forces to ensure that—whether it is people using Pell grants or other Federal aid programs, or maybe the GI bill—they could somehow harness market forces to ensure that taxpayer money going to people going to college was being well used. Initially, when the Congress adopted something called the 85–15 rule, the idea was that for at least 15 percent of the students in the school, if they were receiving Federal assistance, 85 percent of those students would have to be coming on nonFederal money. That seemed to make sense, so for a while, that worked pretty well.

Then the rule was changed to the 90–10 rule so that at least 10 percent of the revenues had to come from nonFederal sources. The idea was to use market forces to ensure that the quality of the diploma was actually worthwhile at the school.

Then, we had this new GI bill. We have spent, I think—and the Senator from Illinois probably knows better than me, but I think we have spent today close to $50 billion on the Iraq-Afghanistan GI bill, close to $50 billion. It probably dwarfs whatever we spent for folks coming back from the Vietnam war.

Some of the smart for-profit colleges figured out a loophole, though, and what they figured out is the law, when it was first adopted, didn't really focus on the GI bill because it wasn't all that robust, and the 90–10 rule—85–15 and 90–10—focused on things that did not include the GI bill. So when veterans go to college and the GI bill helped to pay for their tuition, or for that of their spouses or their children, that does not count toward the 90 percent.

So as a result, what we have is a loophole that allows a college or university, a private college or university, to realize as much as 100 percent of their revenues from the Federal Government—100 percent. There is nothing

about market forces; 10 percent, 15 percent of your students have to come by nonFederal means. All of them are there on the Federal Government's dole.

Among the people who pushed for the 85–15 rule, I think, were Bob Dole and Phil Gramm, and they said a long time ago that we ought to have something like the 90–10 rule. A couple of years before that, the guy that Senator DURBIN will remember named William Bennet—remember him, the Secretary of Education—here is what he called for-profit trade schools. Here is what he called them in 1987. He said:

> Diploma mills, designed to trick the poor and to take on Federally-backed debt, milk them for their loan money and then wash them out or graduate them, ill-prepared to enter the job market and pay off their loans.

That is what he called them. As I said earlier, there are some for-profits that do a good job, but there are a bunch that don't. That was the case in 1987 and, unfortunately, it is the case today.

I just want to say we—you have, I have, Tom Harkin in past years—have continuously drawn this to the attention of our colleagues and anybody who wants to listen this issue. This needs to be fixed. It needs to be fixed.

I thank Senator DURBIN for working so hard and letting me help him a little bit on this stuff. I think we are starting to break through. Some of the folks who are the worst actors in this business are starting to fold, and that is a good thing.

Mr. DURBIN. I want to thank Senator CARPER.

Let me show the Senator briefly what has happened to the enrollment of for-profit colleges and universities as people have come to realize they are wasting their time, and many times their GI bill benefits, debt, and ending up with a diploma that doesn't take them anywhere.

Look at the University of Phoenix—this is the mother ship that launched this industry—peak enrollment was nearly 500,000 in 2010. Now it is 227,000, a nearly 50-percent loss.

ITT, which advertises constantly, had enrollment in 2010 of 88,000, and now they are down to 53,000. Career Education Corporation enrolled 41,000 students in 2014 compared to 118,000 in 2010—a 65-percent decrease. Education Management Corporation is down 25 percent. DeVry has declined in enrollment. What is happening here?

I talked to some of the people from some of these for-profit colleges. Parents and families are finally realizing that this is a waste of time and money. It is time for taxpayers to realize the same thing. I overhear my colleagues—conservative colleagues—preaching to me about the miracle of free markets. We are talking about the most heavily subsidized industry in America, accounting for over 40 percent of the student loan defaults with 10 percent of the students enrolled.

I thank the Senator from Delaware for coming, and I yield to the Senator from Massachusetts, Ms. WARREN.

Ms. WARREN. I thank the Presiding Officer and thank Senator DURBIN for calling us together to discuss this important issue.

Our higher education system is broken. Right now a student borrows money to go to college, and the college gets paid in full regardless of whether the college provides a decent education. In fact, Federal loan money is so easy to come by that a new business model of for-profit colleges has sprung up, spending more money on advertising to attract students than actually teaching them anything.

Consider three numbers—10, 20, 40. Just over 10 percent of all college students attend a for-profit college. Yet they take in about 20 percent of all Federal student aid and they account for about 40 percent of all student loan defaults. Many for-profit colleges target young vets and single moms for programs that promise the Moon but end up delivering nothing more than heartache.

I have met with student veterans at terrific public colleges and universities across Massachusetts, such as UMass Lowell and Bunker Hill Community College. These schools are working hard to reach vets and to help them get a first-rate education through their Office of Veterans Service and other resources. It is an exciting story, but time after time the for-profit colleges got there first, so young vets show up already tens of thousands of dollars in debt and without a single credit that will transfer to a decent public college. This makes me sick. These for-profit schools are stealing more than money. They are stealing the hard work and dreams of some of our finest young people.

There are 347 colleges in the United States in which the majority of the students have defaulted or failed to begin paying down their loans. Of these colleges, 85 percent are for-profit. Even with those huge default rates keep raking in the Federal loan dollars and paying out millions of dollars in dividends to their shareholders. These 294 for-profits are sucking down $2.2 billion in Federal assistance and leaving the majority of their students unable to repay their loans.

The business model of for-profit colleges challenges the conventional wisdom that a college degree is always a smart investment. A recent study found that the average salary increase of for-profit graduates isn't even enough to cover the costs of attending a typical for-profit institution. The research is clear: attendance at a typical for-profit college is simply not worth the cost. It is a bad return on investment.

For-profit colleges know this, but too often the potential students don't. Instead of taking the tough steps necessary to improve the value of the education they offer, most of these for-profit institutions have simply ramped up their marketing operations—and some just flatout break the law—to keep the gravy train going. These colleges have engaged in fraud in order to swindle more and more students and suck down more and more Federal funds.

Corinthian College is a prime example. At its peak, Corinthian was the Nation's largest for-profit chain, with 120 campuses enrolling over 100,000 students. It was massive. Corinthian built its business model to scoop up Federal financial aid by any means necessary—including fraud. Corinthian was trying to rope students in by using false and misleading information and then saddling them with debt that would be impossible to repay.

Federal policymakers had concerns about Corinthian's conduct for years and had the tools to shut off the Federal loan supply, but instead of acting, the Department of Education allowed Corinthian to keep recruiting more and more students and sucking down more and more Federal funds. When Corinthian's dangerous mix of mismanagement and deception finally blew up, the Department of Education even stepped in to bail out the college and keep it running a little while longer. Now Corinthian is bankrupt and its students are scrambling to start over.

Last week—due to a lawsuit brought by the Consumer Financial Protection Bureau—a Federal judge ruled Corinthian broke Federal consumer protection laws and ordered the company to pay $531 million for its illegal behavior, but Corinthian is dead broke, and its executives are off the hook for the financial liability. Plus students and taxpayers are left holding the bag.

Corinthian got people to sign up for student loans by scamming them. If an insurance salesman or a car dealer did that, the buyer wouldn't have to pay. The law is just as clear here, when a school breaks the law, students are entitled to cancel their student loans. That is why this week several of my Democratic colleagues are sending a letter to the Department of Education telling them they have dragged their feet long enough. These students don't owe the student loans that Corinthian tricked them into signing.

Schools like Corinthian make it clear that the Federal Government needs to be more aggressive and more willing to cut off the money faster when schools defraud students. When schools such as Corinthian break the law, their executives shouldn't be allowed to walk away from the mess. They should pay real penalties.

This is about basic fairness. Neither students nor taxpayers should be on the hook to a for-profit college that makes its money by cheating its students. It is time for the Federal Government to step up and do its job to hold for-profit colleges accountable and to ensure that higher education remains a real pathway to success for all hard-working students.

Thank you, Mr. President.

I yield the floor back to Senator DURBIN.

Mr. DURBIN. I thank Senator WARREN, and before we recognize the Senator from Connecticut, I would like to make a point about executive compensation, which is something we should not overlook.

We take a look at the actual amount of money that is being paid to executives of these for-profit colleges and universities. It is dramatically larger than what is being paid to presidents of public universities. I will put this information in the RECORD at a later point.

The average pay for college presidents is less than $500,000 a year. There is an executive at the University of Phoenix who was paid over $8 million in 1 year. When we wrote to the Department of Justice recently, we asked how many of these people are going to be held personally accountable. They left the students holding the bag with student loans and worthless diplomas or dropouts. They left the taxpayers holding the bag because the students can't pay back their loans, and now they are going to go away scot-free after taking billions of Federal dollars? If there is any justice, they need to be held accountable.

I yield to my colleague Senator MURPHY.

Mr. MURPHY. I thank Senator DURBIN very much.

This article is a few years old, but it underscores his point. Here is the opening line of an article from CNBC on this question of salaries for the CEOs of for-profit universities. The article opens by saying: ''Forget Wall Street and Silicon Valley. If you're looking to rake it in post-graduation, set your sights on the executive floor at one of the nation's for-profit colleges.''

That is an article from CNBC detailing the fact that in their article—again this is a few years old—the salary of the head of Phoenix University was $11 million, and the CEO of Bridgepoint, another national for-profit university, was making over $20 million a year.

You can say to yourself: These are private, for-profit companies. Why should Congress be in the business of caring what the CEO of Phoenix University makes or what the CEO of Bridgepoint or ITT or DeVry makes?

Harry Truman made his name as a critic of wartime profiteering. LBJ made his name as a young Member of Congress doing the same. Their idea was that it is all well and good to make yourself rich in the most dynamic capitalist economy in the world, but it is another thing to be getting rich off the taxpayers. It is another thing to be making your fortune almost exclusively coming from sources of money that really is all of our constituents' money in the form of the taxes they pay.

That is what we are talking about today. What we are talking about are executives who are getting rich off of companies that are 90 percent funded by the U.S. taxpayer because this 90–10 rule we talked about is an important rule for these companies. They run their revenue right up to the limit. So for many of these for-profit universities, their revenue is 70, 80, 90 percent from the taxpayers of the United States, and their CEOs are making $11 million, $12 million, sometimes $20 million a year.

Listen, I am all for people making a million dollars. I have a lot of people in Connecticut who are making $20 million, but if we are being good stewards of the taxpayers' dollars, we should be wary of those who are making their fortune off of the Federal dole. That is what is happening today.

Senator DURBIN, I just wanted to add in this conversation a note of accountability. That is one of the things that used to unite Republicans and Democrats. Frankly, the Republicans, I admit, cared more about accountability in Federal dollars than sometimes the Democrats did. It was the Republicans in the second Bush administration who started attaching strings to education dollars that were flowing out of Washington to make sure there was actually quality attached to the money that was coming from U.S. Federal taxpayers, but that era seems to be over.

Unfortunately, we don't have a bipartisan consensus on accountability. We are about to approve a budget that a lot of Republicans and a lot of Democrats will vote for that will send $140 billion in higher education aid to universities all across this country. It will come with almost no strings attached. It will come with almost no expectations that schools give a degree to kids that will actually get them a job or attempt to keep them in school so they can get some return on investment for the money we are all paying to them.

Senator, you might have talked about it already today, but the numbers of for-profit colleges that just came out today are absolutely stunning. I don't know if you talked about the ''Trends in Student Aid'' report that just came out today from the College Board.

Here is an amazing statistic. What this survey says is that borrowers who don't graduate from public and private nonprofit 4-year schools default at about the same rate as borrowers who do graduate from for-profit schools. Think about that. You are just as likely to not be able to pay back your student loan if you get a degree from a for-profit school as if you had dropped out of a not-for-profit school.

Here are the numbers: 14 percent of for-profit graduates default; 15 percent of not-for-profit 4-year college nongraduates default. That is a really stunning number. Yet we are just sending money willy-nilly out to these schools that are not putting students in degrees. Why are they not putting students in degrees? Because they are marketing themselves in a way that just does not square with the job market today.

As part of one of these attorney general lawsuits—there is a litany of stories about the abusive marketing techniques of these for-profit universities.

One of them said: I told the enrollment representative that I did not want to sign the loan unless I was guaranteed a job because I knew that I would not be able to pay it back. She told me that the school placed 99 percent of the students and they could guarantee a job after I finished my externship. She told me that I would be making between $18 and $20 an hour after completing the program. No worries about the loan. She told me career services could place me in a job and that she makes sure everybody who enrolls gets placed.

These are the claims that are being made. So it is frankly not surprising, when you have these for-profit universities enrolling thousands of kids in video game design degrees, that you are just as likely to default on a loan if you graduate from some of those worthless programs as if you don't graduate from a not-for-profit university.

So last Congress, Senator SCHATZ and I, joined by Senator MURRAY and Senator SANDERS, introduced a piece of legislation that would start to require some real outcomes from universities. We applied it to for-profit and not-for-profit universities. We said: You have to show that you are giving kids a chance to succeed and get a job, that you are keeping your tuition at reasonable levels. If you do that, then you can continue to get title IV dollars.

But if they don't, we are not going to continue to send money to these schools that simply are not producing graduates who are ready to compete or that are deceptively drawing students in based on claims that just do not wash out in the end.

So, yes, we have to shut down these fraudulent institutions like Corinthian. But we could just make a decision, Republicans and Democrats, to put some additional accountability standards on title IV dollars, apply it to for-profit and not-for-profit schools, and say: If you have a certain number of students who are defaulting, you are not going to continue to get title IV dollars. If you have a rate of tuition increase that is way above that of the national average, you are not going to continue to get title IV dollars.

We know by statistics that this would put a good number of for-profits out of business. It might even touch a handful of the lower performing not-for-profits. But it should be something on which both sides can come together, just some basic accountability for higher education, a basic accountability for the $140 billion we send, because this does not make sense. It does not make sense to pad the pockets of these CEOs who are making $20 million a year off of our taxpayers when they are not delivering results that are actually making our economy better.

Thank you, Senator DURBIN, for bringing us together here. I hope that as we debate the Higher Education Reauthorization Act in front of the HELP

Committee—I think Senator ALEXANDER is very interested in some of these debates. So we are going to add some accountability standards. We are talking about these for-profits, but if we really are being good stewards of the taxpayer dollars, we should expect some results.

Mr. DURBIN. I thank Senator MURPHY for his comments.

I will tell you that it is interesting to me that when you take a look at what Wall Street thinks about the for-profit colleges and universities, they are certainly bearish. You would think from what Congress is doing—sending billions of dollars to this industry and propping it up—we are bullish. Take a look at the stock prices of the major for-profit colleges and universities since 2010. The University of Phoenix went from a high of $57 a share down to $7.50. This was after the Department of Defense suspended their activities under the GI bill. ITT Tech—a high of $92 a share in 2011 and they now trade at $3 a share. Career Education was $20 a share in 2011 and was $3.80 yesterday. Education Management Corporation withdrew their stock from NASDAQ so they would not have to make reports to the Securities and Exchange Commission. In 2014, they lost $684 million. This is an industry which is failing as a business, but sadly it is dragging along students and families and taxpayers with it. That is why we have to come to grips.

I endorse your idea. Apply the standards across higher education, to for-profit and not-for-profit. I can tell you, these for-profits cannot live with that standard. Thank you, Senator MURPHY.

I thank Senator BLUMENTHAL from Connecticut for joining me.

Mr. BLUMENTHAL. Mr. President, I thank my great colleague from Illinois and my friend and partner from Connecticut for their very powerful analysis, along with Senator WARREN and Senator CARPER, because there really is a need for dispassionate, objective, and targeted consideration of this area of education.

The Senator from Connecticut is absolutely right that we need accountability in both the for-profit and nonprofit areas. Senator DURBIN has emphasized that fact repeatedly. I am here as a former member of the Health, Education, Labor, and Pension Committee who participated with Senator Harkin in announcing a report more than 2 years ago that highlighted many of the abuses in this area. Still, Corinthian has happened since then. There are still abuses in the for-profit area. But there is a need for accountability in the nonprofit area as well.

In all of these areas, there is a need for facts. There are more facts that may be available more recently that ought to be considered, indications that some of the for-profit colleges are doing a better job than others. Kaplan, for example, has recently released facts. None of us can vouch for them independently. The Department of Education has an obligation to do better and more to make sure it keeps faith with American students and American taxpayers in the way dollars are allocated to those for-profits.

I am particularly concerned, as the ranking member of the Veterans' Affairs Committee, with the impact of some of these abusive practices on veterans. One of the really unacceptable facts about this industry is the way it can sometimes exploit and take advantage of our veterans. Senator CARPER put it very well when he discussed how the for-profit schools are prohibited from receiving more than 90 percent of their total revenue from Federal student aid, but VA educational benefits are not counted toward that 90 percent. This 90/10 loophole causes the for-profits to target veterans and to rake in billions of dollars in VA educational benefits. In fiscal year 2014, the for-profit schools received over $2 billion in VA educational benefits—that is our money, taxpayer funds—including post-9/11 GI benefits.

As ranking member of the Senate Veterans' Affairs Committee, I am working to help protect our Nation's veterans and the GI bill benefits they have earned. In fact, I have introduced legislation—the Career-Ready Student Veterans Act—to ensure that GI bill funding is not squandered on education programs that lack appropriate programmatic accreditation.

Facts are stubborn things, as Ronald Reagan famously said. Facts are what we need. Accreditation and verification and credibility in this area is essential rather than painting with a broad brush every for-profit, rather than tarring all of them. Facts are necessary here, and there is a need for accreditation and for facts that show credibility and legitimate course work.

I will be introducing another bill this week to provide relief to veteran students who have been harmed by for-profit schools. I want to repeat that point. These veterans have been harmed directly and tragically by some of these practices. We owe them better. We need to keep faith with them. That is the reason I am going to be introducing the Veterans Education Relief and Reinstatement Act. That will give the VA Secretary authority to reinstate GI bill entitlements that a veteran has used at a school that abruptly closed—think Corinthian—where veterans have lost those benefits and they need a remedy, not just a right but a remedy.

I am hopeful that we can advance these bills through the Veterans' Affairs Committee and stop for-profit colleges like Corinthian from scamming our Nation's veterans. Like my colleagues, I could cite real-life instances of nonveterans as well. But the evidence is overwhelming, and it is acknowledged by some in the industry who say there is a need for corrective measures here, and some of the outliers need to be treated with the strong discipline and discouragement they merit.

I am proud to join my colleagues in this effort. I am hopeful that the report Senator Harkin and the HELP Committee produced years ago will finally reach fruition and that action will be taken by the Department of Education and by this Senate to take measures that protect taxpayer dollars, protect students of America, and protect our veterans.

Mr. DURBIN. I thank my colleague from Connecticut, Senator BLUMENTHAL, for joining in this colloquy this afternoon.

What we have tried to do with a number of Senators is to lay out the case that when we go to higher education reauthorization, we owe the taxpayers and we owe families across America the responsibility to look at this industry. What is happening here in inexcusable and unacceptable. It is unfair. Ten percent of the high school graduates, 20 percent of the Federal aid education, 40 percent of all student loan defaults.

Senator MURPHY pointed to the statistics that came out today. You are in just as bad shape with a diploma from a for-profit school as if you drop out of school at a not-for-profit school. That is a damning statistic, just like the 40 percent in student loan defaults.

We cannot continue to look the other way. Wall Street is not looking the other way; they are downgrading these for-profit colleges and universities because they believe this model is flawed. They don't believe it can be sustained. Why do we kid ourselves? Let's apply standards across higher education—standards that are fair to students, fair to families, and fair to the schools—and say to them: This is what we expect as a minimum if you are going to offer higher education to the students across America.

I ask unanimous consent that this transcript from Sharyl Attkisson's television program ''Full Measure'' which played last Sunday be printed in the RECORD.

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

TRANSCRIPT

SHARYL ATTKISSON'S ''FULL MEASURE''

(Aired Sunday, November 1, 2015)

WASHINGTON (Sinclair Broadcast Group).—Some for-profit colleges are allegedly preying on military troops; veterans with benefits and a desire to build a new life become targets.

They've even been given a name by some college recruiters: cash cows.

About 300 thousand vets get up to $21K a year in G.I. Bill money. In all, 1800 colleges—many of them for profits—have received more than $20 billion G.I. Bill tax dollars.

With so many billions in the mix, it's easy to see why some colleges use high pressure and allegedly dishonest tactics. Now, taxpayers are about to be on the hook for alleged misconduct by the schools.

As a U.S. Marine, Bryan Babcock fought on the front lines in Iraq including the Second Battle of Fallujah in 2004. His post-military plan: police work. He used his GI Bill money to pursue a criminal justice degree at the for-profit college ITT Tech.

Attkisson: How did you hear about it?

Babcock: I saw a commercial on TV. That kind of got me interested in them.

Babcock says ITT promised that police agencies everywhere would accept the degree. The cost—$70,000—would far exceed his GI Bill grant at the time, but ITT made it easy for Babcock to borrow. He says they even helped him fill out paperwork for student loans. Then, after his third year, he made a startling discovery.

Babcock: We applied to 22 or 23 police departments.

Attkisson: And what did they say?

Babcock: All of them said that they did not recognize ITT's degrees or their credits.

Attkisson: And what thoughts went through your head when you heard this?

Babcock: I was angry that I'd spent all this money in student loans and it turns out that the degree, if I would have finished there, would have been pretty much worthless.

It's a story told by thousands of vets who attended for-profit colleges where students are more likely to drop out, default on their loans, or graduate in dire debt without a useful degree.

Of eight for-profits that get the most GI bill funds, seven have been targets of inquiries for possible violations including deceptive or misleading recruiting.

Together, they received nearly a billion ($939,086,610 million) tax dollars over two school years.

One of those companies is DeVry University where Chris Neiweem was hired as the school recruited vets under the new GI Bill.

A veteran himself, Neiweem was assigned to ''Team Camo'' where he says managers urged the sales team to use high-pressure tactics on troops who sometimes weren't suited for college.

''Working in the industry at that time truly reminded me of the film 'Glengarry Glen Ross,' '' he said.

''There is this scene where a corporate sales manager is brought in to improve the performance of the sales floor—played by Alec Baldwin.''

In the scene, Baldwin says to a salesman ''they're sitting out there waiting to give you their money, are you gonna take it?''

''And that was similar at the company,'' said Neiweem.

If ''Team Camo'' dared to let veterans suspend class while in combat like those in the National Guard Neiweem says management called them on the carpet.

Neiweem: The company didn't care. They just wanted to make sure that they stayed in their classes and so the university could continue to be paid and they would continue to be on the enrollments books.

Attkisson: Even if they were in a combat zone that didn't make sense for them to try to go to college on the computer?

Neiweem: Yes. Management's guiding wisdom was, to be frank, ''get their ass in class.''

Neiweem showed Full Measure today's sales tactics at work.

In a chat on DeVry's website, he asks about costs and benefits—but can't get direct answers.

''I can have a representative from our military admissions team reach out to you,'' he said, reading the response of a recruiter.

''It's fairly frustrating that I asked these questions and I can't get answers. Rather, they're trying to sort of tie me in and get me closer so they can work towards selling the school.''

DeVry officials declined an on camera interview but said ''DeVry has a long history of serving veterans and military personnel'' dating back to the 1940's. And ''['W]e offer quality academics and student services with flexibility to meet their busy schedules.''

Former Congressman Steve Gunderson leads the main national for-profit college trade group called the Association of Private Sector Colleges and Universities (APSCU).

''If anybody has a bad outcome, and certainly if a veteran has a bad outcome, that's a problem and we want to solve that,'' he said.

He believes for-profits are under assault from opponents and competitors.

Gunderson: I have never before seen a situation where a sector is the target of attacks for ideological reasons. I mean, there simply are good people who do not believe the private sector oughta be involved in the design and delivery of education.

Attkisson: Fair enough, but is there any doubt in your mind that some schools have used unfair, unethical, or even dishonest tactics?

Gunderson: There is no doubt in my mind that there are bad schools in every sector of higher education who have engaged in inappropriate conduct for various reasons whether it be athletics or whether it be admissions or it be something else.

Gunderson said the industry is improving.

A Government Accountability Office report found for-profits catering to military students actually beat public schools in one area: higher graduation rates.

With billions flowing to for-profits under investigation, President Obama dispatched a warning at Ft. Stewart army base about any for profits that may be preying on the troops.

''It's not right. They're trying to swindle and hoodwink you. They don't care about you; they care about the cash,'' he said.

But as federal scrutiny surged, the industry has countered with Washington lobbyists and campaign cash.

Since 2010, for-profit colleges have poured nearly $10 million ($9,906,512) into campaign contributions and spent $41 ($41,924,452) million on lobbying, according to the Center for Responsive Politics.

Sen. Dick Durbin (D–Illinois): That's how you really win friends and influence people on Capitol Hill. The for-profit colleges and universities have friends in high places.

Attkisson: That implies some members in Congress, you think, are bought and paid for on this issue.

Sen. Durbin: I would say this—they are influenced by it.

Senator Durbin has pushed one bill after another to fight for-profit college fraud, only to see the bills get watered down and voted down.

''If these schools that are enticing kids into loans for educations that are worthless had some 'skin in the game,' some responsibility for default, they'd think twice about it. But they don't. They could care less,'' he said.

It turns out taxpayers have the most skin in the game.

In June, the federal government said it will forgive loans for students at Corinthian College, putting taxpayers on the hook for up to $3.5 billion. Corinthian shut down in May amid fraud accusations, which the company denied. And the feds may wipe out loans at other problematic colleges.

In May, the federal government charged Babcock's alma mater, ITT Tech, with fraud, alleging it concealed financial information from investors.

ITT is fighting the charges, but declined our interview request.

Gunderson says he doubts Babcock's ITT degree would have really been useless.

''I am willing to say, that if he graduated, from an accredited criminal justice program, there are many police agencies that would hire him. Maybe not the one he wanted to go to, but there are many that will, and evidence all across the country shows that,'' said Gunderson.

Babcock gave up on the ITT degree and his dream of police work. Instead, he's focused on warning other vets, and working to pay down his $40 thousand student loan debt.

''I think it's a shame that they prey on men and women that volunteered to protect this country. And that earned a benefit with their service, and then ITT and the other for-profit schools are just trying to take that,'' he said.

The Defense Department recently banned the University of Phoenix from recruiting on military bases, alleging a pattern of violating policies designed to protect military students. Senator Durbin says ITT is now facing investigations by the Justice Department and 18 Attorneys General.

Mr. DURBIN. I yield the floor, and 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. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WATERS OF THE UNITED STATES RULE AND THE EPA

Mr. COTTON. Mr. President, today I wish to speak about our vote on the waters of the United States and the Environmental Protection Agency.

I noted that the White House has lately been advocating for criminal justice reform. They say an underlying problem with the justice system today is that Congress criminalized too much conduct too severely. But it is the same White House that is behind the new waters of the United States regulation—an Executive power grab that would effectively put every landowner in Arkansas and in America at risk of Federal criminal charges for making adjustments to land on their own private property.

The waters of the United States regulation gives the government jurisdiction—and, in turn, the danger of Federal criminal charges—over tributaries, adjacent waters, and ''other waters.'' This includes streams that only exist after heavy rains or, as some of us call them, mud puddles.

If a landowner in Arkansas has so much as a ditch on his or her property, he or she could be liable for Federal criminal charges for disturbing that ditch in any way. If a homeowner wants to add an addition to his garage and this addition even touches ''land that fills with water after rain,'' also known as just ''land,'' this homeowner could be liable for Federal criminal charges.

President Obama and my Democratic colleagues argue that we are exaggerating: Come on, they say; the Environmental Protection Agency would never bring charges against a homeowner for expanding his garage or trying to regulate a mud puddle.

They insist on the benevolence of the EPA and ask us to trust them to exercise good judgment and reasonable discretion. Before we trust the EPA's benevolence, though, it is prudent to examine the EPA's own track record.

Let's consider that in August of this year, the EPA directed contractors to excavate the Gold King Mine in Colorado without first testing the water pressure or calculating water volume. In the worst environmental disaster in recent years, the EPA caused more than 3 million tons of toxic wastewater to pollute the Animas River.

Since the spill, much of the toxicity remains, endangering farmers, landowners, Native Americans, and anyone who relies on this river. After the spill, the EPA has refused to turn over documents, disciplined no one, failed to show up to congressional hearings, refused to take responsibility, and still won't answer the simple question of whether the Agency will pay for the damages it caused.

The Navajo Nation in New Mexico relies on the river polluted by the EPA for drinking water and for farming. In the days following the spill, the Navajo lost their water supply. The EPA offered to deliver clean water that the Navajo could use for drinking and crop irrigation but, instead, they used dirty oil tankers to deliver contaminated water.

The EPA is not only a threat to citizens, to landowners, and to businesses, but it is also a threat to the environment they purport to protect. Since the disaster, the EPA has continued to spill toxic wastewater into creeks and rivers. There has been zero accountability for this Agency.

Based on that track record, I don't think we should be giving the EPA any more power. That is why I joined my colleagues earlier today to vote to roll back the waters of the United States regulation before the EPA criminalizes nearly every landowner in the United States.

But we should also consider the bigger picture. This regulation is a symptom, not the problem. The problem is the EPA itself—its overreach and lack of accountability.

That is why we must pass the EPA Accountability Act. This legislation would require the EPA to pay—out of its own budget—for the damages it recklessly caused when spilling 3 million gallons of toxic waste into the Animas River. Unless the EPA faces consequences for its actions against the American people, nothing will change. It is our constitutional responsibility to provide oversight of an agency that has caused massive damage to both the American people and to the environment.

We must protect Arkansans and Americans from EPA overreach and lack of accountability.

I yield the floor.

I suggest the absence of a quorum.

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

The 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.

Mr. NELSON. Mr. President, what is our parliamentary posture?

The PRESIDING OFFICER. The Senate is on the motion to proceed to H.R. 2685.

Mr. NELSON. Mr. President, I ask unanimous consent that I be given 5 minutes to speak as in morning business.

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

''EL FARO'' TRAGEDY

Mr. NELSON. Mr. President, on the morning of October 1, the *El Faro* cargo ship—a container ship almost 900-feet long—was carrying 33 men and women, and on that fateful day it sent its final communication, reporting that the engines were disabled. This left the ship drifting with no power, with an oncoming category 3 hurricane. Despite search-and-rescue attempts by the Coast Guard, the *El Faro* and her crew were not heard from again.

One month later, the National Transportation Safety Board, working with the U.S. Navy, has found the sunken *El Faro* at the bottom of the ocean in waters that are 15,000 feet deep. At nearly the same time, the ship's owner, TOTE Maritime, began its attempt to limit the company's liability for this tragedy.

News reports have indicated that the company filed a complaint last week stating that the company did everything in its power to make the ship safe and that the company ought to be exonerated from any and all claims for all damages.

Well, this is clearly hasty decisionmaking. It clearly is a matter of concern to me because most of these mariners were from my State of Florida. Their families are grieving and hoping for any answers as to what happened to their loved ones.

Well, right now, we don't have all of those answers. The NTSB only just found the ship with the help of the U.S. Navy, and yet somehow the company is able to definitely declare that they weren't at fault and that they bear no responsibility for the loss. It seems that this is an attempt to limit any liability of the company.

So this is a time when we need reflection for figuring out what happened to the *El Faro*, for finding the ship's recorder, which the U.S. Navy is now in the process of trying to find, and then once you have that black box, for piecing together the ship's last minutes before the ship sank.

So instead of being split apart, it is a time to come together as a community and to support those who have been so tragically impacted.

I have some leadership responsibility on the commerce committee, which has jurisdiction over maritime matters. It is my intention to see that there is a thorough and honest investigation to try to find answers for the families and to find answers so that we can prevent a tragedy such as this from happening again. That is where we should be focused.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, it is hard to think of a time in recent memory when the number of threats facing our country were more diverse or more threatening than they are now—from ISIL to Russia, from China to the Taliban, from Iran to Al Qaeda. These threats are real, these threats are worrying, and these threats make the political games that Democrats continue to play with our men and women in uniform all the more hard to understand.

Democrats have spent months upon months blocking funding for our troops. They have tried to hide behind a whirling kaleidoscope of excuses, moving from one to another as each is debunked, but with the setting of a top-line budget number last week, the final excuse is gone. What is the excuse now?

It is time for the appropriations process to finally be allowed to move forward. That means it is time for the men and women who put everything on the line for us to finally receive the support they need to be safe. It is time for our troops to finally get the certainty they need to plan for training and operations.

The Defense appropriations bill is half of all discretionary spending. The Defense appropriations bill contains no controversial policy riders—none. The Defense appropriations bill was supported in committee 27 to 3. Nearly every Democrat voted for it. Democrats even sent out press releases praising the bill. It is obvious why we should pass it now.

President Obama's own Secretary of Defense just wrote an op-ed titled ''U.S. Military Needs Budget Certainty in Uncertain Times'' in which he implored Congress to authorize long-term funding for the military.

He said:

> In this uncertain security environment, the U.S. military needs to be agile and dynamic. What it has now is a straitjacket. At the Defense Department, we are forced to make hasty reductions when choices should be considered carefully and strategically.

He concluded with this:

> I appeal to Congress to act on a long-term budget deal that will let American troops and their families know we have the commitment and resources to see them succeed, and send a global message that the United States will continue to plan and build for the finest fighting force the world has ever known.

So look, our colleagues across the aisle are just completely out of excuses. It is time to move the bill forward. Once we do, we have every intention of then moving on to other appropriations bills as well.

Remember, our Members worked very hard on these bills. Nearly all of the appropriations measures passed committee with support from both parties. We obviously want to process all of them.

If Democrats hadn't wasted literally months blocking every last one as part of some political game, we could have passed all 12 appropriations bills a long time ago, but since they did, it has forced Congress up against a December 11 deadline of the Democrats' own creation. We are going to work within that deadline to get as much done as we possibly can. With bipartisan cooperation, we can get a lot more accomplished. With more political games, we can get a lot less done.

MORNING BUSINESS

Mr. MCCONNELL. 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.

EPA CLEAN WATER RULE

Mr. MCCAIN. Mr. President, I was pleased to vote today in support of S.J. Res. 22, which would nullify the Environmental Protection Agency's recently finalized clean water rule. Just yesterday, I voted in support of a bipartisan bill, S. 1140, authored by my colleague, Senator JOHN BARRASSO, which would have forced EPA to pull the rule. Unfortunately, that bill did not receive the 60 votes necessary under Senate rules that are needed to pass.

The resolution passed by the Senate today is supported by hundreds of national and local organizations, including the American Farm Bureau Federation, the U.S. Chamber of Commerce, and the National Homebuilders Association, to name a few. While I understand that the White House has threatened to veto this resolution if it reaches the President's desk, it is still important that a majority of Congress voice their opposition to the EPA rule as Federal courts continue to weigh its legality.

Americans around the Nation are lining up against the EPA clean water rule because of its economic cost, the regulatory impact, and the uncertainty it engenders among State and local governments, businesses, and consumer alike. The rule itself bypassed Congress by redefining the types of water bodies under the Clean Water Act that EPA has the authority to regulate. EPA pushed forward without regard for State and local environmental protection laws, which is partly why about a dozen State attorneys general, including from my home State of Arizona, have won injunctions in Federal court against the EPA rule.

The EPA claims that the rule only allows the Agency to halt activities that disturb small, environmentally sensitive streams and wetlands. But when you dive into the rule's lengthy publication, you will find that EPA is proposing to expand its jurisdiction over roughly 60 percent of all waters of the United States and can also capture certain irrigation ditches, stock ponds, and even dry desert washes. Farmers, housing, construction jobs, and other activities will all suddenly find themselves under the thumb of EPA bureaucrats. The EPA will claim it has written waivers into the rule for these industries, but there is growing consensus that the waivers are so unclear and conflicting that nobody believes they hold any water. The EPA's rulemaking process itself was so closed off from outside input and peer-reviewed science that it is clear to any reasonable observer that EPA had misjudged the economic damage their rule will inflict on small business, farms, and local governments around the country.

The EPA rule is especially bad news for Arizona agriculture and homebuilding sectors which, combined, account for most of all economic activity in my State. If a farmer wants to build or repair a canal, the EPA rule could block it. A community that wants to build a school or a church near a dry wash will have to beg EPA for a permit. Under the rule, the EPA can even fine a private property owners tens of thousands of dollars if the Agency thinks water historically flowed across their land even when there is no visible evidence.

Regardless whether or not the President vetoes this resolution, I will continue to oppose the EPA clean water rule. I am a proud cosponsor of Senator JEFF FLAKE's similar bill, S. 1179, the Defending Rivers from Overreaching Policies Act, DROP Act, which would direct the EPA to pull its rule over its poor, nonscientific definition of ''navigable'' water bodies. We will continue to push forward with this and other legislative initiatives and will watch closely to see how the courts handle the EPA rule.

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT PARK

● Mr. BROWN. Mr. President, I wish to recognize and congratulate Mr. Robert Park, director of the Portage County Veterans Service Commission, on his retirement after more than two decades of service to Ohio veterans.

Mr. Park served 26 years in the naval service, retiring in 1997 as a chief aviation electronics technician, Aircrew. He flew more than 2,000 hours in a P–3 Orion aircraft, predominately as a radio operator with Combat Aircrew 6 in Patrol Squadron 93, where he was selected as ''Gold Wing Sailor of the Year.''

During his time with the Portage County Veterans Service Commission, VSC, Mr. Park worked directly with staff to help maintain a high-quality standard of service to veterans. Mr. Park advocated to significantly increase VA benefits for Portage County veterans. According to the Ohio Department of Veterans Services, for every dollar Portage County spends related to the VSC, veterans in Portage County receive $93.20 in benefits thanks to the work of Mr. Park.

Mr. Park's dedication to veterans and military families in Portage County extends beyond his position at the Portage County VSC. Mr. Park also served as a board member for the Family and Community Services Freedom House, which is an organization that serves homeless veterans. Mr. Park is also a member of many veterans organizations, including the local Veterans of Foreign Wars, American Legion, and Disabled American Veterans chapters.

Mr. Park also served statewide as second vice, first vice, and finally as president of the Ohio State Association of County Veterans Service Officers. He also worked for many years as an instructor for the Ohio Department of Veterans Services.

Nationally, Mr. Park advocated for veterans as an executive board member, judge advocate, and instructor on the National Association of County Veterans Service Officers.

Beyond his dedication to veterans, Mr. Park continues to support his community through involvement in organizations that help develop young people as future leaders. Mr. Park currently serves on the board of Access to Independence and the Rootstown Local School District. He also volunteers as an assistant coach for both baseball and soccer, as well as Cub Master and Scout Master for local Cub and Scout Troops.

Mr. Park and his wife, Rebecca, have three children: David, Jonathan, and Rachel.

Bob will be truly missed not only by his VSC family, but by the veteran community in Portage County and throughout the State of Ohio. Bob always gave his best to the veterans and families he served. I would like to thank Mr. Park for all his years of service, as a sailor and later as an advocate for veterans. I wish him all the best in his retirement.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2232. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3438. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diethofencarb; Pesticide Tolerances'' (FRL No. 9934–05) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3439. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metaflumizone; Pesticide Tolerances'' (FRL No. 9934–88) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3440. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nicosulfuron; Pesticide Tolerances'' (FRL No. 9912–40) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3441. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rimsulfuron; Pesticide Tolerances'' (FRL No. 9912–31) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3442. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Agricultural Quarantine and Inspection Services'' ((RIN0579–AD77) (Docket No. APHIS–2013–0021)) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3443. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was established in Executive Order 13224 on September 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3444. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Existing Validated End-User Authorizations in the People's Republic of China'' (RIN0694–AG69) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3445. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; North Carolina; Conflict of Interest Infrastructure Requirements'' (FRL No. 9936–35–Region 4) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Environment and Public Works.

EC–3446. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; WY; Update to Materials Incorporated by Reference'' (FRL No. 9932–61–Region 8) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Environment and Public Works.

EC–3447. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Volatile Organic Compound Emissions from Large Aboveground Storage Tanks'' (FRL No. 9933–89–Region 1) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Environment and Public Works.

EC–3448. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Oklahoma'' (FRL No. 9936–37–Region 6) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Environment and Public Works.

EC–3449. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality State Implementation Plans (SIP); State of Iowa; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standard (NAAQS).'' (FRL No. 9936–33–Region 7) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Environment and Public Works.

EC–3450. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report relative to imported foods for fiscal year 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–3451. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Disposition of Unclaimed Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony'' (RIN1024–AE00) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Indian Affairs.

EC–3452. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2015''; to the Committee on Veterans' Affairs.

EC–3453. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0494)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3454. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0929)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3455. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0773)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3456. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS AIRCRAFT LTD. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–2775)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3457. A communication from the Management and Program Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters Deutschland GmbH (formerly Eurocopter Deutschland GmbH) (Airbus Helicopters) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2014–0034)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3458. A communication from the Management and Program Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piaggio Aero Industries S,p,A, Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–2466)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3459. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; M7 Aerospace LLC Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–2207)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class C Airspace; Portland International Airport, OR'' ((RIN2120–AA66) (Docket No. FAA–2015–2905)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mackall AAF, NC'' ((RIN2120–AA66) (Docket No. FAA–2015–3057)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Poplarville-Pearl River County Airport, MS'' ((RIN2120–AA66) (Docket No. FAA–2012–1210)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself, Mr. WARNER, Mr. BURR, Mrs. FEINSTEIN, Mr. WYDEN, Mr. COTTON, Mr. RISCH, Ms. MIKULSKI, Mr. KING, Mr. RUBIO, Ms. COLLINS, Mr. LANKFORD, Mr. HEINRICH, Ms. HIRONO, and Mr. COATS):

S. 2234. A bill to award the Congressional Gold Medal, collectively, to the members of the Office of Strategic Services (OSS) in recognition of their superior service and major contributions during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself, Mrs. MCCASKILL, Mr. WYDEN, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. LEAHY, Ms. WARREN, Mr. SANDERS, Mr. FRANKEN, Ms. KLOBUCHAR, and Ms. BALDWIN):

S. 2235. A bill to repeal debt collection amendments made by the Bipartisan Budget Act of 2015; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 2236. A bill to provide that silencers be treated the same as long guns; to the Committee on Finance.

By Mr. SANDERS:

S. 2237. A bill to limit the application of Federal laws to the distribution and consumption of marihuana, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself, Mr. CARDIN, Mr. SANDERS, Mrs. BOXER, Mrs. GILLIBRAND, Mr. LEAHY, and Ms. WARREN):

S. 2238. A bill to prohibit drilling in the outer Continental Shelf, to prohibit coal leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself, Mr. LEE, and Mr. MURPHY):

S. 2239. A bill to restrict funds related to escalating United States military involvement in Syria; to the Select Committee on Intelligence.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. RISCH, and Mr. CRAPO):

S. 2240. A bill to improve the control and management of invasive species that threaten and harm Federal land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN:

S. 2241. A bill to combat the heroin epidemic and drug sample backlogs; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. ROBERTS, and Mr. MORAN):

S. Res. 305. A resolution commending and congratulating the Kansas City Royals on their 2015 World Series victory; considered and agreed to.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Ms. COLLINS, Mr. SCOTT, Mr. BOOKER, Ms. AYOTTE, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. COONS, Mr. DONNELLY, Mr. FRANKEN, Mr. KAINE, Ms. KLOBUCHAR, Ms. MIKULSKI, Mr. PETERS, Mrs. SHAHEEN, and Mr. REED):

S. Res. 306. A resolution designating the week beginning November 2, 2015, as ''National Apprenticeship Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 637

At the request of Mr. CRAPO, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 885

At the request of Ms. WARREN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 885, a bill to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

S. 1491

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1491, a bill to provide sensible relief to community financial institutions, to protect consumers, and for other purposes.

S. 1524

At the request of Mr. BLUNT, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1524, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1686

At the request of Ms. BALDWIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1686, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of personal service income earned in passthru entities.

S. 1715

At the request of Mr. HOEVEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1719

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1719, a bill to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

S. 1830

At the request of Mr. BARRASSO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1830, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1834

At the request of Mr. BLUMENTHAL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1834, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 1856

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1856, a bill to amend title 38, United States Code, to provide for suspension and removal of employees of the Department of Veterans Affairs for performance or misconduct that is a threat to public health or safety and to improve accountability of employees of the Department, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1915

At the request of Ms. AYOTTE, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes.

S. 1945

At the request of Mr. CASSIDY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1945, a bill to make available needed psychiatric, psychological, and supportive services for individuals with mental illness and families in mental health crisis, and for other purposes.

S. 1975

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1975, a bill to establish the Sewall-Belmont House National Historic Site as a unit of the National Park System, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2044

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2044, a bill to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

S. 2052

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2052, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive the requirement of certain veterans to make copayments for hospital care and medical services in the case of an error by the Department of Veterans Affairs, and for other purposes.

S. 2123

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2123, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2152

At the request of Mr. CORKER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2152, a bill to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

S. 2208

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2208, a bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. RES. 148

At the request of Mr. KIRK, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 282

At the request of Mrs. SHAHEEN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. Res. 282, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 302

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 302, a resolution expressing the sense of the Senate in support of Israel and in condemnation of Palestinian terror attacks.

At the request of Mr. BLUMENTHAL, the names of the Senator from Michigan (Mr. PETERS), the Senator from Kansas (Mr. MORAN), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. RISCH), the Senator from Indiana (Mr. COATS), the Senator from Colorado (Mr. GARDNER), the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. COTTON), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Arizona (Mr. MCCAIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 302, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MERKLEY (for himself, Mr. CARDIN, Mr. SANDERS, Mrs. BOXER, Mrs. GILLIBRAND, Mr. LEAHY, and Ms. WARREN):

S. 2238. A bill to prohibit drilling in the outer Continental Shelf, to prohibit coal leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise to recognize the damage global warming is doing to our beautiful blue-green planet and talk about a specific bill, the keep it in the ground bill, that can be part of the way we successfully address global warming. There is no doubt our planet is getting hot: 2014 was the hottest year ever recorded, and 2015 is on course to be yet hotter and set a new record.

In fact, the top 10 hottest years have all occurred since 1998. We see the evidence of warming everywhere. The Earth is crying out. Maine's lobsters are moving North, Pacific oysters are struggling to form shells in a more acidic Pacific Ocean, glaciers are disappearing from Glacier Park, moose are dying in Minnesota and New Hampshire because winters are too warm to kill the ticks that prey on the moose, and they are also too warm to kill the pine beetles that kill our trees.

Wildfires are raging in the West, towns in Florida are flooding at normal high tide, droughts are killing crops, and the most powerful storms are doing major damage to communities across our Nation. Everywhere the impacts of global warming are substantial. They are damaging. Our planet is in danger. So we need to act to keep our planet from being destroyed. It is time for our Federal Government to show some real leadership on this. Specifically, we need to accelerate the transition from a fossil fuel energy economy to a clean energy economy. All the damage I was citing, damage to our forestry, damage to our farms, damage to our fisheries, all of this is caused by a less-than-1-degree-Celsius change. The current estimate is about 0.9 Celsius degrees.

Scientists have said the maximum the planet can tolerate without catastrophic damage is 2 degrees Celsius or about 3.6 degrees Farenheit. So we have almost used up half of that global warming quotient. How much more damage will we see if we get to 2 degrees? The answer is, a whole lot more. Scientists say it will be catastrophic for our ecosystems, it will be catastrophic for human civilization.

The simple fact is that carbon dioxide is serving as a blanket on our planet making it warmer. The simple fact is that the major culprit for carbon dioxide is the burning of fossil fuels. To limit our planet's warming to 2 degrees Celsius, we must leave, as human civilization of this planet, 80 percent of the identified proven fossil fuel reserves in the ground—not to extract it, not to burn it.

Part of the answer to this challenge is beneath our feet. We, the U.S. citizens, own fossil fuel reserves that constitute a substantial percentage of the proven reserves on the planet. Various estimates are 6 to 10 percent. If we must keep it in the ground; that is, keep our fossil fuels—80 percent of them—in the ground, then isn't it counterproductive to do new leases, leases that will extend production not 10 or 15 years but 20 or 30 years on gas and 40 or 50 years on coal, into the future? We lock in extraction and burning of fossil fuels far into the future, when our planet cannot bear the burden of the carbon dioxide from burning that far into the future.

Shouldn't our public reserve, that citizen-owned reserve, be managed for the public benefit and not for private profit? It is said that if you find yourself in a hole, quit digging. This is one place where literally we must quit digging. That is why today I have introduced, with a number of my colleagues, the keep it in the ground bill. A big thank-you to my cosponsors: PATRICK LEAHY, KIRSTEN GILLIBRAND, ELIZABETH WARREN, BERNIE SANDERS, BEN CARDIN, and BARBARA BOXER. That group of Senators are standing up and saying we must be responsible stewards of our ecosystem and particularly we must stop this global warming that is doing so much harm to rural America.

The bill does three things: It stops new leases and ends nonproducing leases for coal, oil, gas, oil shale, and tar sands on all Federal lands. It stops new leases and ends nonproducing leases for offshore drilling in the Pacific and the Gulf of Mexico. It prohibits offshore drilling in the Arctic and in the Atlantic.

This effort is a crucial component of good stewardship of our planet—really saving our planet. Our First Nations talk about thinking about the seventh generation. In a single generation, we have seen substantial impacts occurring right in our local communities. Every State can cite the impact. None of us is expecting that there is going to be quick action on Capitol Hill. It is grassroots organizing that came together and said we should not turn on the tap to the tar sands in Canada because it is the dirtiest oil on the planet. It is grassroots organizing that has come together and said that drilling in the Arctic is the height of irresponsibility. It is going to be grassroots efforts across this Nation that come together and say to us in the Halls of the Senate and the Halls of the House: Please act. Please exercise your responsibility as stewards of our planet. Please stop this egregious attack on rural America, on our forests, our farming, and our fishing—because on Capitol Hill, the voice heard right now is not the voice of common sense, it is not the voice of stewardship; it is the voice of those who own the oil and the coal who have invested massive amounts in the elections in the House and the elections in the Senate.

They have come up here and said they plan to invest nearly $1 billion in the 2016 election. The Citizens United court case has opened the door wide open to this corruption of common sense, this corruption of stewardship, this corruption of the democratic process. So it is going to be grossroots that make a difference, to rally, to keep it in the ground. This message is one that should be debated in every congressional campaign. It should be debated in every Senate campaign. It should be debated in the Presidency. It should be debated in December in Paris when nations comes together. It should be debated in other nations that have public assets, as they ask how are they going to be good public stewards, because we need the international community working together.

Yes, we can work on the demand side—fuel efficiency and better insulated buildings—but we need to work on the supply side of keeping fossil fuels in the ground as well. We need to attack this problem from every direction. In doing so, as we transition from a fossil fuel economy to a clean energy economy, we are going to create millions of good-paying jobs. In doing so, we need to make sure that in that transition we don't leave our workers behind.

Those working in the fossil fuel industry have spent their lives providing the energy that has fueled tremendous growth in our economy, often at the expense of their personal family health and their families well-being. So this must not be a green-versus-blue transition from fossil fuels to clean energy, but it has to be green and blue together, side by side fighting for the environment and fighting for our workers. We will not leave our workers behind.

It has been said that we are the first generation who feels the impact of global warming, and we are the last generation who can do something about it. So the choice is simple. Let us take on the climate challenge as policymakers and stewards. Let us take on the climate challenge fighting for rural America because of the terrible impact warming is having on our forests, our fishing, and our farms.

Let us make our Federal lands off limits. Let us do the smart thing. In terms of those Federal citizen-owned reserves of fossil fuels, let us keep it in the ground.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 305—COMMENDING AND CONGRATULATING THE KANSAS CITY ROYALS ON THEIR 2015 WORLD SERIES VICTORY

Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. ROBERTS, and Mr. MORAN) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas, on November 1, 2015, the Kansas City Royals won the 2015 World Series with a 7-2 victory over the New York Mets;

Whereas the Kansas City Royals won the World Series in Game 5 at Citi Field in New York City, New York;

Whereas the Royals scored 5 runs in the 12th inning of Game 5 of the World Series to take the lead and seal a dramatic win;

Whereas all 25 players on the playoff roster of the Royals should be congratulated, including Johnny Cueto, Wade Davis, Danny Duffy, Kelvin Herrera, Luke Hochevar, Ryan Madson, Kris Medlen, Franklin Morales, Yordano Ventura, Edinson Volquez, Chris Young, Drew Butera, Salvador Perez, Christian Colon, Alcides Escobar, Eric Hosmer, Raul Mondesi, Kendrys Morales, Mike Moustakas, Ben Zobrist, Lorenzo Cain, Jarrod Dyson, Alex Gordon, Paulo Orlando, and Alex Rios;

Whereas the front office, the clubhouse, and all supporting staff and team members of the Kansas City Royals should be congratulated;

Whereas the Royals won a remarkable 95 games during the regular season, which earned the team the best record in the American League;

Whereas the American League won the Major League Baseball All-Star Game, which ensured the Royals home field advantage for the World Series;

Whereas the Royals had 7 players selected to the 2015 Major League Baseball All-Star Game, who should be congratulated, including Alex Gordon, Lorenzo Cain, Alcides Escobar, Salvador Perez, Kelvin Herrera, Wade Davis, and Mike Moustakas;

Whereas the Royals earned a postseason berth by clinching the American League Central Division for the first time in team history;

Whereas the Royals earned a second American League Championship pennant in 2 years;

Whereas Royals catcher Salvador Perez received unanimous support for and won the World Series Most Valuable Player Award, after—

(1) hitting .364 in the World Series;

(2) driving in the tying run in the Royals' comeback in the ninth inning of Game 5 of the World Series; and

(3) sparking the Royals again in the 12th inning of Game 5 to seal the eventual win;

Whereas 8 of the Royals' 11 playoff wins came after trailing in the sixth inning or later;

Whereas 6 of the Royals' playoff comeback wins erased deficits of 2 runs or more, a playoff feat which had never been achieved before;

Whereas the Royals narrowly lost the 2014 World Series in Game 7, fueling a determination—

(1) to return to the World Series in 2015; and

(2) to accomplish what the team came so close to accomplishing 1 year earlier;

Whereas the Royals won their second World Series championship title in the 46-year history of the team and their first World Series championship title in 30 years, filling individuals in Kansas City and Royals fans everywhere with pride;

Whereas the Royals showed extraordinary steadiness, teamwork, focus, and love of the game in proving again to be an organization of great character, determination, and heart, a reflection of the city of Kansas City and the State of Missouri; and

Whereas the Kansas City Royals are the 2015 World Series champions: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Kansas City Royals on their—

(A) 2015 World Series championship title; and

(B) outstanding performance during the 2015 Major League Baseball season;

(2) recognizes the achievements of the players, coaches, management, and support staff of the Kansas City Royals, whose dedication and persistence made victory possible;

(3) congratulates—

(A) the city of Kansas City;

(B) the entire bi-state Kansas City metropolitan area; and

(C) Kansas City Royals fans everywhere; and

(4) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the city of Kansas City, Missouri mayor, Hon. Sylvester ''Sly'' James;

(B) Kansas City Royals president Mr. Dan Glass and Kansas City Royals general manager Mr. Dayton Moore; and

(C) Kansas City Royals manager Mr. Ned Yost.

SENATE RESOLUTION 306—DESIGNATING THE WEEK BEGINNING NOVEMBER 2, 2015, AS ''NATIONAL APPRENTICESHIP WEEK''

Mrs. MURRAY (for herself, Ms. CANTWELL, Ms. COLLINS, Mr. SCOTT, Mr. BOOKER, Ms. AYOTTE, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. COONS, Mr. DONNELLY, Mr. FRANKEN, Mr. KAINE, Ms. KLOBUCHAR, Ms. MIKULSKI, Mr. PETERS, Mrs. SHAHEEN, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas a highly skilled workforce is necessary to compete in the global economy and to support economic growth;

Whereas the national registered apprenticeship system established by the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly

known as the ''National Apprenticeship Act'') (referred to in this preamble as the ''national registered apprenticeship system''), which has existed for over 75 years—

(1) is an important pathway for workers of the United States;

(2) offers a combination of—

(A) academic and technical instruction; and

(B) paid, on-the-job, training;

(3) provides workers of the United States credentials that are nationally-recognized and industry-recognized;

(4) leads to higher earnings for apprentices; and

(5) develops a highly skilled workforce for the United States;

Whereas registered apprenticeships—

(1) are becoming increasingly innovative and diverse in—

(A) design;

(B) partnerships;

(C) timeframes; and

(D) use of emerging educational and training concepts; and

(2) will continue to—

(A) evolve to meet emerging skill essentials and employer requirements; and

(B) maintain high standards for apprentices;

Whereas the national registered apprenticeship system provides education and training for apprentices in—

(1) high-growth sectors, including—

(A) information technology;

(B) financial services;

(C) advanced manufacturing; and

(D) health care; and

(2) traditional industries;

Whereas, according to the Department of Labor, the national registered apprenticeship system leverages approximately $1,000,000,000 in private investment, which reflects the strong commitment of the sponsors of the national registered apprenticeship system;

Whereas an evaluation of registered apprenticeship programs in 10 States conducted by Mathematica Policy Research in 2012 found that—

(1) individuals who completed registered apprenticeship programs earned over $240,000 more over their careers than individuals who did not participate in registered apprenticeship programs;

(2) the estimated social benefits of each registered apprenticeship program (including additional productivity of apprentices and the reduction in governmental expenditures as a result of reduced use of unemployment compensation and public assistance) exceeded the costs of each registered apprenticeship program by more than $49,000; and

(3) the tax return on every dollar the Federal Government invested in registered apprenticeship programs was $27; and

Whereas celebration of National Apprenticeship Week—

(1) honors industries that use the registered apprenticeship model;

(2) encourages expansion of the registered apprenticeship model to prepare highly skilled workers of the United States;

(3) recognizes the role the national registered apprenticeship system has played in preparing workers of the United States for jobs; and

(4) promotes conversation about ways the national registered apprenticeship system can continue to respond to workforce challenges in the 21st century: Now, therefore, be it

Resolved, That the Senate designates the week beginning November 2, 2015, as ''National Apprenticeship Week''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 4, 2015, at 10 a.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled ''Zero Stars: How Gagging Honest Reviews Harms Consumers and the Economy.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 4, 2015, at 10 a.m., to conduct a hearing entitled ''U.S. Policy in North Africa.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 4, 2015, at 10 a.m. to conduct a hearing entitled ''The Value of Education Choices for Low-Income Families: Reauthorizing the D.C. Opportunity Scholarship Program.''

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 4, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SUBCOMMITTEE ON OVERSIGHT, AGENCY ACTION, FEDERAL RIGHTS, AND FEDERAL COURTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts be authorized to meet during the session of the Senate on November 4, 2015, at 2 p.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Justice Forsaken: How the Federal Government Fails the American Victims of Iranian and Palestinian Terrorism.''

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Peter Narby, be granted the privileges of the floor for the balance of the day.

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

Ms. WARREN. Mr. President, I ask unanimous consent that Joshua Delaney, a staff member in my office, be granted floor privileges for the remainder of this session of Congress.

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

NATIONAL APPRENTICESHIP WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 306, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 306) designating the week beginning November 2, 2015, as ''National Apprenticeship Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 306) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, NOVEMBER 5, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 5; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 2685, with the time until 11 a.m. equally divided in the usual form; finally, that the cloture vote with respect to the motion to proceed to H.R. 2685 occur at 11 a.m. tomorrow.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:11 p.m., adjourned until Thursday, November 5, 2015, at 9:30 a.m.