

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

**TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT—Continued**

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak in a colloquy with some of my colleagues concerning the Miners Protection Act.

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

**MINERS PROTECTION ACT**

Mr. MANCHIN. Madam President, as the Presiding Officer knows very well, we have been asking for passage of the Miners Protection Act not just for our State of West Virginia but for all miners across America, as well as the retired miners who have done everything that has been asked of them.

We have some of our colleagues here today. At this time, if I can—if my other colleagues will allow me—I will defer right now to Senator BROWN from Ohio, since he has other commitments. He will be coming back and forth. If he could go ahead and get started at this time, then I will come back and defer to our other colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I know everyone is squeezed for time, but I thank Senator MANCHIN for his leadership, the Presiding Officer, the other Senator from West Virginia, Mrs. CAPITO, and Senator PORTMAN, my friend from Cincinnati.

We all know how serious this is. We are all willing in this body to do—at least the four of us and I know also Senator CASEY and Senator WARNER—whatever it takes to get this fixed. We know we can do this for our Nation's retired coal miners who are on the brink of losing their health care and retirement savings. This Congress can pull them back from that.

The UMW health care and pension plan covers 100,000 workers, 6,800 people in Senator PORTMAN's and my State. The plans were almost completely funded before the financial collapse of almost a decade ago, but the industry's pension funds were devastated by the recession.

We know if Congress fails to act, thousands of retired miners could lose their health care this year and the entire plan would fall as early as 2017.

For every one of those years where mine workers worked for decades and decades in the mines, they earned and contributed to their retiree health care plans and their pension plans—benefits they fought for. Their situation is similar to Senator MANCHIN and I, prior to—we remember what it was like here during the auto rescue, the benefits they fought for, benefits they gave

up raises for, benefits they have earned, putting money aside, and now they have been betrayed, frankly, and that is why this is so important.

We just had a meeting of a group of Senators, and Senator REID played a film of what is happening in West Virginia—the flooding—and much of that flooding is in miners' country, most of it is. There were mine workers' homes—Senator CAPITO knows this too—mine workers' homes that were under water, as were other residents in these communities, proud communities that have done everything right, where people worked hard and played by the rules. They paid their taxes. They helped their community. They have lost so much, and this is the last thing they just simply should not lose.

My contention in the Finance Committee—and I know it is the contention of my colleague from Ohio too—is that committee should not do anything until we fix the miners' pension. Senator MCCONNELL, the Republican leader, seems to be the only one who doesn't want to move on this. All the rest of us do. The point a lot of us are making is, we shouldn't allow this body—as important as I think Puerto Rico is and as much as I want to help them—we shouldn't be voting on restructuring Puerto Rico's debt without lifting a finger to help our retired miners. I don't want to delay Puerto Rico. I want Senator MCCONNELL to commit to us: OK. We will move to Puerto Rico but promise a date for a vote so we can do what we need to do to move this money from the abandoned mine fund to the UMW pension fund in a way that works for these miners, that works for the widows of miners, that works for people who are sick from working in the mines, and works for people who were injured working in the mines.

As many of my colleagues know, I wear on my lapel a depiction of a canary in a birdcage. All of us know in mining country, the mine workers used to take the canaries down into the mines. They had no unions in the old days to help them. They had no government that cared enough to help them. It is up to us to provide that. The canary in the mine has been tweeting mercilessly, and it is time for us to step up and do what we were hired to do in these jobs.

I thank Senator MANCHIN.

Mr. MANCHIN. Madam President, if I can, I will give a little background and then we will go right to Senator PORTMAN.

I thank the Senator from Ohio. I appreciate it very much.

The Presiding Officer understands very well. We are both from the same State, born and raised there, and tough times have always been a part of our DNA.

So people know the history of the mines, as to the coal that has been produced, we would not be the country we are today, we would not be the superpower of the world, if we didn't have

domestic energy in our backyard. Domestic energy was the coal we used to fuel the Industrial Revolution. We basically defended ourselves in every war with coal. It was so important during World War II that if you were a coal miner, you would be asked to be deferred from fighting in the war to provide the energy the country needed to defend itself. That is how important this product has been.

Today it is kind of taboo to talk about it. People don't understand we have the life we have because of it. There is a transition going on and we understand that, but, in 1946, President Harry Truman said that we can't have the miners go on strike. John L. Lewis was going to take the miners out on strike for unfair compensation and safety reasons. Harry Truman promised them if they would stay—it was so important for our economy after World War II to keep moving forward, and without the energy, we couldn't do it. So he said: If you all will settle this strike, I will make sure everybody who produces coal—all the miners will pay into a pension fund that will guarantee that you will have health care benefits when you retire and a very meager pension. We are not talking big money. We are talking very meager supplements.

That was committed to and paid for. It had been funded all the way up until the greed of Wall Street in 2008, and it fell apart. Now, here we have the time. We go right up to the end of the time. Every time we go up to this timetable.

Well, July 1 is Puerto Rico, and then let me tell my colleagues one thing: July 15, all the retirees will start receiving notices that they will start losing their health care benefits within 90 days.

If you have seen on television all the devastation to our State in West Virginia, all the flooding, all the misery, the loss of life—one of the largest losses of life in any flooding in U.S. history. It just happened this past week in the State of West Virginia, our beautiful State. Every one of those communities you are seeing on television, with houses on fire floating down the river, with all the businesses ruined, all the homes and all the people who are left with nothing, every one of those are mining communities. Every one of them have miners living in them. Every one of them have widows who probably lost their husband to black lung depending on the health care benefits. Yet we have so many other things, and we are just asking for a vote.

This is a bipartisan bill. Here we are standing on the floor, all of us, not being Democrats or Republicans, just being Americans trying to do the right thing. All we are asking for is a vote on this. It will pass. There are ways for us to pay for it so it does not cost the American taxpayers. That is what we are asking for. I don't think that is too much to ask for.

I have said let's vote no on cloture tomorrow. I am not saying to be for or

against Puerto Rico. I understand the situation they are in, but unless we defend and fight for the people who have given us the country we have, and just disregard that, then who are we? What is our purpose for being here?

With that, I yield to my good friend and colleague from Ohio, Senator PORTMAN.

Mr. PORTMAN. Madam President, I thank my friend and colleague from West Virginia. I appreciate his passion for this issue. Over the years, he has fought hard for miners in every different respect, as has his colleague from West Virginia who is in the chair right now, Senator CAPITO. They need us right now. He is absolutely right.

We have a bill on the floor of the U.S. Senate that provides for essentially the bankruptcy of Puerto Rico, right? I am not being critical of that legislation. I know Puerto Rico needs help, but I also know the people I represent need help, as do the people these two Senators represent and Senator BROWN who spoke earlier. All we are asking for is give us a chance. We have legislation that has been carefully crafted with the United Mine Workers, with the coal companies on a bipartisan basis.

This is legislation that is fiscally responsible. My own view, for what it is worth, is that if we don't help now, it is very likely there could be later a need for significant funding from the taxpayers. Why? Unfortunately, because we are in a situation now, where because of all these bankruptcies of all these coal companies—and we could talk about the policies toward the coal companies and the policies toward coal in this country, but the reality is, there are a lot of companies in places like Ohio and West Virginia and Virginia and other States out West that are either in bankruptcy or heading toward bankruptcy. The people who are getting left behind are these coal miners who worked hard, played by the rules, have their pension, have their health care lined up, and because of the bankruptcies they find themselves on the outside.

By the way, currently these mine workers' pensions are relatively modest—\$530 per month is the average. They are headed toward bankruptcy, by the way, within 5 to 10 years. There are 90,000 coal miners—my colleague said closer to 100,000—a little over 90,000 coal miners affected. In Ohio alone, it is over 6,000 coal miners. When that pension goes bankrupt in 5 to 10 years, there is no guarantee, as I see it, that the PBGC—that is the Pension Guaranty Benefit Corporation—is going to be there because that agency is also in trouble.

So these mine workers who sacrificed so much for so long working in the mines—again, working hard, playing by the rules, helped power this Nation—could be left with no pensions. That is simply not acceptable.

There is a further issue that some folks aren't focused on yet but will be

soon in a lot of our States; that is, that there are about 20,000 of these retired coal miners who may well lose their retiree health coverage at the end of this year. So this is not down the road. This is now. This is this year. Again, these miners spent their careers in dangerous jobs. These jobs resulted in higher rates of injury, disease, cancer, and therefore they are especially dependent on these health benefits. They have earned them. It would be devastating to those families to lose those benefits.

Our solution—again, a bipartisan solution—Senator CAPITO is here and Senator MANCHIN and Senator BROWN and others—our solution is to have no interruption of these family health benefits, keep the pension plan solvent so it doesn't go under, so we don't have to have a bailout, and we can do it with a fund that is currently available.

Senator MANCHIN spoke for a moment about how this is something that can be handled under our current fiscal situation. As some of my colleagues know, I am a fiscal hawk, and I wouldn't have signed up for this bill if I didn't see a way to pay for it. The money would come from a miners' health fund that is currently spending over about half of its annual allocation. The fund allows for \$490 million in annual spending for retired miners. Currently, it is spending closer to \$225 million. So that fund is available. Our point is this: Why not use the rest of that spending authority for that fund to be able to spend the money to save the miners' pensions and make sure they are not going to lose their health care coverage? Again, I think this solution may well cost less money than simply allowing the plan to go bankrupt, which is the other alternative, because then I think it is very likely that you would end up with a major bailout and the taxpayers would have to pick up the rest.

So who are these miners? In the last several years, I have been at some of the coal mines in Ohio. I have been in aboveground coal mines and underground 600 feet with the coal miners. I have had an opportunity to visit three coal mines, one of them twice. Coal miners also come to a lot of my meetings. They come, they speak up, and they talk about why they believe they deserve to be treated fairly. They have powered this Nation.

Ohio is 70-percent coal-dependent right now for electricity. Many States represented here are even higher. For some, virtually all their electricity comes from coal. It is a hard job. Again, when you are underground several hundred feet and you see the kind of work they do, you learn to appreciate the fact that they are taking a risk every day and they do have additional health problems because of it.

These are people who not only power our country, but power their communities. They are engaged and involved in their communities, and they want to be sure these smaller rural commu-

nities can stay vibrant. Losing that pension and losing that health care benefit obviously hurts those communities. These are people who played by the rules, as I said earlier. They are patriotic, hardworking Americans who deserve our help right now because of this pending bankruptcy.

Why on this bill? It is not about my opposition to the underlying bill, but it is about my insistence that we have a vote, and I intend not to vote to move forward with the Puerto Rico bill unless we get our vote, and it is appropriate. If we are going to help Puerto Rico escape bankruptcy, then we should also help the 90,000 miners we talked about in West Virginia, Ohio, and other States who are suffering the effects of these coal bankruptcies. They don't deserve to be left behind as the Senate addresses other bankruptcies.

Again, I want to thank my colleagues who are here. The Presiding Officer kindly took the chair so I could make these remarks. I will replace her now and have an opportunity to listen to the debate from the chair. I thank my colleagues for their willingness to stand up at this crucial time to say that this is our opportunity to be heard. That is all I am asking for. Let's have a vote.

I think if we did have a vote and all my colleagues knew the facts around this issue, I think we would be successful and we would be able to help a lot of these miners to get the benefits that they deserve.

I yield back to my colleague.

Mr. MANCHIN. I say thank you to my friend and colleague from Ohio. I thank you so much. You are absolutely correct. Of those 90,000 miners, 27,000 come from my State of West Virginia. When we talk about who are the miners, they are the most patriotic people you ever met. Most of them are veterans. They have given of themselves. They sacrifice and they will continue to do so.

This country still needs a balanced energy policy that works for all of us, and they are willing to do that. They are willing to do the heavy lifting jobs they have always done. They don't ask for a lot of accolades for doing that.

I have another one of our colleagues from the great State of Indiana who knows the mining industry very well. I have been with him, and we have been out talking to them and watching how the product moves and watching how it powers this great country.

With that, I yield to my friend Senator DONNELLY from Indiana.

(Mr. PORTMAN assumed the Chair.)

Mr. DONNELLY. Mr. President, I thank the Presiding Officer, my colleague from Ohio, and my colleague from West Virginia.

This is a critical issue. I rise today to join my colleagues in supporting the bipartisan Miners Protection Act. We are here to make sure the Federal Government makes good on its promise of lifetime benefits for miners who risked

their lives to help our country meet its energy needs.

As has been noted, President Truman and the Federal Government made a promise with the 1946 Krug-Lewis Agreement to guarantee health and pension benefits for coal miners. These workers and the generations that followed sacrificed their own long-term health and now they are depending on us to make sure they get the benefits they earned.

My friend from West Virginia said that there are 27,000 miners in his State. We have 3,000 retired miners receiving pension benefits and another 1,500 receiving health benefits. Many of them are in the southern part of my State. Similarly, there are tens of thousands of other retirees—90,500-plus—across the Nation in West Virginia, Ohio, Pennsylvania, Illinois, and Kentucky. These retired miners and their families face a financial emergency unless we act now.

Additionally, Congress must work to address broader problems in the multi-employer pension system, which is on the verge of crisis as well. Many plans, such as the Central States Pension Fund, which includes hundreds of thousands of retired Teamsters, are dangerously underfunded. We owe it to these hardworking Americans who did their job to do our job and to solve this problem. This is a bipartisan proposal. It isn't about Republicans and Democrats. It is about Americans coming together to help the 90,000-plus miners and their beneficiaries who face an imminent loss of the benefits they have earned.

They have earned these benefits. This is nothing being given to them. They have earned this everyday—walking into those mines, working nonstop and facing incredible dangers, and powering our country. We can start meeting our responsibility by scheduling a vote and passing this commonsense legislation.

We made a promise to these coal miners, and we take this promise seriously. They did their part for decade after decade. We can't turn our backs on them. That is not the American way. It is not the Indiana way. It is not the Ohio way. It is not the West Virginia way.

I urge the Senate to take up this bipartisan Miners Protection Act as soon as possible because tens of thousands of retirees, our friends and neighbors, and our fellow Americans are counting on us to do our job and keep the word that has been given to them.

I yield back.

**THE PRESIDING OFFICER.** The Senator from West Virginia.

**Mr. MANCHIN.** Mr. President, I want to thank my colleague from Indiana and the Senator from Ohio, the Presiding Officer, and my colleague from West Virginia.

This is truly a bipartisan bill. As we stand before you, my colleague and I were both born and raised in West Virginia. We come from different political parties, but we have been friends all

our lives. The most important thing is that before we became a Republican or a Democrat, we were West Virginians first. Sometimes we might lose sight of that fact amidst all these great people in this great country.

It is time for us to get together and do the right thing. These are the people who have done the heavy lifting all their lives, and all we are asking for is a commonsense piece of legislation that gives to them and protects them with a promise that we made. They worked for this. They paid into this. Their pensions were solvent. No act of their own caused this. We are not asking for a bailout. There is a pay-for and a very easy pay-for.

So with that, I want to recognize my colleague from West Virginia for her dedication and commitment to fight for this. I thank her so much. I yield to Senator CAPITO from our great State of West Virginia.

**Mrs. CAPITO.** Mr. President, I want to thank Senator MANCHIN, certainly for putting this colloquy together. I want to thank Senator PORTMAN of Ohio, Senator DONNELLY of Indiana, and Senator BROWN of Ohio. We are deeply affected by this, and the facts bear out that we can't wait.

We talk about emergencies, and what we have on the floor is the emerging bankruptcy of Puerto Rico. I think all of us have expressed deep empathy and sympathy for Puerto Rico and the situation that they are in, and we appreciate the bipartisan effort to find a solution. But at the same time, we need our voices to be heard louder and clearer. My voice is that I cannot vote for cloture on Puerto Rico when we have stranded and are stranding our hardworking coal miners and the retirees who are upcoming.

You have to look at what is at stake here. We heard the numbers—21,000 Americans stand to lose their health care at the end of the year. By July 15, some are going to lose their health care in 90 days. That is way before the end of the year.

You often hear the trite slogan “promises made, promises kept.” This was a promise that was made. This is the hard work of American coal miners who knew going in when they started to work in the mines that they were difficult and dangerous jobs. The question by the spouse was, Will my husband make it back today from the mines? They had a promise, and that is why a lot of them pursued and went forth in dangerous conditions to provide for their families and power the country.

My colleague from Ohio remarked that 70 percent of Ohio's energy is produced by coal. In our State of West Virginia 95 percent is coal-produced energy. We are blessed to have a lot of coal in West Virginia. That has been a good thing for a long time. Unfortunately, we have had a lot of issues in the coal industry, which is under assault from multiple directions—whether it is regulation, increased competi-

tion, the effects of a broader economy. All kinds of things are flying into this, but the reality is where we are today.

We mentioned the numbers. Of 12,000 Americans who could lose their health care, 5,000 of those are our fellow West Virginians. I can guarantee you that between the two of us, we know quite a few them. We live in a small State. We live in a community where everybody knows everybody. I tell you one thing, to divert from this to what has happened to our State with the floods. I am sure other States do this just as well, but I don't think there is a State that does better than West Virginians helping West Virginians. What we have seen over the last few days with neighbors helping neighbors and people pulling up each other and pulling together is phenomenal. A lot of those folks are not coal mining families. They know coal mining families. They go to church with their families. Their kids go to school together. Their grandchildren play together. We are all connected together.

You look at the health care and pensions of 27,000 West Virginians. As was mentioned, these are not large amounts. I think the Senator from Ohio mentioned \$560 a month. Unfortunately, for some retirees that is the difference between paying their electricity bill and having food on the table. That is a substantial amount. It could mean getting gas for the car, buying their medicines, or helping their children when they might need help to purchase a new pair of shoes. All of these kinds of things are extremely important in the everyday life of our retirees.

I think the best voices are the voices of the miners. I have received letters, and I am sure you all have received letters and talked to folks yourself, from people like Rita from Iaeger, WV, who wrote that her husband started work as a coal miner 40 years ago right out of high school. Without the act, she and her husband will lose their entire health care coverage.

Walter is a third generation coal miner. We find these a lot. A lot of these people are third and fourth generation coal miners. He is from Danville and began working in the mines when he was still in high school. He wrote to express concern not just for himself. As a typical West Virginian and hardworking American, he is worried about his friends and former colleagues in Boone County. There are people like Teresa, also from Boone County, whose husband worked in the mines for 36 years and planned for retirement knowing that they would receive the health care and pension benefits they were promised. She asks us to “please help these retirees to ensure that people like my husband keep the benefits he was promised and that he earned and worked hard for.”

There is Ralph from Morgantown, who reminds us—and I think this is especially important for us to reemphasize today—that “Congress has the

power to keep that promise because it is the right thing to do to protect those hardworking Americans." Ralph is right.

So I am going to make a stand with my colleagues. I am asking in a loud and joint voice to have this vote to keep the promise that was made.

While Puerto Rico is facing a financial crisis and I have great empathy for what is going on there, I cannot vote for cloture on the Puerto Rico bill until I get some certainty that we are going to move in a positive direction. I appreciate the passion and the willingness of Senator MANCHIN to join us together in this colloquy today. We have bipartisanship. We have a regional coalition that I think we can build on every day. I hope we will be successful so that we can make sure that our miners and their families have the assurances, the security, and the faith in us who could make that decision, and the faith in this country that made that promise.

I yield back to the Senator.

Mr. MANCHIN. Mr. President, some people say this is a union versus a non-union issue. That is not the case at all. In 1946, anybody who was mining coal was a member of the United Mine Workers of America, almost 99.9 percent. With that type of participation, having all these people involved—that is the deal that was made. That is the deal Harry Truman, the President of our United States of America, made with John L. Lewis. You have to continue to mine the coal that keeps the country running.

Today, coal has been villainized to the point where people think they don't need it, they don't like it, they don't want it, and it is no good for them. Well, guess what. The coal we use today is cleaner and used cleaner than ever before.

We keep talking about the global climate. I am not a denier. With 7 billion people, I think we have a responsibility. We have a responsibility to clean up the environment. We have done it, and we can do a lot more in America. We can lead the rest of the world—which burns over 7 billion tons of coal—to do it much cleaner if we are serious about it and if we don't just continue to demonize it here in America, its use in America, putting all these people out of work.

My colleague talked about Puerto Rico and its finances. We have sympathy and compassion for anybody who has had difficult times. But we have people who basically gave their sweat, their blood, and their lives for the energy of this country, and their widows and other people are depending on that retirement and they are depending on their health care benefits. Let me tell you the domino effect that will happen. The domino effect is this: If these health care benefits go by the wayside, a lot of the clinics that take care of people throughout West Virginia, throughout the coal industry, throughout the coal counties all across Amer-

ica, are going to be hurting. They are going to be hurting as they try to keep their doors open to take care of the children, the families, the widows—the people who are depending upon them. This has a ripple effect that people don't really consider.

All we are asking of the majority leader, our majority leader—I am respectfully asking him—he comes from the State of Kentucky, and he understands the people of mining. In a compassionate way, I am asking if he would just consider giving us the vote before we leave here.

That is why we are not voting on the Puerto Rico cloture. We have basically next week, and after next week we will be gone for quite a while. These widows and all these retirees will start receiving their notices July 15. We will be out of here on the 16th. What do we tell them? Well, I am sorry we are on vacation. We have all gone home. We all gave up.

The House is gone now. They got in so much conflict, they couldn't take it anymore. They left early. They are not coming back. This is a shame. It is absolutely a shame.

I am almost ashamed to tell—people say: Where do you work?

I say: Oh, I work for the government in Washington.

I will be almost afraid to tell them what body I am in if we can't do better than we are doing.

I am getting so sick and tired of "If you are a Republican and I am a Democrat, I am supposed to be against you." I am not against you; I am with you. I am with this country. I want America to do well. I want the whole world to be envious that we can help other people. But if we can't take care of ourselves, if we can't help the people we have committed to and made a promise to, then why should anyone? Why should anyone look to America?

We are the hope of the world. Well, if we are going to be the hope of the world, we better take care of the people who gave us the country we have; that is, the mine workers of this country, the United Mine Workers of America—the toughest people I have ever been around, the most generous people I have ever been around, and the most compassionate people I have ever been around.

It is our responsibility, Mr. President and my colleagues, to keep our promise to the miners who have answered the call whenever their country needed them. When our country went to war, the miners stayed there and powered us to prosperity. When our economy was stagnant, these miners fueled its growth and expansion. They kept their promise to us, and now it is time for us to do the same. We must keep our promise of a lifetime pension and health benefits to our miners—something they paid for, something they worked for—for their dedication to our country. That is why I am calling for the immediate passage of the Miners Protection Act.

I appreciate my colleagues on both sides of the aisle. This is truly a bipartisan effort. I thank the Presiding Officer. I thank each and every one of you. Please talk to colleagues, as we do with all our friends on both sides, and do the right thing and pass the Miners Protection Act.

Mr. President, I yield the floor.

#### FAMILY PLANNING SERVICES

Ms. COLLINS. Mr. President, earlier today the Senate held a cloture vote on the conference report to accompany H.R. 2577, a bill that would fund military construction and veterans programs in fiscal year 2017 and provide \$1.1 billion to respond to the Zika public health crisis.

There has been a great deal of misinformation on what the bill would do and which organizations and providers would be eligible to receive funding under the bill. I would like to ask a question of the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, who helped to write the Zika funding package.

Is it accurate to say that family planning service providers that receive Medicaid reimbursement would be eligible to be reimbursed for family planning services through funding provided in this bill?

Mr. BLUNT. Mr. President, that is accurate. Let me be clear, the conference report provides the same access to birth control services as the administration's request by allowing reimbursement through public health plans, which includes Medicaid. In addition, the conference agreement goes even further than the administration's request by expanding access to services through more robust funding to community health centers, public health departments, and hospitals in areas most affected by the Zika virus.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise today to continue my tribute to Nebraska's heroes and the current generation of men and women who have given their lives defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a powerful story.

#### SERGEANT JOSHUA ROBINSON

Today I reflect upon the life of Marine Sgt Joshua Robinson of Hastings, NE.

Josh grew up on a farm near the small village of Oak, NE. As a boy, he thrived in the outdoors. Many would say he was born to be a marine. Josh

loved hunting, fishing, and preparing animals for 4-H competitions. He first learned to shoot with a Red Ryder BB gun and became excellent at tracking wild animals.

Later, the Robinson family moved to Colorado, where Josh grew into an impressive athlete. He discovered water sports. Water skiing, wakeboarding, and kneeboarding became his passions. By high school, this natural ability was generating success on the wrestling team, and he would later represent them three times at the State championships.

In 2000, Josh's high school graduation coincided with his family's return to Nebraska, where he enrolled at Metro Community College in Omaha. His athletic ability was on full display here, too, this time riding bulls in the rodeo.

Over a year after graduating high school, Josh would find a new mission. On September 11, 2001, terrorist attacks on our homeland changed the world and instilled a deep sense of duty and patriotism for Josh. Like so many others in the days that followed, he answered the call to military service. His mother Misi remembers his passion during that time, saying:

Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

By 2003, Josh had enlisted in the Marine Corps. That year, he also met the love of his life, Rhonda Zaruba of Bennington, NE. They connected immediately and were engaged shortly after Josh returned from basic training in 2004. Rhonda recalls the advice Josh's marine friends gave him at the time: Never buy a truck, and never get married. In 2004, he did both. Josh and Rhonda were married in Omaha later that year. They grew in love and had two sons—Kodiak, who is now 10; and Wyatt, now 9. Together, Josh and Rhonda navigated their family through Josh's two deployments to Iraq. Like so many military families, they endured the pain of separation on birthdays, anniversaries, and holidays. His service was their service.

No one was surprised by Josh's success in the military. His mother says Josh took the skills he learned as a boy in Nebraska and he placed them in the service of his Marine Corps brothers. As a soldier, he taught courses in tracking and mountain survival. As a scout sniper with the 1st Marine Division, he taught high-angle shooting and mountain survival at California's Mountain Warfare Training Center.

Josh taught his marines, and he also nurtured his sons. He showed Kodiak and Wyatt how to identify different animal tracks, and by a very young age, both boys were masters. They still remember how to read raccoon and deer tracks.

Josh's fellow marines, who referred to Sergeant Robinson as "Robbie," say he was fearless. Through extraordinary survival skills, Josh kept his men alert and safe. As fellow marine LCpl Gavin Bristol put it:

I never had any doubt there was a better man looking out for us . . . Whenever we felt fear or anxiety, we just had to remember that "Robbie" was with us.

Josh was an infantryman assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, based out of Camp Pendleton, CA. After serving two tours in Iraq, he was deployed to the Helmand Province, Afghanistan, in March of 2011. At this time, Helmand Province was the most dangerous region in Afghanistan and the last hold-out for the Taliban.

A few months later, on June 11, a fire fight broke out, lasting 6 hours. During the attack, Josh rescued a wounded marine while leading his combat team to safety. He would later earn the Bronze Star for his actions that day.

Two months later, on August 7, 2011, Josh was out on patrol and was shot twice by an enemy combatant. He died shortly after. Sgt Josh Robinson was flown to Nebraska and laid to rest on August 12, 2011, in Hastings. Saint Cecilia's Church was filled for the funeral service, and hundreds of Patriot Guard riders led his procession. Fellow marine Lance Corporal Bristol often thinks of Josh, saying:

Every day I was able to walk alongside Sergeant Robinson was a gift. He can never be replaced as a Marine, a leader, or a friend.

To his wife Rhonda, he was a "man's man" and an "amazing Marine brother." He took new marines under his wing, and he would bring them home to meet Rhonda and their children.

Josh's sons Kodiak and Wyatt will remember motorcycle rides with their dad. They will cherish memories of him teaching them how to ride the mechanical bull and the snow ski.

Nebraskans will remember Joshua Robinson for what he embodied and what it means to be one of the few, the proud—a marine.

Sgt Joshua Robinson earned the Purple Heart, the Combat Action Ribbon, and was posthumously awarded the Bronze Star. He lived his life the way he served his country—with distinction and with great honor.

Sgt Joshua Robinson is a hero, and I am honored to tell his story.

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.

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

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

PROMESA

Mr. MENENDEZ. Mr. President, I come to the floor, as I have many times over the last nearly half a year, to talk about the challenges the people of Puerto Rico have. I came to the floor last week to ask consent to bring to the floor the bill that the House of Representatives called PROMESA—which, in Spanish, means "promise" but is anything but a promise to the

challenges the people of Puerto Rico have—because I knew we needed time to be able to make a horrible bill a lot better. That is the essence of what the Senate is. It is a coequal branch of the legislative body that does not have to accept what the House of Representatives sends and say, well, it is an up-or-down vote. I had been speaking for some time about what I expected was going to happen. At that time, the majority whip—Senator CORNYN, the distinguished Senator from Texas—got up and objected to my unanimous consent request but said there will be an opportunity for amendments. Obviously, the majority leader put the legislation on the table, filled the tree, and now there is no opportunity for amendments.

I think the 3.5 million U.S. citizens who call Puerto Rico home deserve more than being jammed in a legislative process where their lives and their futures are going to be dictated to for some time by a control board—and I will talk about that at length—by a control board for which there are no elected representatives from Puerto Rico, no one whom the Governor and Legislature of Puerto Rico get to name on behalf of the 3.5 million citizens and who can determine just about every facet of their life. Yet there cannot be a simple amendment here.

The citizens of Puerto Rico are citizens. They deserve to be treated as citizens, not servants. They deserve to be treated in a way that beholds a history of proud service to the Nation. They deserve to be treated as citizens, not subjects—not subjects. If all we can do for the people of Puerto Rico is have a very prolonged understanding of what this legislation will do to the people of Puerto Rico, then that is what I intend to do. I would let my colleagues know I intend to be here for some time to talk about this legislation, that it is not a promise, the consequences to the people of Puerto Rico, and to hopefully get my colleagues to understand there is another pathway, which is not to invoke cloture, therefore giving us the wherewithal to have amendments to make the legislation achieve its stated promise, which the goal is to ultimately give a pathway to the restructuring of Puerto Rico's \$70 billion in debt under the Bankruptcy Code. The only reason to consider any legislation at all is to find a way to give Puerto Rico the opportunity to achieve a pathway to restructuring its debt under the Bankruptcy Code.

They had elements of that ability in the law before. Somehow, in the dark of night, someone or some entity went ahead and included in legislation the taking away of powers they had of having some element of access to the Bankruptcy Code. No one can find the legislative history of why that happened to the Government of Puerto Rico, but it did. The only reason to consider legislation in the first place is to have a clear pathway to restructuring so the enormous challenges the people of Puerto Rico are facing can be

alleviated and there can be a better future, but that is not what this legislation does. I will talk at length about what the legislation does and does not do, but the essence of what I want to show is the reasons this bill is simply not acceptable.

They, meaning this control board which is appointed—remember, again, two members by the Speaker of the House, two members by the Senate majority leader, one by the Senate minority leader, one by the House minority leader, and one by the President; therefore, four Republican appointments and three Democratic appointments, of which only one has to have their principal domicile or business on the island of Puerto Rico. That person could have their primary business in Puerto Rico but not live in Puerto Rico, and there would be no say on behalf of Puerto Rico's elected leadership and no say on behalf of the 3.5 million people on the island about how their future will be dictated.

Yet this control board that makes the ultimate decisions on so many critical elements—including the very essence of why we are having legislation in the first place, which is to create a pathway toward restructuring—the legislation says: “The Oversight Board may certify a plan of adjustment only if it determines, in its sole discretion. . . .” This phrase, “in its sole discretion,” will appear nearly 30 times throughout the legislation we are going to be voting on, and I have read the legislation fully at least twice, from cover to cover, and nearly 30 times, in critical elements about critical decisions the control board will have over the people of Puerto Rico, we don't even define what the parameters are. We say: in the control board's sole discretion. That is an incredible grant of power, “in its sole discretion, that it is consistent with the applicable certified Fiscal Plan.”

They have the discretion to grant or deny restructuring. There are a whole series of hurdles we will talk about as to what is necessary for them to even grant that determination, which is in their sole discretion. They may never get to the point they feel Puerto Rico should have access to restructuring, which is the only reason we are even considering legislation, because they are supposed to have access to restructuring.

By the way, that control board—non-elected, sole discretion, only one person from the island of Puerto Rico, either their business or their residence is going to be represented there—neither the Governor nor the legislature may exercise any control, any supervision, any oversight, or any review over the control board or its activities. That control board of seven members needs what to get to a restructuring? It doesn't need a majority vote. It needs a supermajority vote, so instead of four out of the seven ultimately saying to Puerto Rico: All right. You met the standards we set. You can go to re-

structuring now and get access to the bankruptcy process—which, by the way, would be determined by a bankruptcy court under the normal process. When you go for restructuring, you go to a bankruptcy court, and the judges or judge assigned the case will make those determinations.

Obviously, restructuring is not a taxpayer bailout because restructuring is to take the debts that exist and restructure them in such a way they can make payments and at the same time deal with essential services for the 3.5 million U.S. citizens who call Puerto Rico their home. No, it is not a bailout, but even to get to that restructuring, guess what, you don't need four out of seven, a simple majority. We grow up—I see our pages here—we grow up learning that majority rules, but, no, not for the 3.5 million people of Puerto Rico. We will say a supermajority has to vote, which means five of the seven have to vote to allow restructuring to take place.

What does that mean? It means a minority, three of those seven members, could forever not allow Puerto Rico to get access to restructuring. When did that become the process in which a minority can make such a determination, an unelected minority can make such a determination to affect the lives of 3.5 million people, and instead of a majority view, it is a minority view? It is a pretty amazing extension of power.

I see my colleague is on the floor. I would be happy to yield for a question without losing my right to the floor.

Mr. SANDERS. Yes.

Mr. MENENDEZ. If the Senator has a question.

Mr. SANDERS. I have a question. It is a long question, but I certainly want my friend from New Jersey to respond to that question.

I ask my colleague from New Jersey, is this legislation smacking of the worst form of colonialism, in the sense that it takes away all of the important democratic rights of the American citizens of Puerto Rico? Basically, four Republicans, who likely believe in strong austerity programs, will essentially be running that island for the indefinite future. Would my friend from New Jersey agree this is colonialism at its worst?

Mr. MENENDEZ. Absolutely. The Senator from Vermont is right. I have called this legislation the ultimate neocolonialism we as a Congress would be passing. It treats the citizens of Puerto Rico like subjects, not citizens. It doesn't allow them to have a voice. They get no one on the control board. Yet the control board can dictate budgets. It can dictate budget cuts. It can dictate what is or is not sufficient for the running of essential services. It will dictate whether the pensions get treated fairly. My colleague is correct.

Mr. SANDERS. I ask my friend from New Jersey—there is a very strong difference of opinion in the Senate and in the House about economic issues. Many of our Republican friends think trick-

le-down economics—giving tax breaks to the wealthy, cutting Social Security, cutting Medicare, cutting Medicaid, cutting education—is the way they would like to see our country move forward. Does my friend from New Jersey have any doubt, if you have a financial control board dominated by four Republicans, that is exactly the type of philosophy that will be imposed on the people of Puerto Rico?

Mr. MENENDEZ. My colleague from Vermont is onto something. One of the things the control board can actually do is set the budget for Puerto Rico. As you and I both know—you have been on the Budget Committee for some time—probably the most significant things Members of Congress can set is a budget, which is a reflection of our priorities, right? How much do we believe we should spend on education, on health care? How do we provide tax breaks so students don't graduate under a mountain of debt—something my distinguished colleague has made a major issue in his Presidential campaign. How do we ensure we give tax breaks, such as the earned-income tax credit which the people of Puerto Rico don't get access to. The budget sets a series of standards. The control board will set that budget. If it wants to view austerity as its fiscal idea as to how you achieve prosperity—prosperity through austerity—it will be able to do that. I think the Senator is right. An example of that is when there are provisions included that really have no place in a bill for restructuring, that talk about eliminating the minimum-wage guarantees for certain parts of the Puerto Rican society and eliminating overtime protections. I am sure the Senator from Vermont is concerned about those.

Mr. SANDERS. I am. Let me ask the Senator from New Jersey, a significant part of Puerto Rico's \$70 billion debt has been acquired in recent years by vulture funds. These are folks who purchase bonds for as little as 29 cents on the dollar and who get interest rates of up to 34 percent. I believe something like one-third—I may be wrong on this, but I believe about one-third of the debt of Puerto Rico is now controlled by these vulture funds. People who buy, by definition, “risky bonds” but now want to get 100 percent on the dollar, despite the fact that they paid a fraction of what the bond is worth—from a moral perspective, should the U.S. Senate be supporting legislation which allows vulture capitalists, some of whom are billionaires, to make huge profits while at the same time nutrition programs and educational programs for low-income children in Puerto Rico are cut? Does that sound like the kind of morality that should be passed in the U.S. Senate?

Mr. MENENDEZ. My colleague is right. It is a real concern in the legislation as it appears. It says here, to read to my colleague: “The Oversight Board shall determine in its sole discretion whether each proposed Budget is compliant with the applicable fiscal plan.”

There are other sections here, to go to the Senator's particular question, which say: Before the board ever considers—if it ever does—access to restructuring, it is going to, in essence, if you read the language, not only urge but it is going to judge as to whether Puerto Rico worked out a deal with its creditors, including the vulture funds.

It can hold Puerto Rico to such a standard in its sole discretion because we don't define in the legislation what is the standard of a reasonable attempt to compromise with your creditors. That is fine, a reasonable attempt to compromise with your creditors, but if your creditors believe they have you by the neck and they want to continue to squeeze and they believe there is a control board that is going to back them up and allow you to squeeze, and every time Puerto Rico comes to the Governor of Puerto Rico, who has no vote or say here, except to recommend—comes to the control board and says: Guess what. We have tried and tried, and we have negotiated in good faith with these creditors, including vulture funds, but we can't come to an agreement because they want too much, and we have to provide police services, fire service, education, and health care. I mean, here is an island—part of the United States as a Commonwealth, with 3.5 million U.S. citizens—which ultimately is at the epicenter of the Zika virus and its challenge and yet they can continually be forced to deal with their creditors in such a way that the concern my colleague has might actually be materialized by the board itself.

Mr. SANDERS. Let me add another point to that very discussion, which I have a hard time understanding and maybe my friend from New Jersey can educate me on this. As I understand, in this bill, there is a requirement that Puerto Rico, a territory that has been experiencing a 10-year depression, a territory in which over half of the children are living in poverty, a territory in which many schools have been shut down, where people have been laid off, where unemployment is sky high, that within this legislation, there is the imposition that the people of Puerto Rico are going to have to pay for this control board to the tune—and I don't understand this—of \$370 million. You have a board of seven people. No. 1, how in God's Name do you run up an administrative cost of \$370 million? Yes, you need staff and you need all that stuff, but \$370 million to run a small bureaucracy sounds to be totally off the charts. Then, to tell the people of Puerto Rico, you are going to have to shut down schools, you are going to have to shut down health services, we may take away the pensions of your workers, and, oh, by the way, you are going to have to pay \$370 million in order to fund this control board—am I missing anything here? I know this sounds so absurd that people may think I am misleading them, but am I missing anything here or is that the reality?

Mr. MENENDEZ. No, the Senator is right. Not only is it \$370 million, but the legislation specifically says Puerto Rico must have a dedicated source of funding. We know what this means in this institution, a dedicated source of funding. That means a guarantee of that money. There must be a dedicated source of funding to pay the \$370 million for the seven-member board and whatever staff, in their sole discretion, they decide to hire.

Mr. SANDERS. So it means, or it certainly could mean, the closing down of schools, nutrition programs, and health care in order to fund—and I cannot for the life of me understand how a seven-member committee can spend \$370 million, but this will be taking away perhaps basic needs from hungry kids in order to maintain what seems to me an extraordinary bureaucracy.

With that, I thank the Senator from New Jersey for his leadership, and I look forward to working with him.

Mr. MENENDEZ. I thank the Senator for his concern and his points.

Mr. President, I have come to the floor time and time again with a simple message: PROMESA, the name of this legislation, which means “promise” in Spanish, is not a promise. It is a power play, leaving the people of Puerto Rico unable to manage their own government, make their own decisions, do what they believe is right. I have been concerned exactly about this, and I have my remarks going back to September 22, 2015, when I started off those remarks by saying, “I rise today deeply concerned that the growing economic crisis in Puerto Rico threatens to destabilize the island, and that we must [step in] and help our fellow American citizens before the financial crisis becomes a calamity.” September 22, 2015.

I talked about the fact that if you do not act, the results of a financial disorder would be much more expensive, much more chaotic both in the long term and the short term, would cost Puerto Rico and the United States, and the fact is that a potential solution rests in the hands of the administration with Treasury and HHS.

I talked about legislation that we introduced at that time, along with some of our colleagues, that would allow the government of Puerto Rico to authorize its public utilities to rework their debts under chapter 9.

We also talked about the fact that even though Puerto Rico pays about a third or so of every dollar that they get in revenue towards interest, which is unsustainable, that but for those interest payments, they would actually be running a surplus—a surplus—if they didn't have debt payments.

We talked about an effort that was supported by the nonpartisan National Bankruptcy Conference and numerous bankruptcy lawyers and judges to help the people of Puerto Rico. That was in September of 2015, well in advance of the crisis that has now been created, where we have brought legislation for

an up-or-down vote on the Senate floor in June, on the verge of the Fourth of July recess—an up-or-down process with all of the challenges that this legislation has for the people in Puerto Rico.

At that time, I talked about the island's health care system adding additional pressure to the overall financial system and about the way in which we fund those health programs—Medicare, Medicaid. How we treat them as it relates to U.S. citizens living in Puerto Rico is different, part of which has been their challenge.

Then I came back to the floor in December of 2015 to once again speak about the urgency of the moment and to give us the time to think intelligently about how we help the people of Puerto Rico meet their challenge and at the same time be able to do it in such a way that respects their rights as citizens of the United States.

I came to the floor on December 9 of 2015 to ask unanimous consent to pursue a proposal we thought was rather modest. There were four things we needed for the citizens of Puerto Rico, and for Puerto Rico to have access to the Bankruptcy Code, restoring certain elements of that, which, of course, would not cost the Treasury a penny, nor would it raise the deficit. We tried to get a focus then—because already at that time there were serious financial issues on the island—and we had an objection by the chairman of the Finance Committee saying that there were negotiations underway to come to an agreement. That was December 9, 2015.

Then in March of 2016, we introduced legislation that I think would be a far greater set of circumstances, enabling the people of Puerto Rico to see a future but a future they would help determine. Yes, it had overtures of an oversight board—but not a control board that controls their destiny—with a greater representation under certain standards of people's abilities that would ultimately be brought to serve on the board.

I thought that legislation created the right structure; created a true oversight—not control—board; created standards that are clear and concise and that the people of Puerto Rico and its government officials would know—“This is what I must do in order to achieve a pathway to restructuring”—and that represented the people of Puerto Rico, as well as the leaders of the Congress, and that gave us an opportunity to ensure that any restructuring plan was based on an objective and independent analysis of the island's situation and provided assurances to creditors that future governments would adhere to a prudent, long-term fiscal plan, while reaffirming and representing and respecting Puerto Rico's sovereignty. That was in March of this year.

Then in April we had a press conference to try to bring forth the consequences of the need to act at that time—April 28 of 2016.

Then I came to the floor again on May 24 of 2016 to talk about the challenges that the people of Puerto Rico are facing and to have an informed, intelligent debate and process to get to the type of legislation that would both solve the problem and meet their needs.

So that continues all the way through June of this year. To me, as someone who started in September of last year to raise the alarm bells—and not only to do that but to then come up with a legislative proposal that was embraced by all of the elected leadership of Puerto Rico, by all of the major parties in Puerto Rico, by the members of their legislature, the Governor and others who all put out statements saying that this was a pathway that would respect the citizens of Puerto Rico and give them the tools they need to restructure their debt, become fiscally responsible, and realize the hopes and aspirations of the people of Puerto Rico. So I not only raised the alarm bells as of September of last year, I created a legislative solution for it so that we could have an informed debate.

What do we have in the greatest deliberative body in the world? We have legislation drafted in the House, for which there is no opportunity to do what the majority leader said he wanted this Congress and the Senate to do more often—to have a full debate and a full airing of amendments in such a way that the voices of the American people, as represented by the Members of the Senate, could speak.

So my hope is that over the next period of time, we are going to have a full display for our colleagues to understand what they will be voting on when it comes to cloture so that when they vote, they vote with open arms.

The people of Puerto Rico, unable to manage their own government, make their own decisions under this bill—that is what those who vote for it believe is right. We have heard the words of “Invictus”: “I am a master of my fate. I am the captain of my soul.” But that apparently doesn’t apply to the 3.5 million American citizens in Puerto Rico who have helped shape the history of this Nation, and I will talk about that at quite some length.

We have heard the words of Jack Welch, who said: “Control your own destiny or someone else will.” Well, apparently our Republican colleagues believe in the case of Puerto Rico that someone else should, that those 3.5 million citizens should not be part of determining their own future. They believe in an unelected control board that can rule with an iron fist, as they see fit, regardless of what the Puerto Rican people would want.

Thomas Jefferson said: “I know of no safe depository of the ultimate powers of the society but the people themselves.”

I have heard many of my friends here on the other side quote some of the Founding Fathers, including Jefferson. He said:

I know of no safe depository of the ultimate powers of the society but the people themselves. And if we think them not enlightened enough to exercise their control with the ultimate discretion, the remedy is not to take it from them, but to inform their discretion.

But in the case of Puerto Rico, we have decided not to help them make their own decisions but to take powers away from the society, as Jefferson spoke of, powers away from the 3.5 million U.S. citizens who call Puerto Rico their home—away from them.

So that is what is at the heart of this debate about PROMESA, which doesn’t really guarantee a pathway to restructuring, which subjugates the people of Puerto Rico to a control board on which they have no direct representation, and they will have to live with the consequences of the fiscal dictates the control board will have edict over in their sole discretion. Yet, who has to live with it and who has to pay for it, as the conversation with Senator SANDERS revealed? They will. They have to pay the \$370 million; they have to have a dedicated source of revenue for it.

By the way, this control board—we will talk a little bit more about that later—has no limits as to how long it is going to exist. It says in the first instance 5 years, but then it says again, in its sole discretion, when it determines that Puerto Rico has reached a standard by which they are fiscally on the right path and have access to the bond markets. But that discretion will be totally controlled by the control board in their sole discretion, so they could extend their life for quite some period of time.

So in the spirit of making sure that the 3.5 million U.S. citizens of Puerto Rico have an opportunity for a better path and a real promise, I have many amendments to offer, many amendments that in the aggregate would show my colleagues what we might have done, what we could have done, and what we still can do by voting against cloture, what reasonable middle ground we could have reached to truly help solve the crisis and the humanitarian catastrophe that awaits the people of Puerto Rico rather than simply ignore the right of their will and choose the road to colonialism.

I would note that calls for a thorough debate on the Senate floor are bipartisan in nature. I thank my colleague Senator WICKER for joining me in a letter to the leadership asking for a full and open process to consider this bill with amendments—as many as it will take to make it right.

I would remind my colleagues that each one of us was elected to this very Chamber to debate and enact legislation, to improve the lives of Americans, and the people of Puerto Rico are Americans. I emphasize that fact.

Sometimes I have heard in my congressional career between the House and the Senate—some people ask me about—I had Members of the House, when I served in the other body, who

would come to me and say: Do I need a passport to go to Puerto Rico? And I would look at them, and I thought they were jesting, but they were serious. The people of Puerto Rico are U.S. citizens. They have worn the uniform of the United States. They have shed blood. They have died. They love this country greatly. By the way, one plane flight to anywhere in the United States, and they have all the full rights, privileges, and obligations as any other citizen of the United States, which means that the human capital flight we are seeing taking place in Puerto Rico is a great flight because people, seeing there is no future for them, will ultimately leave.

But I fear that instead of a robust debate and thoughtful consideration of amendments to improve this bill, those who want to see the House bill signed into law as drafted have delayed and delayed and delayed until the last possible minute.

We can, as U.S. Senators, change that course of events. I understand that sometimes the deck is stacked against you, but I also believe that you can reshuffle the deck, that there is the power of individual Members of the Senate to ultimately say: We need a pathway that allows us to improve the legislation and to improve the lives of the 3.5 million U.S. citizens who call Puerto Rico home.

How can we as U.S. Senators shirk our responsibilities when the people of Puerto Rico are at the edge of a great challenge and yet we don’t want them to have a say as to how they meet that challenge? They need our help, and they need it today.

This bill will affect a generation—a generation—of Puerto Ricans, and we owe it to them, as we would our brothers and sisters who live in our States, to get it right.

So let me once again remind every one of my colleagues how deeply poor this legislation is and how incomplete it is. In addition to the undemocratic control board and obfuscated path to restructuring, the bill would actually increase poverty and out-migration rather than stem both. That is because it provides an exception to the Federal minimum wage for younger workers, and it exempts the island from recently finalized overtime protections.

What does that have to do with a bill to allow restructuring so that Puerto Rico can restructure its debt, not pay over a third of every dollar that it takes in to creditors, and be able to deal with the health, well-being, education, and future prosperity of its people?

Why is that in here, other than as an experiment in what some would believe is the process to prosperity which is through austerity? So the way to prosperity in the minds of those who will be voting on this bill—as to my Democratic colleagues, I hope they understand that I have stood with them when they have talked about raising the minimum wage. Organized labor

talked about raising the minimum wage. We see raising the minimum wage as a way to create greater rising wages for our families.

I think one of the great discontents we have in this country today, as is evidenced in the political process, is that despite all the major macroeconomic numbers—where we see the GDP rising, where we see unemployment lowering, where we see all of the realities of low interest rates, a strong stock market, and all of these macroeconomic indicators that would suggest everything is good—for the average American, their challenge is that they see their wages and income stagnant, and yet they see their challenges rising—paying a mortgage, putting food on the table, educating their kids, having them graduate but not under a mountain of debt, being able to think about retirement in the future, and increasingly having to take care of a loved one, as my sister did with my dear mother who faced the challenges of Alzheimer's before she died. That is a very American story.

What is our answer to that? Our answer to that for the people of Puerto Rico is to cut their wages. Let's not guarantee you a Federal minimum wage, and, by the way, if you are forced to work overtime, let's not give you the protections that are given in the laws of the United States.

So for U.S. citizens, my colleagues here advocate to raise the minimum wage, have overtime protections, and do what Secretary Perez did in providing the overtime protections. But for the people of Puerto Rico, it is OK. Now I know some colleagues will say: Well, that provision suggests that the Governor would have to invoke that. He would have to invoke not having a minimum wage for certain younger workers and that, as to the overtime protections, he would have to invoke waiving the overtime protections. The problem is that this control board could very well say in its sole discretion: You know what; you can't afford to pay the minimum wage to your people. You can't afford overtime protections. You should really consider reworking that.

Since that control board is the only guarantor or decider of whether you will get access to restructuring, that is an awful lot of power to weigh on the Governor of Puerto Rico. If they say to him: We believe the Republicans and the majority of the Congress have decided that there should be this exception. Ultimately, you should really revoke that. That is why they put it there in the first place—that control board will have an enormous amount of power.

Reading from the legislation:

A fiscal plan developed under this section shall, with respect to the territorial government or covered territorial instrumentality, provide a method to achieve fiscal responsibility and access to the capital markets . . . [and] adopt appropriate recommendations submitted by the oversight board under Section 205(a). . . ."

This board is incredibly powerful. So if this board says: You know, you have an opportunity, Governor, to undo the minimum wage and overtime protections, well, that is a lot of power that that Governor is facing and a board that holds Puerto Rico's future in its hands to determine whether or not there will be access to restructuring.

So, guess what. We are voting for this. We are going to start the demise of the minimum wage and overtime. If you somehow think you can narrow it to the citizens of Puerto Rico, who are U.S. citizens, then you are saying that they are not citizens but that they are, in fact, subjects.

At a time when we are working to increase workers' wages, this legislation goes in the opposite direction. It actually cuts workers' wages.

It amazes me that the solution to Puerto Rico's economy growing again is to ensure that workers can make even less money. I don't think lowering people's wages is a pro-growth strategy. It is a pro-migration strategy, because if I am a U.S. citizen living on the island of Puerto Rico, and I say: Wow, if I take a flight to Newark, NJ, or if I take a flight to Orlando, FL, or if I take a flight to New York City or to anywhere else in this great country and if I get a job there, I will have a full minimum wage paid and I will have overtime protections. By the way, I am going to have access, if I am a senior citizen, to have all of my Medicare paid for, like any other U.S. citizen. If I have a child eligible for Medicaid payments, I will get the full payment. When I work in the United States, I will have access to the child tax credits which I don't have in Puerto Rico. There is a whole host of reasons why cutting the minimum wage and workers' wages isn't about improving the opportunity to have a pro-growth strategy. It is going to drive a pro-migration to the United States. All it will do is intensify the out-migration to the mainland, where people are eligible for higher minimum wages and commonsense overtime protections.

In addition, this bill does nothing—I repeat, nothing—to fix the impending health care funding cliff, a crisis that will impact generations of Puerto Ricans not just today but obviously for years to come. For decades, the health care system in Puerto Rico, most notably Medicare and Medicaid, have been grossly underfunded. If we talk about poor choices that maybe various administrations in Puerto Rico have made on both sides of the equation, well, we have exacerbated their circumstances by the way in which we have treated the U.S. citizens in Puerto Rico. They receive rates that are half of those anywhere else in the country. If you are a U.S. citizen living in Puerto Rico under Medicare or Medicaid, you get half, roughly, of those rates of anywhere else in the country. So if you come to the United States, you get the other half. You get full funding. That not only affects the indi-

vidual in terms of their health care and their economic output, but it affects the system of providers, the services, hospitals, doctors, and technicians because the funding is less. This inequality in payments comes even as U.S. citizens on the island pay the same amount in Medicare and Social Security taxes.

Let me repeat that. Citizens on the island of Puerto Rico, who are U.S. citizens, pay the same amount in Medicare and Social Security taxes as those of us on the mainland, yet we reimburse them at different rates.

So despite paying their fair share of taxes to pay for these vital health programs, the island's health system is funded at half the rate of other U.S. providers, which is an unsustainably low rate. Is it any wonder, given this inequality, that doctors on the island aren't able to sustain a practice and are moving to the mainland?

The "mass exodus of doctors," as it was called in a story on National Public Radio this year, is having a dramatic effect on the island's population. Unlike other critical issues facing the island, a prolonged emigration of health care providers to the mainland United States cannot be reversed quickly because once these providers have relocated, they are unlikely to return. Their absence is already leading to a tremendous gap in the health care workforce, further exacerbating the difficulty Puerto Rico residents face when seeking care. This funding inequality is largely responsible for the fact that health care accounts for roughly a third of the island's debt.

Let me repeat that. The funding inequality for the U.S. citizens in Puerto Rico is responsible for the fact that health care accounts are roughly a third of the island's debt. So when we talk about the people of Puerto Rico and whatever their governmental leaders have decided in the past, we have contributed as a Congress, treating the people of Puerto Rico with such a disparity that they have had to use a third of their own money, which has been generated in debt, in order to meet the health care of those U.S. citizens. How is that fair?

So we have contributed to this crisis, and our idea of helping to solve the crisis is to create an unelected control board that has total say, that can cut budgets, that can have austerity, that can eliminate minimum wage and overtime protections, and that does nothing to equalize the fairness and reimbursement on the health care that I just described as the cause of nearly one-third of the debt.

This is not a problem of bad doctors or irresponsible patients. It is a problem of unfair treatment and bottom-basement funding levels that have driven the island's health care system to a breaking point. I don't want to make light of the decisions facing providers in Puerto Rico to move off the island. On the contrary, I can only imagine how difficult it is to uproot your family to move to the mainland, leaving

behind your whole legacy, your whole family, friends, schools, and, in the case of providers, patients who rely on them for critical care. So this decision cannot be easy for those providers who are still in Puerto Rico today, but it has become increasingly difficult to put off longer.

There is already a serious lack of providers to cover the needs of the island's residents. With doctors leaving the island in droves, it is a situation that is getting worse literally day by day. The situation facing health care in Puerto Rico has truly hit a crisis point.

Now, let me take a step back and look at how the island's health care system got to this point, because it is all part of why they have a fiscal challenge.

Take Puerto Rico's Medicaid Program. It is called *miSALUD*, or my health, and this vital program covers half of all Puerto Ricans. It is a basic lifeline to more than 1.4 million people, but it is capped and therefore limited in what it can do. Unlike the Medicaid Program in my State of New Jersey or in any of the other 49 States or the District of Columbia, the Medicaid Program in Puerto Rico is limited in the funds available to cover the health care costs of its beneficiaries.

Mississippi, which has a smaller overall population and less than half of the Medicaid enrollees as Puerto Rico, received a whopping 74 percent of its Medicaid funds from the Federal Government last year. In Puerto Rico, however, the percentage was only 55 percent, and it is set that low in statute.

During the debate on the Affordable Care Act, I was able to successfully ensure that additional funding was included to help the territories. This funding amounted to more than \$7 billion in total, of which \$6.3 billion went to Puerto Rico and has helped to keep the program solvent. But that is about to expire at the end of fiscal year 2019. While this may seem way out into the future, there is a good chance that the funding will run out sooner rather than later, and some estimates have the funding being used for other health expenses by this time next year. I want to add that those estimates were made before we knew of the gravity of the Zika virus and what it is imposing upon the people of Puerto Rico. It is a topic I want to momentarily discuss further.

But Puerto Rico is, in essence, the epicenter in terms of the United States, as part of the United States and its Commonwealth status, of the challenge of the Zika virus.

The solution to the impending Medicaid funding cliff is clear: Provide the same open-ended funding stream in the same way as any other State. This would immediately provide Puerto Rico's Medicaid program with the influx of funding it needs to more adequately cover costs, ensure that beneficiaries are able to get treatments,

and stem the tide of doctors and other providers fleeing for the mainland. The grand irony of the whole situation is that my Republican friends since day one have refused to consider providing this type of equitable treatment to Puerto Rico. I don't want to make assumptions on motives, but it appears that not only do they support the status quo on Puerto Rico, but they are also actively working to impose the same short-sighted, doomed-to-fail policies on the other Medicaid programs we have on Puerto Rico as well.

Just last week, Republicans released a white paper calling for the imposition of so-called per capita caps on the Medicaid program. This policy, a block grant by any other name, would be devastating for our Nation's Medicaid program, imposing the same funding limitations on Medicaid programs throughout the country as we are currently experiencing in Puerto Rico. We see the results of those caps.

As we stand here today, watching in real time as Puerto Rico's Medicaid program is in crisis and facing a funding cliff set to cause chaos for more than a million beneficiaries, Republicans have said to the people of this country: We refuse to accept that reality and admit that capping Medicaid is a terrible idea with catastrophic Medicare and health care consequences. On the contrary, what we see in Puerto Rico—we want to make that the reality for the rest of the Nation.

It is not a surprise. I know many—not all, but many—of my colleagues have refused to acknowledge the benefits of Medicaid, not only to the millions of people who rely on it to get health care, but there are billions of dollars left on the table in Republican-led States that refuse to expand Medicaid under the Affordable Care Act.

Unfortunately, in the case of Medicaid, reality plays a diminished role in Republican policy development. This is true when it comes to the very serious threat of Zika in Puerto Rico. According to the Centers for Disease Control and Prevention, there are already more than 1,800 cases of locally acquired Zika infection. That is infinitely more than the rest of the country, which has a combined total of, as I understand it, zero locally acquired infections. That means that the people in Puerto Rico face a risk everywhere they are—at home, at work, at school.

Let's not forget that 68 percent of the island's population enrolled in either Medicare or Medicaid. Therefore, the threat it poses for a health care system on the brink of collapse cannot be overstated.

This morning the Senate voted not to invoke cloture on a bill to provide funding on Zika because it not only lacks the funding necessary for an adequate response for Puerto Rico—and, for that fact, the entire country—it also includes several unacceptable policy riders. One example is to further restrict access to contraception for a dis-

ease that is not only sexually transmitted but has potentially devastating effects on fetuses. So that doesn't make any sense.

The people of Puerto Rico deserve access to health care. They deserve to know that the taxes they paid to fund critical programs such as Medicare and Medicaid will be available to them just as they are to any fellow Americans on the mainland. They deserve to know their doctors can sustain a medical practice and that they will be there to treat them when they are sick. Above all, they deserve to be treated with equity and fairness like any other American—this is a central point—not like second-class citizens simply because they call Puerto Rico home.

Let me go through some of the challenges of why this bill is, in my view, simply not acceptable. Here are five critical flaws of this legislation.

It has an undemocratic, neo-colonial control board, a majority appointed by Republicans but none by the people of Puerto Rico—none. So this would be the equivalent of our States having a challenge, and the Governor of that State and the legislature of that State and no one who resides in that State having anybody on a control board that is going to dictate its future—no one who comes from the elected representatives of that State. So that State would be told “By the way, here is what you are going to do” by an unelected, undemocratic control board.

Secondly, I hear a lot that supposedly the hedge funds are all against this legislation. Well, it has a prioritization of hedge funds over retirees and essential services. You have to read the language of the PROMESA legislation. It is clear that it not only reaffirms some of what it says in the Puerto Rican Constitution, but it goes beyond. It has a prioritization of those hedge funds over retirees and essential services.

As I have said before, there is a lack of a clear pathway. The only reason we are even considering legislation is to grant Puerto Rico access to the bankruptcy courts for restructuring. It had some of that capacity in the past. Somehow it was taken away. It lacks a clear pathway to restructure. It requires a 5-to-2 super majority vote, which means that a minority—three members—can hold back or never grant a pathway to restructuring or make it go through such incredible hurdles, including how it deals with creditors, before it ever guarantees—if it ever guarantees in its sole discretion—whether Puerto Rico has met the standards to qualify for the pathway to restructuring. It would only happen if they vote to do so.

The whole purpose of this legislation was to give Puerto Rico access to restructuring. Yet we are creating a control board with a super majority, which means a minority can dictate what the majority view might be, and that minority can hold the 3.5 million U.S. citizens of Puerto Rico hostage to a future that they certainly don't want.

It has continued disparity in health care funding, as I was just speaking about, and tax credits.

And it goes to a \$4.25 per-hour minimum wage with no overtime protections. So if you live in Puerto Rico, the way to get ahead is to have your minimum wage cut for a certain group of citizens, as dictated by the legislation.

Let me talk about this disparity in health care funding and tax cuts. The same kind of disparate treatment is also prevalent for individual tax credits such as the earned income tax credit and the child tax credit.

Despite serving our country and being subject to payroll taxes, the 3.5 million American citizens of Puerto Rico are not eligible for the EITC and only partly eligible for the CTC. In particular, the earned-income tax credit is a ready-made tool that has been proven to reduce unemployment and poverty and increase labor participation and economic growth. It encourages people to enter the workforce rather than being part of an informal economy that strips away the tax base. Numerous studies have shown the power of the earned-income tax credit to draw people into the workforce to increase earnings and reduce poverty.

The labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, far below the nationwide rate of 62 percent. If there were at any time an area in the United States that needed access to the earned-income tax credit to incentivize work—to create that possibility—it is in Puerto Rico.

The Department of Labor estimates that Puerto Rico's unemployment rate is 11.7 percent—

Mr. INHOFE. Will the Senator yield for a question?

Mr. MENENDEZ. I understand that I can yield for a question, but I do not yield the floor.

Mr. INHOFE. I understand that. But will the Senator please advise us as to how much longer he will be taking on the floor?

Mr. MENENDEZ. I would be happy to do so. It will be several hours.

Mr. INHOFE. Would the Senator mind, since I am going to be talking about projects in New Jersey and about the WRDA projects in which the Senator has a lot of interest—will he yield to me to talk about that for 10 minutes?

Mr. MENENDEZ. My understanding from the Parliamentarian is I cannot do that and preserve the right to the floor. Otherwise, I would be happy to do that.

Mr. INHOFE. Let me ask the Chair.

Is it possible for me to go ahead and receive from him a specific period of time at the end of which he retains the floor?

The PRESIDING OFFICER (Mr. CASSIDY). That would require unanimous consent.

Mr. INHOFE. All right.

Mr. President, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER. The Senator does not have the right for a unanimous consent, as the Senator does not have the floor.

The Senator from New Jersey has the floor.

Mr. INHOFE. Yes, I understand that. Mr. MENENDEZ. Thank you, Mr. President.

If there were a procedural way, I would be happy to accommodate my colleague, but since there is not and since there are no amendments being permitted on this legislation, I have no other choice but to speak up for the 3.5 million U.S. citizens who call Puerto Rico home because they will not get an opportunity for amendments to be debated or passed.

So at a time where the labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, it is far below the 62 percent throughout the country. So the earned-income tax credit would be a tremendous opportunity. This legislation does nothing as it relates to that, even in the face of Puerto Rico's unemployment rate at 11.7 percent compared with 4.7 percent for the United States as a whole.

At the height of the 2008-2009 financial crisis, unemployment peaked at 10 percent in October of 2009—10 percent at the height of the financial crisis—yet far below Puerto Rico's current 11.7-percent unemployment rate. It is fair to say we would be having a much different debate today if we were talking about a State that had an unemployment rate of 11.7 percent.

In relation to Puerto Rico, some of my Republican colleagues have suggested that there are possible tax incentives that would better incentivize growth, labor force participation and, perhaps, investment in the Puerto Rican economy, but they dismiss the earned-income tax credit as one of those because they say Puerto Ricans do not pay Federal income tax.

To begin with, most Puerto Rican households do not earn enough to be eligible for Federal income tax. More importantly, if they were pulled into the formal economy through the incentive of the earned-income tax credit, they would be paying more taxes in Puerto Rico and to Puerto Rico.

Finally, these American citizens are eligible for the EITC as soon as they leave Puerto Rico and come to the mainland, which is another powerful incentive to leave the island, further eroding its already limited tax base. The latest estimates indicate that approximately 70,000 Puerto Rican residents are now relocating to the States each year in search of economic and employment opportunities. Expanding the EITC to the people of Puerto Rico could help stem that tide. Once again, I remind my colleagues that Puerto Ricans are Americans just like you and me and should be eligible for the same benefits that we have.

In addition to the five critical flaws, let me read to you some of the lan-

guage of the House Interior Committee and the powers of the board so we understand why it is that I feel compelled to try to convince my colleagues—in the face of there being no amendment process allowed—to vote against cloture, create an opportunity, a pathway toward amendments, have up-or-down votes to them, hopefully improve the legislation, and then be able to move forward.

This is what the House Natural Resources Committee said. These are not my words or my interpretation of it. This is what the House Natural Resources Committee said: "The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia."

Think about that. The oversight board may impose mandatory cuts—not that they are going to suggest to the Governor and Legislature of Puerto Rico: Hey, here is a series of things we think are wasteful. Here is a series of things we think you could do better. Here is how you could save money: You should prioritize public safety over public health. You should prioritize public education over something else. They will make the absolute determination in their sole discretion on mandatory cuts on Puerto Rico's government and its instrumentalities.

"Instrumentalities" means the different agencies, whether it be the power agency or the higher education authority or any other. That is what is meant by "instrumentalities" or the "municipalities." It has a wide range—basically any governmental entity, as we would have any governmental entity in any of our States, for example. So they would impose the ability to have any mandatory cuts. Remember, this is an unelected board—no representation directed by the people of Puerto Rico from the people of Puerto Rico, but they are going to suffer mandatory cuts on their government and instrumentalities, and our Republican colleagues in the House wanted to pound on their chests and say "a power far beyond that exercised by the Control Board established for the District of Columbia."

The District of Columbia's Control Board is pretty significant. This one, as it relates to the 3.5 million people in Puerto Rico, this power is far beyond that which the District of Columbia has.

Also from the House Natural Resources Committee: "The board would have broad sovereign"—sovereign. Words mean something in legislation when we move it into law. "The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities."

So if the duly-elected Governor of Puerto Rico felt it was important in the midst of the Zika virus to go ahead and raise the budget of Puerto Rico's health care system to deal with that

and for some reason the control board felt they shouldn't spend that much on that, it could overrule that decision.

If the Legislature of Puerto Rico decided to extend the school year for their children in public schools or if they wanted to have a special health care program for them or if they wanted to be able to have students go to colleges and universities—and we have had a great debate in this country about the cost of a university education—and they wanted to subsidize a greater part of that, the unelected seven members of the control board—which has no one coming from Puerto Rico itself, directed by the people of Puerto Rico—can make a sovereign decision. “Sovereign” basically means they have the power to effectively overrule decisions by the Governor of Puerto Rico, who gets elected by the 3.5 million citizens in Puerto Rico; by the Legislature of Puerto Rico, which gets elected by the citizens of Puerto Rico; or by other public entities that may make decisions in that regard. They can overrule those public entities in Puerto Rico. So it is as if we had a control board in a State that could overrule the Governor, overrule the legislature, overrule the higher education authority, overrule any entity in that State, but that has no representation from the people of that State. That is in essence what we are saying they can do—sovereign powers to do that.

The oversight board can “effectively nullify,” which means that is it. You have a law and you think it is a good law for the people of Puerto Rico. Well, we don't think it is a good law, and we are going to nullify it—“any new laws or policies adopted by Puerto Rico that do not conform to requirements specified in the bill.” But again, if those requirements were clearly stated, unambiguous, defined, and we could agree on that, then maybe that might not be such an onerous power. But when nearly 30 times you say “in the board's sole discretion,” which means “I get to decide what I think is conforming to requirements specified in the bill,” that is an incredibly broad grant of power. Yet, for the citizens of Puerto Rico, we think that is OK. We don't want that here, but it is OK for the people of Puerto Rico.

I don't use the word “neocolonialism” lightly. I don't use that lightly. But there is a little bit of a history here that is going on, and maybe there is no better single example of our unfair and unjust treatment of Puerto Rico than the story of the island of Vieques, or La Isla Nina, as they call it. This is part of Puerto Rico. It is a small island, Vieques, just 21 miles long and 4 miles wide, located 8 miles off the coast of San Juan. Despite its small size, the island is home to about 10,000 Americans. It is a beautiful place, with pristine beaches and one of the few bioluminescent bays left in the world.

Behind me, in this picture, you can see a jelly fish and a snorkeler that are

illuminated by the bioluminescent organisms that naturally exist there.

Mr. President, if you have an opportunity to visit Vieques and its bio bay, I would encourage you to go. It is truly an extraordinary sight, with small plankton in the water that light up in an otherworldly blue when they move. On a moonless night, the waves appear to glow in the dark, and kayak tours leave trails of light behind them as they paddle through the water and explore the natural beauty of Mosquito Bay. In fact, since 1980 the bay has been listed with the National Park Service as a national natural landmark. Surrounded by mangrove trees, with a high salt content, the bay is a perfect habitat for the bioluminescent plankton, making it unique, and it is widely considered to be the best example of a bio bay in the United States and perhaps the world.

But the history of this tropical paradise is scarred with a violent and explosive past. In the 1940s, the U.S. Navy, in search of a location for a new base and testing ground, purchased parcels of land on Vieques that amounted to two-thirds of the entire island. On the eastern half of the island lay the Vieques Naval Training Range, on the western end was the Naval Ammunition Support Detachment, and sandwiched in between were the residents of Vieques, the 10,000 U.S. citizens.

I am proud to say that my home State of New Jersey is home to military installations that are not only critical to our national defense but are a boon to our local economies and an asset to our communities and our State as a whole. And Puerto Rico has a long and storied history of support for and enlistment in our Armed Forces. However, the naval installation on Vieques was no ordinary base. Instead, the Navy used the island—which, remember, is very small and home to a vibrant local community—as a bombing range. From ship-to-shore shelling to air-to-ground bombing, Vieques was bombarded with live ammunition that left deep and lasting scars on the landscape.

I frequently hear concerns from my constituents who live near our Air Force base in New Jersey that the planes passing overhead are loud, that they are disturbing them as they go about their daily lives. It is a serious concern. We have worked with the FAA to monitor and regulate that. But imagine that instead of carrying passengers or cargo to New Jersey, those planes were dropping military-grade explosives that land just a few miles from your home. Imagine warships parked off of your shore firing live rounds onto your beaches.

Needless to say, this bombardment was of great concern to the people of Vieques, but for decades it continued unabated. It wasn't until tragedy struck that people actually began to take notice of the plight of the island and to demand change. In February of 1999, 2 AV-8 Harrier aircraft fired 263

depleted uranium rounds onto the island, in violation of the memorandum of understanding under which the base operated. Not only are the depleted uranium rounds slightly radioactive, but they contain toxic heavy metals.

Then, on April 9, 1999, an errant bomb missed its mark and killed David Sanes Rodriguez, a civilian security guard working at the base, and injured others. The Navy attributed this tragic accident to human error and miscommunication between ground crews and the pilot. The death of Mr. Sanes sparked massive protests in Puerto Rico and renewed calls for the Navy to cease operation in Vieques.

In July of 1999, when I was a Member of the House of Representatives, I had an opportunity to visit Vieques and see firsthand the impact of the naval operations there. In the midst of all the descriptions of what was going on there, there was still great patriotism—great patriotism by the U.S. citizens of Puerto Rico and the 10,000 citizens on the island of Vieques, even in the midst of what was taking place.

The Navy eventually decided to go. We are a decade removed from the cessation of military exercises on Vieques, and much of the Federal land that once housed military equipment has been turned over to a national wildlife refuge, but our legacy of failure continues. Although the Navy has left, providing some reprieve for the citizens of Vieques, they left behind a legacy of toxic contamination.

You can see here in this picture a scuba diver off the coast of Vieques standing next to a massive unexploded ordnance left over from the Navy's use of the island. This is not uncommon in Vieques.

Vieques has one of the highest cancer rates in the entire United States and the highest in Puerto Rico. Viequesans, on average, have two heavy metal-related diseases. Remember those depleted uranium rounds that were improperly fired? Diseases like hypertension and cirrhosis occur at an astronomically high rate compared to the rest of Puerto Rico and the rest of the United States.

The part of the island used by the Navy is listed on the national priorities list as a Superfund site, which could and should eventually lead to remediation, but that progress has been slow.

The EPA has identified the possibility that unexploded ordnances could contain toxins like mercury, lead, copper, magnesium, lithium, percolate, TNT, napalm, and depleted uranium, among others. A significant part of the Superfund cleanup process is identifying the responsible parties and working with them to come up with remediation plans; however, we know who the culprit is largely here. It is us. It is the U.S. Government, and we have a responsibility to the Americans living on Vieques to clean up the mess we created. Even while they were supporting the Nation and accepting what was

going on and showing their patriotism, we left them with a Superfund site. This bill won't do anything to take care of that responsibility and that cost, so it continues to tell the people of Puerto Rico: You are good enough to wear the uniform of the United States, you are good enough to serve the country, you are good enough to bleed for it, good enough to die for it, but you are not good enough to determine your own future.

I think amending the bill in front of us to provide real relief would give us the opportunity to do right by the people of Puerto Rico, possibly even to do right by the people of Vieques, to do right by the American citizens who have given so much of their lives to their country and to our military and who have been taken advantage of for our benefit.

So, again, when we look at this bill and we see a control board totally unrepresentative of the Puerto Rican people, except for one person who must have either their primary residence or their primary business there—you can even have your primary business there without being a resident of the island and be part of determining the future of the island's 3.5 million people—then you get a sense of why they feel they are being taken advantage of.

(Ms. AYOTTE assumed the Chair.)

I hope we do not continue the legacy of misuse and exploitation. We cannot let this opportunity pass by. We owe it to the people of Puerto Rico to have open and robust debate on this bill and to ensure that it provides real relief. That means having amendments. We can do it in time. I know some of my colleagues have suggested that there is a risk if we don't have the July 1 deadline, but this bill calls for retroactivity as it stands right now. It takes actions and says retroactively—I believe to December of last year—that any actions would be, in essence, frozen. So if the bill is retroactive to December, then it would be retroactive from whenever it gets passed and signed into law, which means we could freeze any potential action and get it right on behalf of the people of Puerto Rico.

Again, I want to focus on what I believe are the most significant failings of this bill, most notably the vast power and undemocratic nature of the board. Not only does this legislation remain silent on so many important issues, it actually exacerbates the colonial status and second-class citizenship view that some Members of Congress seem to have of the 3.5 million Americans who call Puerto Rico home. I don't. That is why I am on the floor trying to fight for their rights. Unfortunately, under their common-law status, they don't have a voting representative in the House of Representatives, they don't have a voting representative in the U.S. Senate.

I have one-half million U.S. citizens of Puerto Rican descent in my great State of New Jersey, many who have deep ties to family and friends on the

island, and they tell me of the challenges. In fact, they also tell me how they cannot believe this is the status of where they are. We have a letter that speaks for one of those national organizations, which I will get to shortly to speak to how those people who largely represent the Puerto Rican people feel in this regard. That is why many of them feel this legislation perpetuates what happened in places like Vieques, what happened in the disproportionate payment in Medicare and Medicaid, in health care. Yet one flight away, they have all the rights of any one of us in this Chamber or any one of us in this country.

Under the legislation, the control board would have colonial-level powers, which are certainly completely unacceptable to me and certainly to the people of Puerto Rico. In fact, according to a recent poll commissioned by Puerto Rico's largest newspaper, *El Nuevo Dia*, 69 percent of all respondents opposed the PROMESA bill, while 54 percent opposed the very idea of an oversight board. Think about that. This is Puerto Rico's largest newspaper. Sixty-nine percent of all respondents oppose the PROMESA bill—69 percent of the people of Puerto Rico. Ultimately, how are you going to have an attempt by an undemocratic control board to make dictates over 3.5 million U.S. citizens, when 69 percent said: We oppose the legislation, legislation which is supposed to be there to help them, and 69 percent said: No, what you are offering us is not something we want. Fifty-four percent oppose the very idea of an oversight board, and that consensus is talked about by a coalition of many civil society groups in Puerto Rico, the Puerto Rican Consensus Against the Fiscal Board. They say:

We write to you on behalf of the Concertacion Puertorriquena Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States.

Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTQ and feminist movements, special community organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens.

This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.

After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.

In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more. . . .

These are the people of Puerto Rico, who are very bright people, believe me. They have read the bill. They have come together in a coalition, as I described at the beginning and the introduction of their letter. Here is what they say:

Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base.

What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46 percent and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.

Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism in exchange for giving up our pensions—

An unspecific restructuring mechanism. It goes to what I said, which is the only reason we should be considering the bill in the first place—

our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.

The imposition of H.R. 5278 or similar legislation on the part of the U.S. Congress, where we have no voting representation—

Which is why I am standing on the floor today to speak on their behalf—

constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of a colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.

The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118-year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.

We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice—

These are all their words, not mine—we have the duty and right to vigorously pursue a policy of consistent noncooperation until the legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

In that same vein, let me read what Gov. Rafael Hernandez Colon, one of the most respected public figures in Puerto Rico who governed the island for 12 years, wrote:

I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates.

I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act [PROMESA] which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, the Supreme Court of the United States has described this relationship as follows: "Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution."

This sovereignty over our internal affairs is exercised by the people of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States.

This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle—

And I am creating emphasis here—under the principle of the consent of the governed.

Which is the hallmark of our great democracy, the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Let me quote from a letter that another former Governor, Anibal Acevedo Vila—who at one time also served in the House of Representatives as Resident Commissioner of Puerto Rico—said:

As former governor of Puerto Rico and former member of Congress, I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of

the members of the Puerto Rican House of Representatives and the Senate, and the majority of Puerto Ricans . . . oppose this bill as well.

A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Closure and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people.

These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more work in the future to help Puerto Rico. But you know, as do they and do I that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

"Don't make July 1st the end of democracy for Puerto Ricans."

I am going to read some other statements to show you the breadth and scope of the opposition, including from those who are now running for Governor. Those are two very esteemed former Governors of Puerto Rico. You heard the consensus, the group that came together from all different walks of life. But to suggest there is political support from the people of Puerto Rico beyond those individuals I have already read—let me read to you from those who are running for Governor in Puerto Rico, what they say.

Mr. David Bernier, who leads the popular Democratic Party and who is their current candidate for Governor, wrote:

Dear Majority Leader McConnell:

I am Dr. David Bernier, former Secretary of State of Puerto Rico, as well as current candidate for Governor of the Popular Democratic Party (PPD, for its Spanish acronym), which I preside. As you know, the PPD is the governing party controlling the Executive and Legislative branch in Puerto Rico.

I have written to you on several occasions expressing my opposition to, and deep concerns with, H.R. 5278, the so-called PROMESA bill. These concerns are shared by a clear majority of Puerto Ricans who are opposed to this bill, as well as is every candidate for Governor of every political party, due to its undemocratic financial control board, the lack of real tools for economic growth, and the uncertain treatment given to pensioners, among other reasons.

Fortunately it is still not too late. That is why I urge you to approve five amendments

being proposed by Senator ROBERT MENENDEZ which would remedy many of the fatal flaws contained in this bill. One of these amendments would ensure that our retirees are given a real priority during this process. Other amendments are aimed at guaranteeing a minimum level of participation by Puerto Ricans on the control board and making sure central services are rendered.

Most importantly, one of these amendments would prevent the federal overreach and wholesale takeover of Puerto Rico's government by striking Section 205 of PROMESA. This would ensure that voters' elected representatives have the last say over the Commonwealth's government, instead of a group of 7 unelected Washington bureaucrats. Surely the Governors and state legislators of Kentucky and Nevada would not accept the type of blatant violation of their fundamental right to self-government that would be imposed on Puerto Rico under this bill.

For these reasons we urge you to adopt the amendments proposed by Senator MENENDEZ, as they would avert the violation of Puerto Ricans' democratic rights and ensure the protection of our retirees' hard-earned public pensions. We will therefore continue to oppose the PROMESA bill unless and until these amendments are included in the final legislation.

There is Rafael Bernabe, who is running for Governor of Puerto Rico for the Partido del Pueblo Trabajador. He says:

As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly, a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development, Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development. This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

It goes on to say a series of others.

Unfortunately, the PROMESA bill includes no provisions that correspond with these requirements.

They suggest that PROMESA be put aside and that a brief substitute measure regarding point 4, which, in essence, is a temporary suspension, be in place.

Mr. Hector Ferrer is the current candidate for Resident Commissioner.

Resident Commissioner, for those who may not follow this, is the nonvoting delegate from Puerto Rico to the House of Representatives. They get to be a voice for Puerto Rico. They act very strongly on behalf of the 3.5 million American citizens of Puerto Rico, but they don't have a vote in the House of Representatives, and there is no such delegate here.

This gentleman, Hector Ferrer, the current candidate for Resident Commissioner, the person who would be that voice in the House of Representatives for the popular Democratic Party of Puerto Rico, writes:

I [am] writing to respectfully request you vote NO on cloture and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act.

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed “Oversight Board,” which the people of the Commonwealth will have essential no say in. This should be alarming not only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us.

Other national organizations have written. The National Conference of Puerto Rican Women, Inc., writes:

Dear Majority Leader McConnell and Democratic Leader Reid:

We, the National Conference of Puerto Rican Women, representing Puerto Rican women and other Latinas across the United States, urge the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the “promise” of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

(1) The “Oversight” Board is not required to create a comprehensive economic development strategy and yet imposes—

This is what Senator SANDERS was bringing up in his colloquy with me earlier—

an additional debt burden of \$370 million on the people of Puerto Rico to cover their expenses, with hundreds of millions more in implementation costs, according to the Congressional Budget Office scoring of the bill.

I would add, with a dedicated revenue source. How many times wouldn't we like to see a dedicated revenue source in the things we advocate? That is a difficult thing to accomplish, but this control board gets a dedicated revenue

source, all paid for by the people of Puerto Rico, even in the midst of an enormous economic challenge.

H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the “Oversight” Board, to lower the federal minimum wage to \$4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

The creation of the “Oversight” Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed.

We therefore urge the Senate to amend H.R. 5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplement the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and the Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Everybody on the island recognizes this as a critical element. A minority of the board can stop the majority will because the legislation calls for a supermajority of five of seven to cast a vote for restructuring. People on the island understand that, at a minimum, a simple majority should be required for restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rico not only balances its budgets, but that it can also grow its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are “adequately funded” be changed to “fully funded” in order to prevent over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women [from Puerto Rico] have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look

to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis.

We further believe that if these amendments are not included, the bill should not be approved as is and we would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

So there is a common thread to all of these different individuals who have led the 3.5 million citizens of Puerto Rico. All those who aspire to lead the 3.5 million citizens of Puerto Rico, all of the civic society groups, they understand the neocolonialism of the legislation. They understand there is no clear pathway to restructuring, and they understand, to quote this part of that letter, that it is “a frontal attack on the island's democratic rights.”

As the senior member of the Senate Foreign Relations Committee, I have heard many of my colleagues on the floor, in committee, and elsewhere, talk eloquently about democratic and human rights globally, worldwide. We are a beacon of light to the rest of the world for democracy and human rights. Yet, for the 3.5 million citizens of the United States who call Puerto Rico home, if we do this, this is not a beacon of light, it is not a respect for democracy. Yet that is what we are poised to do, without amendment.

The Coalition of Women's Organizations in Puerto Rico wrote:

The Puerto Rico Women's Movement joins many organizations and other sectors that are opposed to a Federal Fiscal Control Board appointed by the US government for Puerto Rico. “Puerto Rico is going through great economic and financial challenges.

“The Puerto Rico Women's Movement has consistently denounced how austerity measures adopted within the island are severely weakening the human rights of our population.

“The Federal Fiscal Control Board proposed by the US Congress would be staffed by individuals who do not represent Puerto Rico's interests.

“This Federal Fiscal Control Board will have only one task: ensuring the payment of a multibillion dollar debt at the expense of our people's quality of life,” stated Josie Pantoja, spokesperson for the feminist organization. The Puerto Rico Women's Movement is a collective of women's organizations, feminist groups and activists.

The Puerto Rico Women's Movement has sent a letter to many of our colleagues requesting that they vote against the current version of H.R. 2578, which empowers the fiscal control board to supersede and veto the decisions of publicly elected officials in Puerto Rico.

And they go on:

“MAMPR, Proyecto Matria, InterMujeres, the Caribbean Institute of Human Rights, feminists and activists denounced that the imposition of such Board represents a serious human rights violation against the people of Puerto Rico,” expressed Eva Prados, also spokesperson of the collective.

Should H.R. 5278 pass in the Senate, it would bring untold hardship to the most vulnerable sectors: the elderly, children, poor

women and the working class. With a poverty rate of 46 percent (where women represent 57 percent of those living in poverty) and a shrinking economy, the idea of imposing austerity measures that would continue to reduce government services in health, education, access to justice, among others, is unthinkable."

So here we are. The Puerto Rico Women's Movement is going to join different strategies of resistance at the People's Assembly to be held on Saturday, June 25—that took place—and to speak out against these injustices.

I ask unanimous consent that all of these letters that I have read be printed in the RECORD.

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

JUNE 14, 2016.

From: Spokespersons, Concertación Puertorriqueña Contra la Junta de Control Fiscal, San Juan, Puerto Rico.

To: Hon. Senator Bob Menéndez, U.S. Senate, Washington, DC.

DEAR SENATOR MENÉNDEZ, We write to you on behalf of the Concertación Puertorriqueña Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States. Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTTTQ and feminist movements, special communities organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens. This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.

After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.

In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base. What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46% and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.

Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism

in exchange for giving up our pensions, our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.

The imposition of H.R. 5278 or similar legislation on the part of U.S. Congress, where we have no voting representation, constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.

The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118-year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.

We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice, have the duty and right to vigorously pursue a policy of consistent noncooperation until this legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

Sincerely,

The spokespersons for the Concertación Puertorriqueña Contra la Junta de Control Fiscal:

JEROHIM ORTIZ  
JOSÉ RIVERA SANTANA  
ANA IRMA RIVERA LASSEN  
LUISA ACEVEDO  
JUAN A. VERA.

NATIONAL CONFERENCE OF  
PUERTO RICAN WOMEN, INC.,  
June 14, 2016.

Hon. MITCHELL MCCONNELL,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. HARRY REID,  
Democratic Leader, U.S. Senate,  
Washington, DC.

STATEMENT ON H.R. 5278  
(PROMESA BILL)

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: We, the National Conference of Puerto Rican Women (NACOPRW), representing Puerto Rican women and other Latinas across the United States urges the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the "promise" of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian and fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

1) The "Oversight" Board is not required to create a comprehensive economic development strategy and yet imposes an additional debt burden of \$370 million dollars on the people of Puerto Rico to cover their expenses

with hundreds of millions more in implementation costs, according to the Congressional Budget Office (CBO) scoring of the bill.

2) H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the "Oversight" Board to lower the federal minimum wage to \$4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

3) The creation of the "Oversight" Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed. We therefore, urge the Senate to amend H.R. 5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplant the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rico not only balances its budgets, but that it can also grow its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are "adequately funded" be changed to "fully funded" in order to prevent the over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope that we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis. We further believe that if these amendments are not included, the bill should not be approved as is and we

would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

Respectfully,

WANDA GORDILS,

*National President, NACOPRW.*

NACOPRW Chapter Presidents: Iris Melina Olmo, Washington D.C.; Michelle Centeno, New York City; Nydia Cabrera, Miami; Amaris Hernandez, Philadelphia; Deborah Lopez, Chicago; Aida Lugo-McAllister, Indiana; Vilma Colon, Northern Illinois; Carmen Ortiz, Milwaukee; Anaïda Colon, California.

HECTOR FERRER, ESQ.,

*San Juan, PR.*

DEAR SENATORS: I am writing to respectfully request you vote NO on closure and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act. (S 2378)

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed "Oversight Board," which the people of the Commonwealth will have essentially no say in. This should be alarming not only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us. I look forward to doing anything that I can to further your efforts.

Sincerely,

HECTOR FERRER,

*Popular Democratic Party, President (2008-2011), House of Representative Majority Leader (2001-2004), House of Representative Minority Leader (2005-2008), Resident Commissioner Candidate (2016).*

JUNE 28, 2016.

TO THE SENATE OF THE UNITED STATES OF AMERICA: I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates. I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, The Supreme Court of the United States has described this relationship as follows: "Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution." This sovereignty over our internal affairs is exercised by the people

of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States. This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Cordially yours,

RAFAEL HERNÁNDEZ COLÓN,

*Governor of Puerto Rico, 1973-1976; 1985-1992.*

SAN JUAN, PUERTO RICO,

27 June 2016.

DEAR SENATOR: As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development (including a transition to renewable energy). This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's public debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

4. Congressional action to protect Puerto Rico against litigation (a stay of legal actions) in the case of suspension in payments.

5. A plan of economic reconstruction that emphasizes reinvestment in Puerto Rico of the profits generated here, including a revi-

sion of federal and local tax policies to insure that they promote economic development.

6. Congressional support, including funding, to facilitate such an economic reconstruction, as part of similar projects to benefit U.S. working people.

Unfortunately, the PROMESA bill includes no provisions that correspond to these requirements.

Since a major debt service payment is due on the 1st of July we suggest that PROMESA be put aside and a brief substitute measure regarding point 4 above be approved instead, while adequate legislation is considered in the near future.

Cordially,

RAFAEL BERNABE,

*Candidate for Governor,*

*Partido del Pueblo Trabajador.*

ESTADO LIBRE ASOCIADO DE PUERTO RICO, OFICINA DE EX-GOBERNADORES,

*Río Piedras, PR, June 28, 2016.*

SENATORS,

*U.S. Senate,*

*Washington, DC.*

SENATOR: As former governor of Puerto Rico and former member of Congress I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of the members of the Puerto Rican House of Representatives and Senate, and the majority of Puerto Ricans (see El Nuevo Dia poll of June 16, 2016) oppose this bill as well. A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Closure and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people. These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more working the future to help Puerto Rico. But you know, as do they and do I, that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

Thanks,

GOVERNOR ANÍBAL ACEVEDO-VILÁ.

Mr. MENENDEZ. I know there are more. I think the National Puerto Rican Coalition had one, and I will get to those in a few moments.

These threads that are constantly seen by the people of Puerto Rico and by other independent services, such as the nonpartisan Congressional Budget Office, which states:

The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor, and other public authorities [ . . . ] it can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.

That is not what I am saying. It is not the residents of Puerto Rico who say it. It is the Congressional Budget Office. So not to believe me—this is the nonpartisan entity we use to analyze legislation, and they say the board has broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature.

We hear these people crying out from the island to their fellow citizens in the United States: Don't take away our basic democratic rights to give them to an unelected, unrepresentative control board that can nullify any new laws or policies adopted by Puerto Rico that don't conform to requirements specified in the bill.

Even the bill's own author noted in a committee report:

The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities, a power—

I read this before—

far beyond that exercised by the Control Board established for the District of Columbia.

If the Board, in its sole discretion—

An enormous grant of power. "In its sole discretion," what does that mean—in its sole discretion. It is pretty obvious. The seven of them will get together and decide, well, in our discretion, this is, in fact, how this should move forward.

The bill cites this 29 times in critical moments in the legislation: "In its sole discretion," which, in essence, uses the superpowers in this bill. It could choose to close more schools, to shutter more hospitals, to cut senior citizens' pension to the bone. I know some people are thinking that will not happen. Well, already the government of Puerto Rico has made some very tough choices to do some of that in order to try to meet its obligations, but it came to the conclusion that there is only so far they can go. But an oversight board, "in its sole discretion," could make that decision as well.

And the powers aren't limited to just budget and fiscal policy, although I would say those—just those two alone, let's forget about anything else, budget and fiscal policy—I always think that one of the most important things we do in the Congress is to set the budget for the Nation. We all have budgets in our lives. We may not think of them as budgets, but we have one. It is our income by however we derive it. By our work and our salary or our business, by maybe some investments—if we have enough money to make investments, get some interest, rates are very low—

however we derive it, that is our income. And then we have our expenses: the home we keep for our family; the health care we provide for them; the educational opportunity we want to have for our children to graduate and not graduate with a mountain of debt; taking care of a loved one, a mom or dad or in-law; going ahead and thinking about our own retirement in the future; the church, synagogue, or mosque that we tithe to; the charitable contributions we make to organizations we believe are important because of the work they do, those are expressions of our values as individuals.

The Nation's budget is an expression of our collective values as a country. What will we provide for the national defense? How will we secure our homeland against acts of terrorism? What will we spend to educate our children, both elementary, secondarily, and how are we going to help students not graduate under a mountain of debt but have that human capital that we need to drive America's competitiveness?

How are we going to defend our country across the globe, for example, from ISIS? How much money are we going to spend in research and development so the Alzheimer's that took my mother's life can be cured, so we can find the cause and then develop a cure for cancer and so many other dreaded diseases.

All of these things, and many more, that we decide collectively as a Congress are in the budget is an expression of our collective values as a nation. Yet the people of Puerto Rico are not going to have the right to determine their budget and an expression of their values for the 3.5 million U.S. citizens who call Puerto Rico home.

So as the bill states in section 205:

The Oversight Board—

They call it oversight. I call it a control board because oversight is one thing, but when you have the control to dictate things, to me that is more of a control board—

may at any time submit recommendations to the Governor or the Legislature . . . relating to the management of the territorial government's financial affairs, including economic forecasting and multiyear fiscal forecasting capabilities, information technology, placing controls on expenditures for personnel, reducing benefit costs—

What does that mean? Reducing employee benefit costs maybe to make them pay more of their health care, reduce the amount of sick time or overtime they can have—

reforming procurement practices, and placing other controls on expenditures; the structural relationship of departments, agencies, and independent agencies within the territorial government; the modification of existing revenue structures—

Existing revenue structures. As a member of the Senate Finance Committee, I know what that means. A revenue structure is how we derive the money to run our government. That overwhelmingly is in Federal taxes, but there are a whole host of fees and

other sources of revenues that we derive. This entity is going to be able to modify what that revenue structure is, or the establishment of additional revenue structures, which many here would revolt against in terms of having taxes imposed on them, which is taxation without representation.

That is what we are going to say to the people of Puerto Rico. It is not good for the rest of the American citizens, but for the 3.5 million citizens in Puerto Rico: You can have taxation without representation for you—for you—

the establishment of alternatives for meeting obligations to pay for pensions of territorial government employees; modifications or transfers of the type of services that are the responsibility of and are delivered by the territorial government; modifications of the types of services that are delivered by entities other than the territory government; the effects of the territory's laws and court orders on the operations of the territorial government; the establishment of a personnel system for employees of the territorial government that is based upon employee performance standards; the privatization and commercialization of entities within the territorial government.

That is pretty significant. I know many of my colleagues, particularly the Democratic caucus, have a real concern about the privatization of certain governmental services. Well, we as Democrats are going to vote to undo the minimum wage, undo overtime protections. We are going to vote to allow this unelected oversight board to ultimately say there are entities within the government of Puerto Rico that should be privatized. I will talk a little bit later because I know many of my friends on the Democratic side of the aisle are concerned about the environment and environmental sighting of sites. Well, we are going to give them fast-track to go ahead and make all types of environmental sites and bypass other laws that Puerto Rico has to preserve the environment, but for the people of Puerto Rico, we will leave those environmental laws largely by the wayside.

While this section calls these comments "recommendations," section 201 of the bill allows the board to "adopt appropriate recommendations submitted by the Oversight Board under Section 205(a)."

So these are more than recommendations because it allows the board to adopt appropriate recommendations submitted by the oversight board under a different section. So if the board decides to hold a fire sale and put some of Puerto Rico's natural wonders on the auction block to the highest bidder, they can.

I have visited the island of Puerto Rico many times, and I have seen some of its natural wonders. It has incredibly beautiful places. It has places like Vieques, which is also incredibly beautiful and is a place for the U.S. military to perform its bombing runs, and the people of Puerto Rico for years and years supported half of the national defense. It could take a part of Vieques

and say: Well, this should be sold. It could take another part of the natural wonders of Puerto Rico and say it should be sold.

So if the board decides to hold the fire sale and sell the natural wonders of Puerto Rico to the highest bidder, they can. They could decide to sell off Las Cabezas de San Juan Nature Reserve in Fajardo or Cueva Ventana in Arecibo or Guanica Dry Forest or to build condominiums in San Cristobal Canyon or hotels in Blamenco Beach on Culebra. But what do the Puerto Rican people want? Is that what we want, or is that what an oversight board would want?

The fact is, this legislation puts balanced budgets and untested ideology ahead of the health, safety, and well-being of children and families, similar to the control board travesty that unfolded in Flint. I don't know if we want to repeat a mistake like that.

Without their voices represented on the control board, there is nothing that the people of Puerto Rico will be able to do. The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is clearly blatant neocolonialism.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be an unwilling host of untested experiments in austerity.

I am not advocating to completely remove all the oversight powers. To the contrary, the legislation I offered actually has some oversight powers. I support helping Puerto Rico make informed, prudent decisions that put it on a path to economic growth and solvency. But despite its name, the oversight board envisioned by this bill doesn't simply oversee; it directs and it commands. It doesn't assist; it controls.

In section 201(d)(2), PROMESA makes clear that "if the Governor fails to submit to the Oversight Board a Fiscal Plan, that the Oversight Board determines in its sole discretion"—again, undefined, but we have a generic sense of what "in its sole discretion" means. If we read the legislation, the Governor can recommend. The oversight board can reject. The Governor can recommend. The oversight board can reject.

If the Governor fails [ultimately] to submit to the Oversight Board a Fiscal Plan that the Oversight Board determines in its sole discretion satisfies the requirements set forth in [that subsection] by the time specified in the notice delivered under subsection (a), the Oversight Board shall—

Words of art, "shall," "mandatory"—develop and submit to the Governor and the Legislature a Fiscal Plan.

Then, in section 202(e)(4), PROMESA reiterates that the board has the final say. They have the final say by stating:

If the Governor fails to develop an Instrumentality Budget that is a compliant budget by the day before the first day of the fiscal year for which the Instrumentality Budget is

being developed, the Oversight Board shall submit an Instrumentality Budget to the Governor (including any revision to the Instrumentality Budget made by the Oversight Board pursuant to subsection(c)(2)) and such Budget shall be

(A) deemed to be approved by the Governor—

Not that the Governor approves it; the oversight board shall deem it to be approved. So the oversight board is now the Governor of Puerto Rico and its legislature too—

(B) the subject of the compliance certification issued by the Oversight Board to the Governor; and

(C) in full force and effect beginning on the first day of the applicable fiscal year.

So the oversight board goes back and forth with the Governor. The Governor is trying to represent the interests of all of the people of Puerto Rico, 3.5 million U.S. citizens, trying to balance the responsibility for making its payments but doing it in a way that can still help the citizens of Puerto Rico be able to go about their lives, to not have a brain drain, have everybody leave the island because they can take one flight on JetBlue to the United States and find a much better life. Yet, despite those actions in which he is balancing all of this, as is the Legislature of Puerto Rico, at the end of the day, the oversight board says: You know what, in our sole discretion, that doesn't meet our standards. So guess what. We are going to give you a budget. We are going to deem that the Governor approved this budget, basically, whether he approved it or not. We take it as a section of law that you approved it, and then it will go into full force and effect.

Now, in addition to the power to take the budget, which, as I described before, is the single most important document we use as a Congress because it reflects the interests of the American people and our values as a people, how will we do all of those things which the Governor of Puerto Rico and the Legislature have to do for the 3.5 million citizens of Puerto Rico? Now we have gone from an opportunity for the Governor to try to make his case of what is the best balance for Puerto Rico—but it is rejected at the sole discretion of the oversight board. They will determine what the budget is. They will mandate it, and it will go into full force and effect.

Then, in section 203(d), PROMESA allows the board make mandatory budget cuts. It says:

#### BUDGET REDUCTIONS BY OVERSIGHT BOARD

If the Oversight Board determines that the Governor, in the case of any then-applicable certified Instrumentality Budgets, and the Governor and the Legislature, in the case of the then-applicable certified Territory Budget—

All it means is that the instrumentality budgets are subdivisions of the Commonwealth of Puerto Rico, the territory budget is Puerto Rico, so it is either one—virtually total blanket control—

have failed to correct an inconsistency identified by the Oversight Board under subsection (c), the Oversight Board shall—

Words of art meaning "mandatory"—with respect to the territorial government, other than covered territorial instrumentalities, make appropriate reductions in nondebt expenditures. . . .

This is very important, reductions in nondebt expenditures. The oversight board won't touch moneys that are going to pay debt, but it can make mandatory reductions in nondebt expenditures—everything else that goes to the health and well-being of the people of Puerto Rico—"to ensure that the actual quarterly revenues and expenditures for the territorial government are in compliance with the applicable certified Territory Budget"—the certified budget that the Governor and legislature didn't pass but that the oversight board passed. So not only do they set themselves up to have total control over that budget, at the end of the day they can make a budget and they can make it mandatory. And by the way, after we tell you this budget should have so much revenue, if that falls short, we have the absolute right to cut the nondebt expenditures, meaning the expenditures for everyday life in Puerto Rico, such as public safety, public health, public education, senior citizens, and others. They can cut that, and they can do it in a way that it will become final.

To further go on, section 2 of that reads "with respect to covered territorial instrumentalities at the sole discretion of the Oversight Board." Now, territorial instrumentalities or other subdivisions or other government agencies can make reductions in nondebt expenditures to ensure that the same revenues and expenses are in compliance with the applicable certified budget that the oversight board ultimately created and made mandatory. It can institute automatic hiring freezes at the territorial instrumentality. What could that be? That could be a hospital. If there is a hospital association that is part of the territorial instrumentality, hiring in the midst of the Zika challenge, they can freeze it. If there is an instrumentality that deals with the public safety, they can freeze the hiring there. Even though the government of Puerto Rico may feel they have a bigger challenge, they can institute automatic hiring freezes. They can prohibit the covered territorial instrumentality from entering into any contract or engaging in any financial or other transaction unless previously approved by the oversight board, which means that they can never, at the end of the day, act on their own. They have the oversight board that they have to go and ask everything of.

In section 204(a)(5), the bill gives the Board the authority to veto legislation passed by the Puerto Rico Legislature and signed by the Governor, stating that "the Oversight Board may take such actions as it considers necessary, consistent with this Act, to ensure that

the enactment or enforcement of the law will not adversely affect the territorial government's compliance with the Fiscal Plan, including preventing the enforcement or application of the law."

So in addition to having the power to basically say to the Governor: Sorry, legislature, your budget is not acceptable. Here is the budget we determined is acceptable. This budget is now deemed as mandated, and it goes into full implementation. If we are wrong, by the way—this is the oversight board—in our fiscal estimates, we will have the right to cut nondebt expenditures, meaning the predators, the hedge funds, all those, they can get their money, but we can cut nondebt expenditures to ensure that we met the lowest fiscal forecast—totally in the oversight board's control.

And then if they didn't have enough power as it was, they can veto any legislation passed by the Puerto Rican Legislature and signed by the Governor, stating that the oversight board may take such actions as it considers necessary and consistent with this act. So what is the use of having a Governor and a legislature if they can't pass their budget, if they can't direct even within a fiscal plan that they come up with? It gets vetoed. It gets imposed. The oversight board can cut nondebt expenditures. So why have a Governor? Why go through the farce?

In section 204(b)(5), PROMESA also allows the board to override contracts, rules, regulations, and executive orders. It states that "if a contract, rule, regulation or executive order fails to comply with policies established by the Oversight Board under this subsection, the Oversight Board may take such actions as it considers necessary to ensure that such a contract, rule, regulation or executive order will not adversely affect the territorial government's compliance with the Fiscal Plan, including by preventing the execution or enforcement of the contract, the rule or the executive order or regulation."

It sounds like a lot of legalistic words. What does that mean? It means that in addition to them passing it and saying: "This is it; you are going to have to live with it," they are going to be able to make, in addition—if we made the wrong projections, we are going to be able to cut nondebt expenditures. By the way, if you do something that we think—the unelected oversight board representatives of Puerto Rico—if you pass a rule Puerto Rican society might have to live under or a rule that an entity might have to be obligated to follow or if you pass a regulation that might be for the well-being and health and safety of the people of Puerto Rico or if you pass an executive order, if it fails to comply with what we believe are the policies established by us, we have the right to basically override it and to prevent the execution or enforcement of it.

So this substitutes the oversight board's opinion of what, in fact, is in

the best interest of the Puerto Rican people, even though there is no real representation of the people of Puerto Rico.

My first amendment, if given the opportunity, would be to attempt to strike the right balance and give the people of Puerto Rico at least some representation on this all-powerful board. The current legislation denies the Puerto Rican people any representation on a board that effectively replaces the decisionmaking powers of the legislative and executive branches of their democratically elected government.

Why is it that 3.5 million citizens of Puerto Rico are denied the right to put people on this board through a process of advise and consent within their own government and legislature, with certain qualifications, just like we have qualifications here? Why is it that they can have no say about who is going to dictate their future, in essence, particularly with such an enormous, powerful board reaching into every potential aspect of Puerto Rican life?

Our amendment adds two additional voting members chosen by the elected representatives of the people of Puerto Rico. The Speaker would still get his two, and the majority leader would get his two. The rest would be the same, but at least the people of Puerto Rico would have some say.

(Mr. GARDNER assumed the Chair.)

When you have stakeholders involved in the decisionmaking process, you are more likely to be able to have the population agree to the tough choices you are going to make. When there is no representation, there is revolt. That is the very essence of how this Nation came to be—taxation without representation, a desire to have a say, a desire to be governed by those who have the consent of the governed. That is what the people of Puerto Rico have had and continue to want to have.

These two additional members would be chosen by the President from a list of four candidates submitted by the Governor of Puerto Rico with the advice and consent of the Legislature of Puerto Rico. Republicans will still appoint a majority of members. From an ideological perspective, what is so wrong about that in terms of giving the people of Puerto Rico some direct say?

I personally believe that all members of the board should be chosen by the people of Puerto Rico or their elected representatives, along the standards that we set for membership in terms of backgrounds and abilities to make sure these are people who can help Puerto Rico guide its way through the future. They should come from the island, and that is exactly what my legislation would call for.

But I wanted to be reasonable and open to compromise, which is why my amendment only would require two members of a nine-person board to be chosen by Puerto Rico. Certainly, we can all agree that the people who will

have to deal with this board should have some say over who is making all of the decisions.

If we had an opportunity, my second amendment would keep recommendations made by the control board to be advisory only. If they are called recommendations, the board shouldn't be able to compel them into a fiscal plan as the bill currently allows. Besides the fundamental flaws with the control board, there is also one of the most significant parts other than, of course, representation. The board structure here is so omnipotent, and there should be representation from the people of Puerto Rico. But beyond that, the fundamental flaw of the control bill is that this bill also fails to provide a clear path to restructuring, which is, as I have said several times, the whole purpose of this bill to begin with. The unelected control board created in this bill will have the authority to decide whether Puerto Rico's debts are worthy of restructuring.

Let's not fool ourselves in believing that it is a sure thing that this bill guarantees the island the ability to restructure its debts.

Indeed, section 206 of the bill lists four gatekeeping requirements before any restructuring can occur.

Section 8 requires that the oversight board "prior to issuing a restructuring certification regarding an entity . . . shall determine"—this is the oversight board—"in its sole discretion. . . ."

Again, one of the most important parts of why we are even considering legislation and the only reason we are really considering legislation is to help Puerto Rico through getting access to restructuring in the bankruptcy system. Yet we create a bar that says that the control board, this unelected group of these 7 people with all these other powers, in addition to that, "shall determine, in its sole discretion, that the entity has made good-faith efforts to reach a consensual restructuring with the creditors; [and] the entity has adopted procedures necessary to deliver timely, audited financial statements; and made public draft financial statements and other information sufficient for any interested person to make an informed decision with respect to a possible restructuring."

Let's look at the first part of that. "The entity has made good-faith efforts to reach a consensual restructuring with the creditors"—in their sole discretion.

So what does that mean? Puerto Rico has a wide number of creditors. As part of this law, basically, the government of Puerto Rico will have to try to come to an understanding with its creditors to see if they could work out something they could agree before getting access to restructuring. But it is the board, in its sole discretion, that determines whether Puerto Rico has actually had a good-faith effort.

What if you have members appointed who believe that creditors should get every dime they invested—even the

vulture funds that Senator SANDERS was talking about, which bought extremely low at high interest rates and want to maximize their profits—and the oversight board says: No, you haven't made sufficient good-faith effort to reach a consensual restructuring with your creditors; go back.

So the Governor of Puerto Rico goes back and tries again. He is weighing all of the elements of what is important for him to be able to govern like any Governor of any State would, with all of the interests of its people in every dimension. So the Governor goes back and tries to work with the creditors, but the creditors know this: You know, this oversight board is on my side on this question, so I can squeeze the Governor harder and harder and harder, because at the end of the day, it is the oversight board, in its sole discretion, that will make a determination as to whether there have been good-faith efforts to reach a consensual restructuring with the creditors.

We would like to think that this board will be totally aboveboard, that their only interest is doing the right thing for the people of Puerto Rico. But you grant this much power—unelected and unresponsive. If I read the legislation right, they may have to do a report annually or every so often. But for the most part, the control board operates on its own. It has that \$370 million of dedicated funding, and dictates how long it will live because it has the ultimate discretion as to whether after 5 years whether Puerto Rico has created a fiscal stability that meets the standard in their sole discretion and also that determines whether or not they have access to the bond market in their sole discretion. If not, they can extend their life. When they extend their life, they keep control over the people of Puerto Rico.

So whoever is the Governor of Puerto Rico—this will extend far beyond the present Governor. It is not even this present Governor, who will be leaving office at the end of this year. There will be elections, and there will be a new Governor. That new Governor is going to potentially have this enormous, omnipotent power in a board that can squeeze it in a way that is simply unfair to the citizens of Puerto Rico.

They go on to say in that same vein that not only is it about the Governor of Puerto Rico, but it is whether “the entity is either a covered territory that has adopted a Fiscal Plan certified by the Oversight Board, a covered territorial instrumentality that is subject to a Territory Fiscal Plan certified by the Oversight Board, or a covered territorial instrumentality that has adopted an Instrumentality Fiscal Plan certified by the Oversight Board.”

And as it relates to modifying, if they can come to an agreement if there is a modification, only the board can determine if such modification is accepted. But that is not even the tough part. Even if Puerto Rico meets these

metrics, the bill doesn't guarantee the restructuring—not even close. Instead, PROMESA requires a super majority 5-to-2 vote of the control board for any of the island's debts to be restructured.

I grew up understanding basically that the majority rules, and that is a fundamental element in my view. I know that in the Senate we have a 60-vote requirement for closing a filibuster, coming to an end on a piece of legislation to move forward, but, generally, we come from the perspective that majority rules. Here we have a super majority that has to determine it. By virtue of insisting on a super majority, there is another, terrible, adverse possibility that a minority, or three people of the board—since there are seven, you need five—say: No, we are not satisfied; we don't believe we should go to restructuring, even though four other members of this board, as presently determined, can say: Well, yes, we think Puerto Rico has done enough to go to restructuring. But if those three stay strong and say: No, we don't think you have done enough to do restructuring, then the minority can thwart the will of the majority and thwart the whole process of why we are in the midst of having legislation in the first place, which again is to give the people of Puerto Rico a chance for restructuring. So that means that these three people, a minority of the board, could derail the island's intent to achieve sustainable debt repayments.

Now, as to sustainable debt payments, that means: Yes, we want to repay our debts, but we have to be able to sustain the health, well-being, and protection of our people at the same time that we pay those debts. That is what restructuring is all about—to permit both to take place.

Without any authority to restructure its debt, all this legislation will do is to take away the democratic rights of 3.5 million Americans and leave the future to wishful thinking and a prayer that the crisis will somehow be resolved.

Instead of leaving this critical decision up to the whims of a minority of the board, one of my amendments would provide a clear path to restructuring by removing this arbitrary vote requirement.

Instead, under my amendment, the government or instrumentality would be able to restructure its debts once it has engaged in good-faith efforts to reach a consensual agreement with creditors, establish a system to develop and make public, timely, audited financial statements, and adopted a fiscal plan that was ultimately approved by the board, but done in such a way that takes into account all of the elements that are important for the Governor and Legislature of Puerto Rico to consider on behalf of its people, as we as a legislative body consider on behalf of the American people.

When the main purpose of this bill is to give Puerto Rico the tools to re-

structure all of its debts, why would we leave that authority to chance or to the sole discretion of a control board for which only three can deny that opportunity ever?

Now, PROMESA also doesn't provide enough protections to ensure the health, safety, and well-being of the people of Puerto Rico. The bill only requires the board to “ensure the funding of essential public services,” which, when coupled with creditor priorities throughout the bill, leaves the people of Puerto Rico at the mercy of the control board. Even in this Chamber we have debates as to what is the necessary funding to “ensure the funding of essential public services.” Sometimes it is ideological, sometimes it is partisan, and sometimes it is not partisan. Members get together and say: We think there should be more for defense, and Republicans and Democrats might very well come together for that. We think there should be more to deal with the Zika virus, and Republicans and Democrats might come together for that, but sometimes we disagree.

The bottom line is that determination to give to an oversight board, instead of to the elected Government of Puerto Rico, the authority to determine what is “ensure the essential funding of the public services.” We have debates about that here all the time—robust debates. Why should such a debate and an ultimate determination be left to seven unelected, unaccountable individuals? I have two amendments to fix this if we had an opportunity for an amendment. One would strengthen the funding requirement for essential services by requiring funding “at a level that increases the safety, health, and standard of living of the people of Puerto Rico.”

Another amendment would require the fiscal plan to reduce factors that lead to economic out-migration from the island. These are two priorities we should all share, Democrats and Republicans alike. We saw all too painfully what happened in Flint when budgets came ahead of people. We saw it when budgets came ahead of people. Balanced budgets don't mean much when children are poisoned by the water they drink. It seems to me we have to learn from history and balance fiscal responsibility with the well-being of children and families.

Finally, I would plan to offer an amendment to protect senior citizens and avoid an increase in elderly poverty. PROMESA currently improves a vague and undefined requirement to “provide adequate funding for public pension systems.”

We are having debates about Social Security as a form of a pension system, and we have debates in the States about what their public pension plans are. To suggest that this oversight board—with the words “provide adequate funding,” it is going to be their sole discretion as to what adequate funding means. They may think adequate funding is enough to pay only

half of what recipients are supposed to receive. They may decide that certain categories of recipients may not receive full funding, and others may. When you read the words “adequate funding,” what that funding is goes undefined with a board that nearly 30 times has “in their sole discretion” the ability to determine what things are. Again, it is an enormous grant of power.

So those who have worked a lifetime in Puerto Rico and now are pensioned in Puerto Rico will be at a lesser standard in terms of protection than the bondholders and the hedge funds and all those entities that made huge investments, trying to make a killing. Pensioners have no real protection at the end of the day. Maybe it is true that the present system doesn’t guarantee them all the protections they want to have, but we do nothing by saying this is your fig leaf. We reinforce in the language of PROMESA the importance of bondholders but minimize the importance of pensioners.

Our amendment would ensure that senior retirees and pensioners are better protected from the whims of the control board. After all, retirees in Puerto Rico, who spent 30 years serving the island as police officers, firefighters, teachers, and nurses didn’t have any choice but to participate in the pension plan. They had mandatory participation. So you mandate them to participate, but now you are suggesting that a control board can make a decision as to what is sufficient and what is not sufficient.

Unlike hedge funds, which were able to pick and choose what investments to make and often bought bonds at pennies on the dollar, public servants had to invest in the pension system. They had no way of knowing their nest egg, which they worked their entire lives for, was at risk of being taken away. They didn’t contribute to the fiscal problems facing Puerto Rico. They didn’t borrow so much or fail to make annual contributions to the fund. They did all the right things. So why should they lose their retirement funds?

This is just a small example of the 30 amendments that I filed, which should give my colleagues some idea of how flawed I believe this bill to be and how extensive the Senate debate should be. I know, as all of us know, that success on amendments is never guaranteed. But at the very least—at the very least—the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor and the opportunity to offer amendments. They deserve more than the Senate holding its nose to improve an inferior solution.

I filed the amendments to show the breadth and scope of what is wrong with PROMESA, but I would be happy to agree to the most important ones having an up-or-down vote. I think the 3.5 million citizens of Puerto Rico deserve at least that. I would hope the majority leader, Senator McCONNELL, would stand true to his word when he

said as we began this legislative session that we need to open up the legislative process in a way that allows more amendments from both sides—and allow us to call this bill up, I would add—for debate so that we can do what we are elected to do.

Here we are, not even talking about having more amendments; we are not having any amendments to this bill. Somehow we think the 3.5 million citizens of Puerto Rico don’t deserve the debate we would insist on for any of the citizens of our States or of this Nation.

I have read through several of the letters that we asked unanimous consent to include, and I think they speak powerfully about the views of the people of Puerto Rico as they relate to what, in fact, should be the process—that there should be an effort to have amendments to change the law that is being proposed in such a way. But there is a history, and I sometimes wonder about our knowledge of Puerto Rico and its people and its history.

As I said, I used to serve in the House, and people would ask whether you needed a passport to go to Puerto Rico. I thought they were kidding, but they weren’t. They did not understand that the people of Puerto Rico are United States citizens and have every right and responsibility that any other citizen of the United States has. They can come to the mainland of the United States and have all the full rights and privileges of any other citizen. That goes back to the 1900s when, on April 12, 1900, President McKinley signed the Organic Act of 1900, also known as the Foraker Act, which established the civil government of Puerto Rico.

The President of the United States appointed a Governor and Executive Council, and Puerto Ricans elected their own 35-member House of Representatives and enjoyed a judicial system with a supreme court. A Resident Commissioner was to be sent to the U.S. Congress to advise but not to vote. In addition, the Federal laws of the United States came into effect for Puerto Rico, while also formally recognizing citizenship.

Some at the time argued that the Organic Act of 1900 denied Puerto Ricans the basic rights guaranteed in the Constitution and constituted taxation without representation, the very essence now, quite a long period of time later—116 years later, we are having that same debate by virtue of this oversight board, and, in essence, the act made a sham of the Democratic principles upon which the United States was founded.

So in 1917, President McKinley signed the Jones-Shafroth Act, known as the Jones Act, into law. That law amended the previous Foraker Act and changed Puerto Rico’s status to an organized but unincorporated territory. At this time, Americans were still grappling with what their imperialistic empire meant for them and for their Nation. If

Puerto Rico remained a colony, with all the trappings of the Old World, the United States was no better than colonial powers of the Old World. So the Jones Act created a bill of rights which extended many U.S. Constitutional rights to Puerto Rico, and that was the beginning of having respect for all of the citizens of Puerto Rico.

The bill created a more autonomous government with three branches, much like that of the United States—the Governor, the executive branch, the Attorney General, a commissioner of education. The Governor appointed the remaining heads of executive departments. The Puerto Ricans directly elected the members of the bicameral legislature. Most importantly, the Jones Act stated that all Puerto Ricans are “hereby declared and shall be deemed and held to be citizens of the United States.”

Interestingly enough, one of the immediate results and motivating factors for the change was the extension of conscription. The Selective Service Act of 1917 drafted 20,000 Puerto Rican soldiers into World War I—20,000 Puerto Rican soldiers into World War I.

The Great Depression severely affected Puerto Rico due to its connection to the United States economy. Relief didn’t arrive for Puerto Rico until the appointment of Governor Rexford Tugwell in 1941. Governor Tugwell was an economics professor at Columbia University and was part of President Roosevelt’s brain trust of Columbia academics. He was dedicated to bringing economic growth to the struggling island. He first suggested the idea of a popularly elected Puerto Rican Governor to President Roosevelt in 1942.

The third principle of the Atlantic Charter prepared by President Roosevelt and Prime Minister Winston Churchill read that they respect “the right of all peoples to choose the form of government under which they will live,” and they wished to see the sovereign rights of self-governance “restored to those who have been forcibly deprived of them.”

On February 10, 1943, the Puerto Rican Legislative Assembly, under its president of the senate at that time, Luis Munoz Marin, unanimously adopted a concurrent resolution to “lay before the President and the Congress of the United States of America the right of the people of Puerto Rico that the colonial system of government be ended and to decide democratically the permanent political status of Puerto Rico as expeditely as possible, immediately if feasible.”

President Roosevelt, in 1943, formed a commission to evaluate the Jones Act. The commission heard Munoz Marin’s grievances, but it didn’t recommend the vast changes he had hoped for. Instead, it recommended the Puerto Rican people must be consulted—must be consulted—and agree to any further changes to the Foraker Act. The commission also indulged Governor Tugwell’s original recommendation

that the Governor of Puerto Rico be elected by the Puerto Rican people.

That first formal change to the Jones Act came with the 1947 Elective Governor Act, and in 1948 Luis Munoz Marin became Puerto Rico's first popularly elected Governor. Munoz Marin was determined to redefine Puerto Rico's status and his relationship to the United States, and he found a partner in U.S. Senator Millard Tydings. By 1945, Tydings was ready to file his third bill for Puerto Rican independence.

President Truman sent a special message to Congress concerning the status of Puerto Rico, calling for legislation that would become known as the Tydings-Pinero bill. It called for a referendum to choose from three options: independence, Statehood, or Commonwealth. That bill died in committee but was an important moment in the history of the U.S.-Puerto Rico relationship.

The provisions for an associated State set the foundation for the eventual Commonwealth status of the President of Puerto Rico, and it is that status by which, in 1952, the Constitution of Puerto Rico officially established the Commonwealth of Puerto Rico. Following amendment and ratification by the U.S. Congress, Governor Luis Munoz Marin enacted the Constitution on July 25, 1952.

Why do I share that history? Because in that whole process, there was a desire to give greater say, to give greater oversight, to give greater consent to the governed—to the people of Puerto Rico. It built slowly to the point at which it got to elect its own Governor and its own legislature. Now we are essentially considering a piece of legislation that snatches that away from the people of Puerto Rico and says: No, you don't have the right to consent of the government. We will govern you as we see fit, through an oversight board that is totally unelected and nonrepresentative.

While the people of Puerto Rico weren't granted U.S. citizenship until 1917, the island has a long and proud history of fighting on the side of America long before. I want to talk about that history because it seems to me that if you are worthy of putting on the uniform of the United States, if you are worthy of fighting for the United States, if you are worthy of taking a bullet for your country, if you are worthy of dying for your country, then you are worthy of having the right of the government to be—the consent of the government to be governed.

This is a long and proud history of the people of Puerto Rico from the infancy of our Nation. This goes back—before the Commonwealth, the people of Puerto Rico have been there with us. As far back as 1777, Puerto Rican ports were used by U.S. ships, enabling them to run British blockades and keep commerce flowing, which was so crucial to the war. In one instance, members of the Puerto Rican militia guided two

U.S. warships into harbor, shielding them from attack from a powerful British warship, the HMS Glasgow. Despite British demands, the Puerto Rican Governor held strong and refused to hand over the ships to the British commander, protecting American sailors from imminent capture or worse.

Two years later, Puerto Ricans took up arms and joined in an invasion of Pensacola, which was then the British capital of its West Florida Colony. They subsequently defeated a British Army 2,500 soldiers strong, capturing the stronghold and draining resources from the British.

It was Puerto Rican soldiers who took up arms in the U.S. Civil War, defending Washington, DC, from attack and fought in the Battle of Fredericksburg. Some served as officers in the Union Army, as in the case of Lieutenant Augusto Rodriguez. In 1862, Augusto Rodriguez volunteered for the 15th Connecticut Volunteer Infantry and first held the rank of First Sergeant and then promoted to 2nd Lieutenant on April 12, 1864. He led his men in the Battles of Fredericksburg and Wyse Fork and earned the Army Civil War Campaign Medal.

In World War I, approximately 20,000 Puerto Ricans were drafted into the U.S. Armed Forces. The first shot the U.S. fired in World War I was aimed at German ships sailing out of San Juan Bay to attempt to supply enemy U-boats waiting in open waters in the Atlantic. In a separate engagement, LT Fredrick Riefkohl became the first sailor of Puerto Rican descent to be awarded the Navy Cross, after he dispersed a German U-boat after a torpedo narrowly missed his ship. Lieutenant Riefkohl continued to serve in the Navy after World War I and then went on to command a ship that took part in the Battle of Guadalcanal during World War II.

It is estimated that more than 65,000 Puerto Ricans served in U.S. Armed Forces during World War II. Many soldiers from the island served in the 65th Infantry Regiment that was deployed to the Panama Canal Zone and in Germany and Central Europe. Individual awards earned by soldiers of the 65th Infantry Regiment during World War II include: a Distinguished Service Cross, two Silver Stars, two Bronze Stars, and 90 Purple Hearts. The regiment received campaign participation credit for Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe.

The Korean war. It started with the Revolutionary War. We are up to the Korean war. Sixty-one thousand Puerto Ricans served in the military during the Korean war. Once again, the 65th Infantry Regiment, known as the Borinqueneers—the segregated military unit composed almost entirely of soldiers from Puerto Rico—played a crucial and prominent role in the Korean war just as they did during World War I and World War II. Their storied history has been described as “one of pride, courage, heartbreak and redemp-

tion.” After disembarking at Pusan, South Korea, in September 1950, the regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. In a critical battle near Yongam-ni, the regiment defeated a force of 400 enemy troops, and by the end of October, they captured 921 prisoners while killing or wounding more than 600 enemy soldiers. Their success led GEN Douglas MacArthur to observe that the regiment was showing magnificent ability and courage in field operations.

As the Borinqueneers continued to fight and played a major role in the Army's operations, General MacArthur further recognized their service by saying this:

The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.

General MacArthur.

I am proud to say I worked with Senator BLUMENTHAL and others to make sure the heroic Borinqueneers received their well-deserved and long overdue national recognition of the Congressional Gold Medal, the highest expression of national appreciation for distinguished achievements and contributions to the United States. That resolution, by the Senate and the House of Representatives, read:

That Congress finds the following:

(1) In 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American War and, by the following year, Congress had authorized raising a unit of volunteer soldiers in the newly acquired territory.

(2) In May 1917, two months after legislation granting United States citizenship to individuals born in Puerto Rico was signed into law, and one month after the United States entered World War I, the unit was transferred to the Panama Canal Zone in part because United States Army policy at the time restricted most segregated units to noncombat roles, even though the regiment could have contributed to the fighting effort.

(3) In June 1920, the unit was re-designated and the “65th Infantry Regiment, United States Army”, and served as the United States military's last segregated unit composed primarily of Hispanic soldiers.

(4) In January 1943, 13 months after the attack on Pearl Harbor that marked the entry of the United States into World War II, the Regiment again deployed to the Panama Canal Zone before deploying overseas in the spring of 1944.

It goes on to speak to a lot of what I previously said as it relates to the incredible elements of it. It goes on to say:

(6) Although an executive order issued by President Harry S. Truman in July 1948 declared it to be United States policy to ensure equality of treatment and opportunity for all persons in the armed services without respect to race or color, implementation of

this policy had yet to be fully realized when armed conflict broke out on the Korean Peninsula in June of 1950, and both African-American soldiers and Puerto Rican soldiers served in segregated units.

(7) Brigadier General William W. Harris, who served as the Regiment's commander during the early stages of the Korean War, later recalled that he had initially been reluctant to take the position because of "prejudice" within the military and "the feeling of the officers and even the brass at the Pentagon . . . that the Puerto Ricans wouldn't make a good combat soldier. . . . I know my contemporaries felt that way and, in all honesty, I must admit that at the time I had the same feeling . . . that the Puerto Rican was a rum and Coca-Cola soldier."

(8) One of the first opportunities the Regiment had to prove its combat worthiness arose on the eve of the Korean War during Operation PORTREX, one of the largest military exercises that had been conducted up until that point, where the Regiment distinguished itself by repelling an offensive consisting of over 32,000 troops of the 82nd Airborne Division and the United States Marine Corps, supported by the Navy and Air Force, thereby demonstrated that the Regiment could hold its own against some of the best-trained forces in the United States military.

(9) In August 1950, with the United States Army's situation in Korea deteriorating, the Department of the Army's headquarters decided to bolster the 3rd Infantry Division and, owing in part to the 65th Infantry Regiment's outstanding performance during Operation PORTREX, it was among the units selected for the combat assignment. The decision to send the Regiment to Korea and attach it to the 3rd Infantry Division was a landmark change in the United States military's racial and ethnic policy.

(10) As the Regiment sailed to Asia in September 1950, members of the unit informally decided to call themselves the "Borinqueneers", a term derived from the Taino word for Puerto Rico meaning "land of the brave lord".

(11) The story the 65th Infantry Regiment during the Korean War has been aptly described as "one of pride, courage, heartbreak, and redemption".

(12) Fighting as a segregated unit from 1950 to 1952, the Regiment participated in some of the fiercest battles of the war, and its toughness, courage and loyalty earned the admiration of many who had previously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General Harris, whose experience eventually led him to regard the Regiment as "the best damn soldiers that I had ever seen".

(13) After disembarking at Pusan, South Korea in September 1950, the Regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. The most significant battle took place near Yongam-ni. . . . Its success led General McArthur . . . to observe that the Regiment was "showing magnificent ability and courage in field operations".

I share this because here we are hearing the great GEN Douglas McArthur saying that "the Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States."

So where is our invincible loyalty back to the people of Puerto Rico?

PROMESA? False promise? A control board with no representation, one that will determine every aspect of its life, that supersedes the duly elected Governor and Legislature of Puerto Rico in virtually every significant way? Their invincible loyalty to the United States, where is ours to them? "And the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. . . . I wish that we might have many more like them" to send.

I was really thrilled to go to the Congressional Gold Medal ceremony. It was a fitting and appropriate moment to recognize the 65th Infantry Regiment, but the way we really would honor them and their sacrifice on behalf of our Nation would be to say that you fought for our collective freedom, and we will fight for your rights to ultimately govern by your will, not by the will imposed by us.

It is pretty amazing to me, if you were to go with me to the Vietnam Memorial, you would see an estimated 48,000 Puerto Ricans who served in Vietnam. The contributions of those brave soldiers are many. The highest decoration, the Medal of Honor, was awarded to SSG Felix M. Conde-Falcon, SP4 Hector Santiago Colon, CPT Euripides Rubio, PFC Carlos Lozada, and CPT Humbert Roque Versace. One of the most decorated U.S. military servicemembers in the Vietnam war was Jorge Otero Barreto. He was born in Vega Baja and served five tours during the war. He participated in 200 combat missions, earned 38 military decorations, including 3 Silver Stars, 3 Bronze Stars, 5 Purple Hearts, and 5 Air Medals.

To this day, more than 10,000 sons and daughters of Puerto Rico continue to proudly serve in the U.S. Armed Forces, following in the legacy of those who served before and in the spirit of the Borinqueneers.

In fact, just over 2 years ago, Congress passed a resolution honoring them for their heroism.

During Operations Desert Shield and Desert Storm, 1,700 Puerto Rican National Guardsmen were deployed. Four brave Puerto Rican soldiers paid the ultimate sacrifice to the Nation in the Gulf War. Captain Manuel Rivera, a marine, was the first serviceman of Puerto Rican descent to die in Operation Desert Shield.

The war in Iraq and Afghanistan was fought with as many as 1,800 Puerto Rican servicemembers. Our volunteer soldiers all face inherited risks of defending our freedoms. We honor their sacrifices on Memorial Day. We pay tribute to their dedication, but we are here to take away the rights away from their sons and daughters to have a say over their future, to have the basic concept of what it is to live in a democracy, to have the consent of the government.

I share this long history from the Revolutionary War to today, to Iraq

and Afghanistan, so that my colleagues understand that the people of Puerto Rico have been just as American as anyone from Colorado or New Jersey or California or New York or Mississippi. They have served on behalf of the Nation. They have shed blood on behalf of the Nation, and many of them have committed the ultimate sacrifice on behalf of the Nation. On Veterans Day and Memorial Day, we all rightfully honor those who have served and those who have committed the ultimate sacrifice.

How is it that we dishonor their memories by taking away the consent of the government? Why can't we have a simple opportunity to show the rest of the world that we are not colonialists in our views, that we can have amendments to improve the opportunity for the people of Puerto Rico to feel that they have some say about their future? These are tough times, and we will make tough decisions, but we will come through it together as we always have, and we will have a say in it. Why can't we do that? What is the urgency, especially with retroactivity in the bill? What is this false urgency of July 1? I think July 1 is important, mind you, but what is the false urgency at the end of the day to suggest that you can't get it right and to, in my view, dishonor the sacrifices that so many Puerto Ricans have made?

We remember 20-year-old SPC Frances Marie Vega of Fort Buchanan; SPC Lizbeth Robles, a 31-year-old native of Vega Baja; and Aleina Ramirez Gonzalez, who was 33 years old and grew up in Hormigueros. They gave their lives in Iraq.

I am afraid this bill doesn't honor them. Mark my words, if we don't seize this opportunity to address this crisis in a meaningful way, we will be right here next year picking up the pieces, but they will, sadly, be pieces because we have not done in this legislation what is necessary to help the people of Puerto Rico.

There is a reason we call this country the United States of America, whether it is the terrible flooding that is taking place in West Virginia—I think of my colleagues, Senator MANCHIN and Senator CAPITO. I know what that can do after Superstorm Sandy; I lived it in New Jersey and in our region—or when I cast votes for wildfires in the West, for flooding in Mississippi or that went on with Katrina. There is a reason we call this country the United States of America. There are reasons we are United States citizens. The people of Puerto Rico are also United States citizens, and they need to be treated no less. They need to be treated as citizens, not subjects.

Once again, I would highlight the nature of problems with legislation and what we can do about it. There are five critical flaws that we can correct in the Senate: "an undemocratic, neo-colonial control board—majority appointed by Republicans, none by the people of Puerto Rico." With the gallantry and the devotion they have had

to our country, they should have representation on the board. It is not too much to ask.

“Prioritization of hedge funds over retirees and essential services”—nothing is wrong with that.

“Lack of a clear path to restructuring”—that is the only reason we are considering this legislation. The only reason we are even considering a bill is to provide a pathway to restructuring. There is no clear pathway. We need a supermajority vote of the board.

The majority is supposed to rule, not a supermajority. When you require a supermajority, a minority of the seven-member board—three—could stop the pathway to restructuring.

“Continued disparity in health care funding and tax credits”—it doesn’t even talk about that in this legislation. By the way, the way we grow prosperity—I am sure Americans watching tonight’s debate would say to themselves: Wow, cut the minimum wage to \$4.25 per hour. That is really going to make me more prosperous. It is really going to help me sustain my family. It is really going to be able to educate my kids. It is really going to be able to keep my home. It is really going to be able to take care of mom or dad. It is really going to help me retire. I don’t think they would say that, but for the people of Puerto Rico, that is good enough. If they have to work long overtime, protection—we don’t have any reason to have that.

I want to go through some of the specific language this bill has and talk about the consequences of that language one more time. My colleagues have an opportunity to change this and to be able to do it in such a way that we can get it right and do it well and in time.

I have some understanding that the House is considering a pro forma session. There is no reason why—we have reasonable amendments here, hopefully supported by some of our Republican colleagues—we can’t get this right. They could adopt it in a pro forma session, or to those who are worried about the July 1 date, there are retroactive provisions of the law, and that retroactivity could encompass any period of time there is a gap, as it does right now. It goes back retroactively to freeze actions going back to December of last year.

Under this legislation, the board would have broad sovereign—sovereign is important; it means “unto itself”—powers to effectively overrule decisions by Puerto Rico’s Legislature, Governor, and other public authorities.

What is the use of electing our leadership, what is the use of electing a Governor and a legislature in a State if we can have a control board that says: Sorry Governor, sorry legislature, this is what the people of Puerto Rico may want, and this is what you may represent, but, no, we know better. We know better through this control board, which doesn’t represent you, by the way, and we will ultimately be able

to overrule decisions that you make. If our States were ever in a precarious economic problem, which one of our States would be willing to accept that from a control board?

The oversight board can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill. They can nullify. “Nullify” means the Governor of Puerto Rico opposes—maybe the legislature, as we do, comes up with a legislative idea. They send it to the President, and in their case, they send it to the Governor. He may agree with them and sign it. Guess what. The oversight board can effectively nullify any of those new laws or policies if they do not conform to requirements specified in the bill—a bill that says nearly 30 times “in the control board’s sole discretion,” which is an enormous grant of power without defining what that means. We know what the general use of “in your sole discretion” means. It is, “I get to decide how I see fit.”

How could we accept such an enormous grant of power for such an important part of being able to nullify any law the elected representatives of the people of Puerto Rico, the Governor, and its legislature adopt? But that is exactly what this legislation that we are going to vote for does, and a vote for this is a vote to do exactly that—to give this oversight control board the power to nullify whatever the people of Puerto Rico want to see by virtue of their elected representatives, the Governor and the legislature.

I don’t know who among us would cast such a vote if it meant our States would have the will of the people nullified for its elected representatives.

There are other provisions here as well. I am reading to you, by the way, from the House Natural Resources Committee language. This is not because I am saying it; it is not my interpretation of the bill. No, it is what the majority in the House Natural Resources Committee put in their bill language, and at the end of the day says: “The Oversight Board may impose mandatory cuts on Puerto Rico’s government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.”

They can make decisions that say: You know what, you are spending too much on education; you can do with fewer teachers. You are spending too much even in the midst of the Zika health crisis; you put too much in that budget for health care. Yes, there is a challenge of crime in Puerto Rico, particularly in the urban areas, but you will have to do with fewer police. Tourism is important to you as a revenue source, but you are doing too much advertising to try to get people into Puerto Rico, especially in the midst of people’s concern about the Zika virus, but for you to say it is still safe to come to Puerto Rico, it has been taken care of; you are spending too much.

The list is unlimited. The oversight board can impose mandatory cuts on Puerto Rico’s government and instrumentalities, meaning not just the main government but all these subdivisions—a power far beyond that exercised by the control board established for the District of Columbia. That is a pretty powerful board. Look, this power that we gave is even greater than what the District of Columbia had. So it is like pounding on your chest; we gave this board even more power.

Neither the Governor nor the legislature may exercise any control, supervision, oversight, or review over the oversight board or its activities—no power whatsoever.

This is one of the ones that is the most amazing to me because a budget, as I have said several times, is in essence the single-most significant thing we do as legislators. How do we provide for the common good? How do we provide for education? How do we provide for health care? How do we provide for retirement? What incentives do we give to business? What do we do to ultimately protect our country in the homeland? What do we do to defend our country abroad? How do we promote our foreign policy? All of these things and so much more—what tax credits do we give to our families so they are able to raise their children? What benefits are we going to give so there can be homeownership? How do we provide for retirement opportunities?

All of these are contained in the budget, which we provide by the consent of the government. We are the representatives of the government. We provide these. They may not like some of our decisions, but they have that chance to change it when it is time for elections. But here, it doesn’t matter, Governor of Puerto Rico; it doesn’t matter, legislature of Puerto Rico. Yes, you were elected by the people of Puerto Rico, but the oversight board shall determine in its sole discretion—again, an enormous grant of power—whether each proposed budget is compliant with an applicable fiscal plan.

We have a chart that speaks to the fact that if, in fact, there is a back and forth and there is a decision that the Governor’s budget is not sufficient, then at the end of the day, the oversight board can make that determination.

So the oversight board can go back and forth with the Governor. The Governor, as the elected representative of the Puerto Rican people, is going to think about this: How much money do I need to educate our people? How much money do I need for health care—especially the Zika virus. How much money do I need to protect the citizens of Puerto Rico? How much money will we be able to provide for higher education so we have the human capital to fuel the economy of the Commonwealth?

But he does that in conjunction with the legislature. He has the checks and

balances that we do as a legislature with the executive branch—in our case it is the President; in his case, the Governor—and all of those considerations go back and forth. But at the end of the day, if the oversight board doesn't like any of the budgets that have been sent to them, they can say: OK. We will deem—first of all, we will devise a budget. We will say the Governor has, in essence, approved this budget, even though he didn't, and we will deem it to go into full force and effect. And, by the way, if the revenue projections we made—the oversight board—in that budget are wrong, we will be able to make mandatory cuts in the nondebt obligations—nondebt expenditures, which basically means that the money to pay the debts will not be touched, but everything else, even though they are the ones who created the budget, if it falls short, they can arbitrarily and capriciously decide to make cuts in nondebt expenditures.

So with respect to the government, they can make appropriate reductions in nondebt expenditures. That means they are going to make decisions about health and welfare and public safety and education and all the things critical for the lives of 3.5 million citizens of Puerto Rico.

So that clearly is an incredible grant of power to have mandatory budget cuts.

The other issue is, this legislation fast-tracks developments on the island as it relates to energy. Now, many of my colleagues have been so rigorous in their advocacy for making sure we get our energy policy right; that we have the right balance, that we have the right laws to observe the right siting. If we are going to have a new energy plant, what does it look like? Is it gas-fired? Is it coal-fired? Is it some other fuel source? Where is it going to be located? What air quality emissions are going to be acceptable and not acceptable?

If the Governor of Puerto Rico, who knows it best, establishes certain standards, those standards can largely be waived by the control board in an effort to site locations where, in fact, they think it is going to be good for the energy needs of Puerto Rico, but it may not be good for the environment. Why would we delegate on such critical issues that we care about—on the environment, on education, on the health and well-being of our citizens—why would we never be willing to delegate that ourselves, as a Senate and a Congress, to any other entity? We make those decisions ourselves, but we would never delegate it to a control board elected by any of us or the people we represent, but we are willing to do that with respect to the territorial governance in Puerto Rico and make those decisions. Why would we be willing to go ahead, at a time that this Congress is seeking—at least I know Democrats are seeking—to raise the minimum wage, to raise the standard of living for all Americans, to see higher incomes

because many Americans feel that regardless of all of these macroeconomic numbers—I can tell people all the time that the GDP has grown, that we have the lowest rate of unemployment, that we have seen X number of consecutive years—I think 6 or 7—of private sector job growth, a whole host of economic indicators that would say things are moving in the right direction, but in the average life of many Americans, they feel their wages are stagnant. I think that has given a great rise to the unrest that exists in our national politics because you can tell people: Look at all these macroeconomic numbers, and they say: Yes, but in my life, my wages are stagnant. I haven't seen a growth in my wages and income. I have seen a growth in my challenges: in educating my kids, in making sure they don't have a lot of debt; in preparing for retirement, which I am now putting off because there is no way I can retire in that period of time; taking care of loved ones, where people increasingly take care of members of their family—on a whole host of issues. But the people of Puerto Rico will ultimately have less of a minimum wage for a young part of the population, and they will have less in terms of overtime protection.

Why would we, the party that wants to see rising wages and overtime protections, say to the people of Puerto Rico: You deserve less. As guardians of the environment who want to see a better environmental quality for all of our citizens, why would we say to the people of Puerto Rico they deserve less? Why would we be some of the strongest advocates of democracy here at home in our own elections and in the world and say to the people of Puerto Rico they deserve less? Why do we work so hard to honor the men and women who served our country in uniform? And we want to see the best health care for them, which they deserve. We want to see them taken care of if they have a disability. We want to take care of their survivors if they ultimately commit the ultimate sacrifice. But for the people of Puerto Rico and those who have fought for our country, they don't get the same democratic rights. They don't get the same respect. They are citizens.

So I don't want to see Puerto Rico's natural wonders be subjected to the auction block because a control board says they need to sell that. I don't want to see an oversight board that doesn't represent the people of Puerto Rico, ultimately be able to say to its Governor: This is what you are going to have to do if you want to get access to restructuring, if that determination is really arbitrary and capricious because the standards here are not clearly defined.

The whole reason to get access to restructuring is the reason for this bill, and without it—without that clear access and with a minority representation—this bill is so undemocratic in so many ways. It is undemocratic in the

way it imposes upon the people of Puerto Rico a board that will control their destiny without any say in it, without any representation; with a control board that can determine and dictate what its future will be in fiscal policy, in cuts to expenditures; how it will be able to deal with siting environmental issues; how it will be able to create the pressure because this control board is the gatekeeper to restructuring. It can say: Sorry. You really should use those provisions the Congress gave you to lower the minimum wage, to provide for exemptions from overtime protections because that is really a pathway to prosperity. In all these respects, this bill is so undemocratic and yet it is further exacerbated by the fact that we have an undemocratic process here.

So I hope my colleagues will—I understand sometimes the deck is stacked against you. I have been around long enough in the legislative process in the House and the Senate to understand those moments, but there are moments you have to stand in the way. I believe that while the deck may be stacked, it can be reshuffled, and it can be reshuffled by voting against cloture, so we can have—not to kill this bill but to improve it, to make it more democratic, to have it live within the ideals we all share—Republicans and Democrats alike—what representative democracy is all about, about Jeffersonian principles, about the Founders with the consent of the governed. Puerto Ricans have no less a right to be a part of the consent of the governed and to be governed by their consent. So we can make this better.

Now, if a majority of the Senate—if 60 Members of the Senate vote for cloture, there is one other procedure I will pursue after cloture, which would still allow us the opportunity for amendments to be offered. While I would like to see a process that would allow us to consider a series of amendments, I would certainly seek to embody the major elements of what I think is wrong with the bill in that amendment and to seek that opportunity. I would hope, in the first and foremost instance, that we don't have cloture and that voting against cloture means voting for democracy. It means voting for an opportunity. It respects the will of the citizens of Puerto Rico, the ones I read collectively, including former Governors, present members of the Puerto Rican Congress and Legislature, of civil society—all of those elements that actually believe they deserve a better day—to be treated better by the U.S. Senate, treated better by the Congress, treated better by their country, and that gives us an opportunity to do that, and we can do it posthaste. I am ready to stay as long as it is necessary. I must be honest with you. I know we all want to rush off to Independence Day, but this isn't independence for the people of Puerto Rico. This is how we treat subjects, not citizens. So I am willing to stay as long as

necessary to work on amendments to get this process resolved so we can have the right bill at the end of the day.

Now, if I fail to convince enough of my colleagues to vote against cloture, then I hope they will join me in a procedural move that would allow me to offer an amendment—and I will explain that tomorrow when I come to the floor. I hope that at that moment, at least we would have the option of voting on an amendment where we could make this bill better—less colonial, more democratic, more respectful of the rights of the citizens of Puerto Rico so that, in fact, we can honor their fealty, their loyalty, what MacArthur said about them in their service to our country, and be seen throughout the world for the values we want for everybody else and that we tell everybody else, to promote democracy and human rights.

We need to govern by example, and the way we govern by example is making sure we have a democratic process and a democratic piece of legislation, small “d,” that allows the people of Puerto Rico to have their say.

I see my colleague, the distinguished ranking member of the Natural Resources Committee, is here. I am happy to recognize my colleague from Washington State, and I yield for a question. (Mr. DAINES assumed the Chair.)

Ms. CANTWELL. Mr. President, I see my colleague from New Jersey has been on the floor for several hours talking about the very important issue that frankly deserves a lot more discussion in the U.S. Senate. It is an issue of great importance to this territory of the United States, and it certainly is an important issue to the people of the United States of America, whether they understand that or not, because the success of Puerto Rico, financially, is also tied to how well the United States, as a partner of this territory, continues to be successful as well. Everybody thinks of the situation with Greece and the European Union. Well, they should also be thinking about the situation in Puerto Rico and its relationship to the United States of America because, if it doesn't go well for Puerto Rico, I guarantee it is not going to go well for the United States of America.

My colleague has been on the floor now for hours talking about the structure of what would be a fair way to enter into a reorganization of the debt. I thank him for coming to the floor and doing this.

I think it was probably 7-plus months ago that we had one of the first hearings on this issue and tried to get people to focus their attention on the crisis. What kind of authority does the territory have today and what kind of structure should we honor as they confront this financial crisis?

So I just want to put up a couple of charts. I am going to ask that we turn it a little differently so that when I ask a question, my colleague can actually

see the chart. I will try to position myself here on the floor so he might be able to join in this question.

I know there are many charts here about the situation, and I want to make sure that I am saying this the right way because part of the issue with the debt crisis is my understanding that 45 percent of Puerto Rico is in poverty, including 58 percent of the children; that there is a 12-percent unemployment rate, which is nearly double that of our highest State; and that the sales tax is 11.5 percent.

People are saying: “Well, stop government spending.” They are doing that. That part is being achieved. But the per capita income is almost half of the poorest State in the United States. So I think many people don't have any idea—when they look at this debt issue, they think, OK, this is where we are going to get money. This is a very difficult issue.

Part of the discussion we are going to have next—and that is what I hope my colleagues understand—that whatever happens tomorrow, this issue is not going away. The financial stability of Puerto Rico is going to be a question mark for a long time, and we are going to have to figure out how a territory that has 45 percent of the population living in poverty and these rates of unemployment—how we are going to put them back on the right path? This is the fundamental question. How do we get back on the right path?

In the Senate, there are probably 100 opinions about whether you do the earned-income tax credit, go back to tax breaks for manufacturers, whatever the ideas are, but we are not even at that stage. We are just at the financial crisis stage. The fundamental question is, How do you get out of the financial crisis when the economy of the country is in this hard of a spot?

So I ask my colleague, the Senator from New Jersey, if he is aware of these numbers and these statistics.

Mr. MENENDEZ. I appreciate the Senator raising the numbers and the statistics. Unfortunately, I am aware of them. They dramatize why what we do here is so critically important for the 3.5 million U.S. citizens who call Puerto Rico home.

When the per capita income is almost half of what it is in the poorest State, when the other 50 percent of the population lives in poverty, including 58 percent who are children—that is why I worry when the control board can make the decision to make mandatory cuts, because how do you help these children? How do you help create a rising income? How do you ultimately, in the Commonwealth of Puerto Rico, which has doubled the sales tax to 11.5 percent to get income and at the same time has the lowest spending levels since 2005, as you rightly point out, with public employment down by 20 percent—they have made cuts. So it is not that they are not being responsible and making cuts, but a control board that can make even greater cuts with-

out any say as to how it happens and where it happens and whatnot, is undemocratic. So I agree.

Ms. CANTWELL. I am wondering if my colleague from New Jersey is aware of this point, which I find most interesting and am trying to understand. He has been talking about this control board and all the power they are going to have. Do you understand that in this House bill, the members of that control board won't be paid, but the measure allows them to accept, use, and dispose of gifts, requests, devices of services or property, both real and personal, for the purposes of aiding and facilitating their work? So they literally can accept gifts, but what kind of gifts?

Mr. MENENDEZ. Nice. It is a real concern. It is one of the many ill-defined parts of the legislation, especially when you have 7 unelected members ultimately having the fate of 3.5 million people in their hands. You worry about provisions of the bill that seem to allow them to be able to make those types of choices and accept those types of potential gifts in a way that can ultimately lead them to the wrong decisions. So I am concerned about it.

Ms. CANTWELL. As I bring up—this is a provision I am just getting familiar with, and I am obviously very concerned about it. Through the Chair, I would say that I am very concerned about the fact that now we are going to turn over all this authority to people who can accept gifts. I don't know what that means and who is going to oversee that because they are going to be appointed in a process that I believe will probably be challenged as unconstitutional, which will also take the bill to a whole other level of legal uncertainty.

But I wanted to go over this and ask about this point. It is my understanding that they are about \$72 billion in debt. For fiscal year 2016, the debt payments will be about \$4.1 billion. So making a full payment would require about 25 percent of their annual income. My understanding is that a significant part of this debt is the GO bonds and that various bonds have been issued. The question becomes, if your annual revenue is \$17 billion a year, how are you going to reorganize this huge debt when your population is already at a 45-percent poverty rate?

So I think all of us, in a normal situation, would say: Let the bankruptcy court figure that out. That is what I would do. I would say let the bankruptcy court figure that out because bankruptcy laws in the United States of America are fairer and they decide these issues. They decide what is fair treatment under the law. I certainly would prefer that. I don't prefer a board of people who can get gifts and make all these decisions because I want legal certainty and I want it now, and I would rather be more prescriptive in the law.

Do you know of any way the people of Puerto Rico could pay the \$72 billion in debt by themselves? I am trying to

understand what we are asking of the rest of the people who have been investors and if people think we are going to do this on the backs of the Puerto Ricans given the fiscal crisis they are already in.

Mr. MENENDEZ. What the Senator said is absolutely right, and this is one of the critical elements of why a clear pathway to restructuring is so necessary, because if there is no clear pathway to restructuring and if there are no safeguards over the control board, the determination of how much that control board can say that you have to pursue in terms of payments towards creditors, the effort that they will consider sufficient in their sole discretion about whether they have made an appropriate, reasonable effort to deal with creditors could lead them to an enormous payment, and they are already using a third of every dollar in revenue they have to pay interest. So the whole purpose of this debate or the effort of the bill that is on the floor is to create a pathway to restructuring so that they don't have to come up with \$17 billion—nearly 25 percent of all of their budget—in a way that would cripple the essential services for Puerto Rico. So, yes, it is a very legitimate concern. It is one of the reasons we need a clear pathway to restructuring. It is why we shouldn't have a control board with a supermajority vote necessary to achieve that and with arbitrary standards like “in its sole discretion.”

Ms. CANTWELL. I wonder, because a lot of this debate has been so focused on the people of Puerto Rico, whom I fully want to support, and I wish this body would engage in a full, robust debate, with amendments and a markup. But, there are costs to the U.S. taxpayers.

Mr. President, I want to know if my colleague understands that U.S. taxpayers basically can be on the hook for as much as \$24 billion over the next 10 years? The United States is already contributing as much as \$6.6 billion for their budget as it relates to the Medicaid costs. And if, again, you don't have a functioning economy, if you have even more people in poverty because now you have said you are going to put the brunt of the \$72 billion on the backs of the Puerto Rican government and infrastructure, then you are driving more people into poverty.

Our costs are going to be real. This is about getting it right with legal certainty so we can move forward because this issue is not going away. They are not all of a sudden going to become healthy when this bill passes.

My sense is that what has been passed by the House leads will lead to much legal uncertainty and lawsuits are going to ensue. All my colleagues know that when people disagree, the next thing they do is go to court.

What we would rather have is legal certainty so that we can get a resolution of this through the regular bankruptcy process. If we don't do this

right, there are billions of dollars that the U.S. economy can be on the hook for because the worse we make it for Puerto Rico, the more money will be involved for the U.S. Government.

So while this proposal is not about giving them more money now, it is certainly about what is a fair settlement on this debt. If you ask me, that shouldn't be decided or discussed here in the Halls of the U.S. Senate or Congress just because a bunch of hedge funds have enough money to hire lobbyists to show up here. It should be decided through a bankruptcy court, through a normal bankruptcy process, just like it is done in any other place.

I wonder if my colleague thinks our colleagues understand these issues that will cost the U.S. economy? Has the Senator heard any numbers similar to this?

Mr. MENENDEZ. I appreciate the Senator raising the question. First of all, the Senator from Washington State is absolutely right that it is not a bailout. A bailout is when I give you money to pay your debts. That is a bailout. A pathway to restructuring is a way for you—in this case, Puerto Rico—to make yourself right with your creditors and find a way to do it in a way that still preserves the opportunity for essential services for the people of Puerto Rico, which is why the pathway to restructuring is so important, so it doesn't become a bailout at the end of the day.

So it is necessary to have the clear pathway to restructuring so the government of Puerto Rico and its people will take care of its obligations, and we will restructure the debt in such a way that it will be responsible and they will take care of it. But in the absence of that, there are real questions as to what the United States is going to do for the 3.5 million U.S. citizens in Puerto Rico.

Ms. CANTWELL. I would also say to my colleague that I think the mystery here is some people think that what will happen is it will just get worse in Puerto Rico, and that is true if we don't make the right decisions. This is a time where we need to come together. We all need to come together and come up with a solution that we believe in. A solution that we know has legal certainty because we are going to have thornier questions to answer.

I ask my colleague from New Jersey if he is aware that Puerto Ricans don't have to stay in Puerto Rico? They don't have to stay there. In fact, they have come to the United States, and we have seen over the last several years that 300,000 Puerto Ricans have come to the United States of America. That is how many have come. Somebody estimated for me that last year 80,000 came.

So, if they have 45 percent poverty rate and 12 percent unemployment and now you are going to put the people and the government of Puerto Rico at the mercy of four people they don't even know and they don't even get a

say in the process, I guarantee you people are going to leave. So that 300,000 people has cost us an additional \$4.1 billion in the United States of America. Basically, every Puerto Rican who moves to the mainland costs us about \$2,500, and we believe that, over the last several years, it has been about \$175 million per year.

OK. So the reason I am asking this is because I am trying to understand whether our colleagues understand this. The Senator and I have spent a little more time on this. The Senator represents a large Puerto Rican population, and the Senator has done great service for our foreign affairs and foreign policy. Does the Senator know whether people understand this issue and the consequences, that they will come to the United States? They will be here, and we have open arms. But there is a different process here, and it is almost as if there is an incentive.

I would throw in the Medicaid numbers here as well and ask my colleague through the Presiding Officer: In Puerto Rico, the per capita Medicaid spending is about \$1,800, but here in the United States, that same Puerto Rican—to cover his Medicaid costs—would be over \$5,200.

So, if someone is in Puerto Rico and they realize the situation is going to get worse, they don't think there is a successful economic plan, and they can come to the United States—these numbers are going to be exacerbated by more and more Puerto Ricans coming here, the cost for us will be getting higher, to say nothing of some of the other challenges.

So, personally, I would want Puerto Rico to have the best successful opportunity to restore a robust economy, and it is going to require tough decisions. We need to have everybody in the pool when it comes to those decisions, and we have to have a fair process that will stand up in court.

I ask my colleague from New Jersey, who is on the Finance Committee, if he thinks people understand the significance of Medicaid? How much Medicaid money we are going to be asked for?

Mr. MENENDEZ. I appreciate my colleague's point. I will reiterate.

First, the people of Puerto Rico are U.S. citizens. They can take a flight to the United States, and they have all the rights, privileges, and responsibilities as any other U.S. citizen. They would have full reimbursement on Medicaid or Medicare. They would have protections of the minimum wage, overtime protections, and just about anything that any one of us has in this body or any of the people we represent in this body. So that is right.

In terms of the cost, if you have gone to Puerto Rico, as I have many times, you know that the Puerto Rican people don't want to leave. It is a beautiful island. They are beautiful people. They are hard-working and faithful to God and country, as exhibited by all of the military commitments they have had to the United States since the Revolutionary War, all through.

It is a beautiful island with idyllic views and natural wonders. The only rain forest in the United States is in Puerto Rico. They don't want to leave.

But if you choke off all of their aspirations, all of their opportunities, if you treat them so dramatically different—as we do in both tax and health care policy—then, yes, they will have no choice and many will come. When they come, they will have the full privileges of any U.S. citizen and, therefore, it will be more costly.

It is ironic that while we are creating a brain drain and a flight of human capital out of the island—which is critically necessary for it to grow again—we are creating the policies with the control board that ultimately go counter to what we would like to see the commitment of the people of Puerto Rico be in Puerto Rico versus fleeing and coming to the United States.

Ms. CANTWELL. Mr. President, I would also ask my colleague this. I have read some articles in the press on this subject, and I know in Florida there are so many Puerto Ricans and many in New Jersey as well. But I read this quote from the Miami Herald, that said: “Some bottom-feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds—allowing them to make a huge killing at the expense of Puerto Rico's beleaguered population.”

To me, that is what this debate is about. What I am saying is that we need to have a process that is fair and open. A bankruptcy process that people can understand, and that the people who are appointed have that done in a way that meets constitutional challenges and that don't mire us in debate for the next 2 years while the Puerto Rico economy continues to flounder.

I don't know if my colleague has read press accounts such as this, but I feel that a lot of people don't know the details about this debt, the size of it, or the background or what people are offering or the process that Puerto Rico has been through. They have tried to reorganize this debt. They haven't been successful because people think that, as long as they have the opportunity, they will not settle. That is why people go through the bankruptcy process. That is why we afford people in the United States of America these same opportunities. But, by not affording Puerto Rico the bankruptcy process, it is going to hurt the people of Puerto Rico and then, in consequence, it is going to hurt the people of the United States, including the U.S. taxpayers, because we will not have gotten this right, and we will not be able to help Puerto Rico get on the right track.

I don't know if my colleague has seen comments like this in other places?

Mr. MENENDEZ. I have read what the distinguished Senator from Washington has raised here. There was the direct quote from the Miami Herald—

and there are others as well—that bottom feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds, making a huge killing. This is why I am so concerned and why I have focused on it in the course of my discussion about the oversight board—that at the end of the day, it is the final arbitrator of whether or not Puerto Rico has actually negotiated in good faith with the creditors.

The Governor of Puerto Rico and the government of Puerto Rico can try to make all the good-faith negotiations they want. But if at the end of the day they are being squeezed by, among others, the bottom feeders that you talk about here who bought Puerto Rico's debt cheaply and wanted, ultimately, the highest price in return to make a killing, they may say: Oh, no, we are going to say to the oversight board: They haven't worked with us in a reasonable manner to try to come to an accommodation. It is in the oversight board's sole determination whether or not these entities, these creditors like the ones that you have described, ultimately are going to be told: No, Puerto Rico has done enough to try to accommodate you, and, therefore, we are going to try to let them go restructure. That, by the way, needs a super majority of vote. So the minority could decide that, no, we don't think that the bond holders have had a reasonable enough offer from Puerto Rico so we are withholding restructuring and, therefore, squeeze the government of Puerto Rico into accepting a determination as to what is the appropriate reimbursement in a way that cannot protect the people of Puerto Rico and their health and well-being.

Ms. CANTWELL. I don't know what Leonardo DiCaprio is doing, but I guarantee you there is going to be another movie. It is not going to be “The Wolf of Wall Street,” it is going to be about Puerto Rico.

People are going to find out exactly how we got into this situation. They are going to find out what a mess it was, and they are going to find out how much it cost our economy. That is what is going to happen.

Instead, we could take the time here to have an open amendment process, offer some amendments, and try to get a legal process that is open, that is by the book, and is what we would provide to people in the United States—because Puerto Rico is part of the United States—then we could let a bankruptcy court make these decisions instead of letting a few people make the decision.

I think my colleagues don't understand how much is at risk or how much the cost to the U.S. economy could be and certainly how big the debate is going to be that we still have to have in the Congress, in the House of Representatives, and in the Senate on this issue of how we are going to get Puerto Rico out of this mess.

But, if you think you are putting \$72 billion on the backs of the Puerto

Rican economy, it is not going to help us in our economy, and it is not going to help their economy. We need a more fair restructuring plan, one that gives us legal certainty, one that will not be challenged as unconstitutional, one that doesn't give gifts to creditors—something that is fair.

I know a lot of people think there is some magic date. I read that my House counterpart from the Natural Resources Committee said July 1 is not a magic date. He is the one who worked on this bill as it came through the House. He said there wasn't a magic date. So it is wrong that somehow people think there is a magic date and that is why we have to buy a policy when you can't even have an open discussion on amendments. It is very bad policy.

Instead, I would prefer us not to be some footnote in some movie in the future that everybody in America watches and tears their hair out over, saying: “Well, how did that happen? Why did we lose all of that money?”

These are two important issues. They are important for Puerto Rico, and they are important for the United States of America.

I will say I know all our colleagues in the House and the White House are well intentioned. They want to get a resolution. But getting a resolution that might put us into further jeopardy is a challenge given how important it is to make sure that everybody is a part of the process. That is, everybody is part of the debt reorganization.

Is it your understanding that with the decision of just four board members, the board could force Puerto Rico into a position that none of the debt would go? Or they could avoid any of that debt becoming part of that reorganization?

Mr. MENENDEZ. It is possible that even after a majority of the board, four or five members—well, four members would be a majority—would ultimately put Puerto Rico through a series of hurdles. Let's say it even meets those hurdles. A minority of the board—three members, I don't know—may be ideologically determined. They may believe the bond holders deserve every last penny, and the pensioners deserve nothing. I don't know. But since we create overly broad powers, we leave critical elements of the deciding process in the sole discretion of the members of this board. Then we say: By the way, it is not a simple majority that will give us and grant us the pathway to restructuring; it is a minority. We need a super majority. And by virtue of having a super majority and minority, only three of those seven members could say: No, we are still not satisfied. We are not giving you access to restructuring, in which case even though Puerto Rico has done a series of things—maybe even far beyond what they are willing to do for the well-being of their people but to get to restructuring, to get to the bankruptcy court that my colleague from Washington State is speaking about—they

could still fall flat because that minority could deny them that possibility.

Ms. CANTWELL. Through the Chair, I would say to my colleague that I have heard your concerns on the floor, and I look at these problems. I know some colleagues say: I don't want bankruptcy. We want a process here. We don't want a bailout.

Well, by having a flawed bill that ends up in a legal process that declares it unconstitutional means that you are going to end up with a bailout, because we are going to be on the hook. What would be better is that we had all the debt in a reorganizing structure and had a fair process through a bankruptcy court for these issues to be decided.

Like you, I have a concern—on point No. 10 of this chart—about this appointee process because I think it is going to be challenged. People are even admitting that the Department of Justice says it is going to be challenged.

We don't want this process held up for 2 more years, 4 more years because somebody doesn't think the board has the authority to operate. Why not pass a bill where we are sure that they have the authority to operate? Why not do it the right way so we know the language is legal?

I think it is unbelievable that we would say to the people of Puerto Rico—where 45 percent of the population is in poverty—oh, and by the way, as to this control board, which is going to control everything you guys do, we are going to make you pay \$370 million of that cost. Oh, but they could have gifts. I know people were in a hurry. They wanted to get a deal. They wanted to be respectful, but there are a lot of holes in this bill that deserve a debate and deserve an amendment process.

I ask my colleague if he is familiar with the fact that a \$370 million cost would also be imposed on the people of Puerto Rico for something which they never had a say in. It is not as if they can even submit what they think the plan could be. They could, but the board doesn't have to consider it. They don't have to do anything. It is clearly given to this board of individuals. Those four people can come up with a debt process, they can come up with the requirements, and they can come up with a whole scheme.

Mr. MENENDEZ. My colleague is absolutely right.

Even at a time when there is not enough money for essential services and the dramatic cutbacks that have already taken place for the people's health, education, and safety, we are going to impose upon them a \$370 million obligation.

I want to cite to my colleague language from the legislation that says this: "Within 30 days after the date of enactment of this Act, the territorial government shall designate a dedicated funding source, not subject to subsequent legislative appropriations, sufficient to support the annual expenses of

the Oversight Board as determined in the Oversight Board's sole and exclusive discretion."

They get to dictate their own budget. They tell the government of Puerto Rico—by the way, by passing this bill, we tell the government of Puerto Rico: Have a dedicated revenue source for it, and the oversight board will tell you how much they have to spend—they want to spend—and that is what you have to pay for. It is pretty outrageous.

Ms. CANTWELL. Through the Chair, I thank my colleague from New Jersey for being on the floor.

When I think about the pressure being applied in the halls here, where one individual said, "you can see the pressure running through the halls of the Capitol"—we don't see Puerto Ricans running through the halls of the Capitol. What we see are people who have been struggling with this issue and trying to get the best deal possible. But the best thing we could do for them is give them bankruptcy authority and a clear path that allows them to restructure their debt. That is all we have to do. Then everybody is in on restructuring the \$72 billion of debt. They can then move on, and next January, we can have a realistic conversation in the Senate. Nothing precludes us from having it. What are we going to do about the 45 percent poverty rate? We will not have added another 10 percent to that. We will not have added to the unemployment rate, which is now higher than the 12 percent. We will still have very, very tough and thorny questions to deal with, but we can have a path for the \$72 billion of debt to be successfully restructured with a plan that protects the interests of the U.S. taxpayers.

I certainly want to help the people of Puerto Rico, but I also know the views here are going to be varied on what that economic strategy is for Puerto Rico. Everybody is going to have an idea. But there should be 100 percent agreement that all the debt is on the table and that they should be given full bankruptcy authority to get a restructuring plan.

If our colleagues in the House think this is bankruptcy, well, then, they shouldn't be afraid of discussing a bill with us from the Senate that is bankruptcy. I don't understand the hesitation to get this right because getting it wrong will cost taxpayers here in the United States as well.

We want a successful program. We don't want constitutional challenges. We don't want this held up. We want a plan to move forward. The challenges are tough enough as it is. So I ask my colleague if he understands what the hurry is in passing this legislation without even allowing amendments or allowing floor debate.

Mr. MENENDEZ. Well, I don't understand why there are no amendments or floor debate. And I want to take my colleague's question to make some final points that I think are important.

I have talked to some of our colleagues, and they have said: Well, what

happens if we don't meet the July 1 deadline, as Senator CANTWELL just referenced? Well, first of all, in the legislation there is a stay on litigation retroactive to December of 2015, meaning that any lawsuit filed after that point would be halted once the stay is enacted, which is basically when the legislation is enacted. There is no precedent to suggest that Puerto Rico would not be able to fund essential services while we work to get the bill right over the next few days. And once that stay is enacted, any pending lawsuits, including those attempting to freeze assets, would be deemed unenforceable.

So the bogeyman of July 1, if we don't do this—No. 1, no, there is a stay already in the bill that would cover that.

No. 2, I think some of my colleagues have said to me: Well, why did some of the Members of the House of Representatives who happen to be of Puerto Rican descent vote for the bill?

Well, first of all, not all of them did. Congressman GUTIÉRREZ of Chicago voted against the bill. But you have to read the statements of my colleagues, for whom I have the deepest, deepest respect. I served with them in the House. I know their passion as it relates to Puerto Rico. I know their commitment to the people of Puerto Rico. But you have to read their statements. They were tortured, really, as they were coming to this conclusion on the vote.

Basically, if you read them, they—well, here is part of Congresswoman VELÁZQUEZ's statement. She says:

The lack of parity for federal funds caused the island government to borrow well beyond its means. . . . The federal government continued to treat Puerto Rico like it was a laboratory experiment, creating incentives and then removing them, creating economic chaos and job loss. . . . Wall Street enabled the local government's addiction to the bond market, coming up with new ways to turn cash flows to debt instruments. . . . [T]his was a . . . keg waiting to explode. . . . [I]t is not the political elite or Wall Street tycoons who suffered, but instead the working-class families who call the island home—my brothers and sisters.

And then she goes on to say, basically:

Am I angry that this bill contains labor provisions that are not only obnoxious but counterintuitive? Yes. Am I outraged that Puerto Rico will have to foot the \$370 million price tag for an Oversight Board [they] do not want? Yes.

This is what the Senator from Washington and I were just talking about. Continuing to read her letter:

Do I believe that the creditors, who lent the island money and bought debt on the cheap, should wait in line behind retirees even though Puerto Rico's own constitution [might say] otherwise? Yes. . . . Should the bill include incentives for economic growth and parity for health care? Of course, it should. The reality is that Republicans are in control and we have no choice but to compromise.

My colleagues have said: Well, why did the Members of the House of Representatives who happen to be of Puerto Rican descent vote for it? Basically,

because they had a gun to their head where they were told it is either this or nothing. But that is not what the Senate is all about. The Senate is the institution where one man or woman, standing up for an idea or an ideal, can see their way to make change. We all have that power in this institution. We have the power to make maybe what is the passion of the House at the moment be more tempered in this body. It is the nature of how the Founders structured our two legislative bodies.

It is time for us to live up to the highest calling of the Senate and take care of the 3.5 million people of Puerto Rico, who are U.S. citizens, in the right way. So where Congresswoman VELÁZQUEZ or any of my other colleagues in the House felt they had no choice and no options, that is not what the Senate is all about. That is why the Senate rules permit even the minority at times—although it had been structured in such a way to make it very hard, there are still ways, if we choose as Members, to cast that vote.

So as to the July 1 deadline, we have provisions. This provision in the bill is probably the only one I like, at least the way it is written, with a retroactive stay. Secondly, my colleagues didn't have much of a choice, so they felt that it is either this or nothing. And if it is nothing, then there are real problems. I don't accept the "this or nothing." I accept it can be better, as Senator CANTWELL has suggested, and I believe that can take place. That happens tomorrow when we come back into session.

I hope there will be a vote against cloture to give us that opportunity. If we fail—if enough Members want to vote for an undemocratic bill that goes against some of the very Republican principles of being true to the Founders of the Constitution and the architects of our great democracy that suggests that consent of the governed is essential, and if they believe, at the end of the day—again, I know many of them have an aversion to corporate welfare—then I would hope they would be true to their principles and vote against cloture.

For the Democratic side, I would hope the very essence of our belief in rising wages and overtime protections and also the view of the consent of the governed—we are strong advocates of democracy—and making sure of the environmental protections we fight so hard on—those should not be denied to the people of Puerto Rico. We can vote against cloture and create a process for some reasonable amendments. I am sure there can be agreements to come to that, to have a chance for the people of Puerto Rico to have a say and make the bill better by virtue of a democratic process in the Senate.

In the absence of that, if we fail, there is a motion that is available to table an amendment that is in the tree in order to offer another amendment. I hope my colleagues, in a bipartisan fashion, if they think it is so important

to get cloture—which I don't agree with in terms of timing; the July 1 deadline is dealt with; the reasons others voted for it are amply understood—then there is an opportunity to vote to table one of the amendments that are on the table now and, therefore, create an opening for an amendment where we could at least have that debate and have that opportunity. Those are available, as I understand it, from the Parliamentarian under the rules.

I hope we can achieve that moment. It would be one of the bright moments of the Senate versus one of the darkest moments, I think, if we continue on the road we are on.

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

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

#### MORNING BUSINESS

Mr. ROUNDS. 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.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 111 on confirmation of PN576. Had I been present, I would have voted yea.

#### RECOGNIZING HOT SPRINGS NATIONAL PARK

Mr. COTTON. Mr. President, in honor of the National Park Service's 100th birthday year, I want to recognize Hot Springs National Park in Hot Springs, AR. Hot Springs is a world famous tourist destination and it is not hard to see why. Whether it is to take advantage of the many recreational activities like hiking or boating or to bathe in the hot, therapeutic waters found in the area, guests have traveled from across the country and around the world to visit Hot Springs. In an effort to preserve its unique hot springs, Hot Springs first became a protected area in 1832 when Congress declared the area a reservation. It was officially designated as a national park in 1921.

In the years after it became a reservation, Hot Springs experienced extensive economic growth and majestic bathhouses replaced the rudimentary wooden structures surrounding the hot water springs. The remaining bathhouse row structures in Hot Springs National Park are now part of a National Historic Landmark District that sees thousands of visitors each year.

But Hot Springs has more than just unique natural features. Over the last century, they have hosted Major League Baseball spring training. They are also home to Oaklawn horse racing, and the notorious gangster Al Capone is even rumored to have spent time in town. Finally, former President Bill Clinton graduated from Hot Springs High School.

Hot Springs National Park is a true Arkansas treasure, and the surrounding town makes it that much better. This park has a storied history, but its best days are ahead of it. The hot springs are still flowing, the bathhouses are still open, and the scenery remains breathtaking. In honor of the National Park Service's 100th birthday year, I encourage you to go out and find your park.

#### APPOINTMENT OF ROSE GOTTEMOELLER TO BE DEPUTY SECRETARY GENERAL OF NATO

Mr. CARDIN. Mr. President, on June 27th, NATO Secretary General Jens Stoltenberg appointed Under Secretary of State Rose Gottemoeller to become the next Deputy Secretary General of the North Atlantic Treaty Organization. I am pleased to see such a well-respected and qualified individual take up a critically important post within NATO.

Rose Gottemoeller has distinguished herself at the State Department as the consummate public servant. Her work in the State Department has focused on pragmatically confronting some of the most critical international security issues the United States faces, including nonproliferation, arms control, and nuclear security. She is best known for her role in the New START Treaty, when she represented the United States as its chief negotiator. She has been confirmed by the Senate for two different positions at State, first as Assistant Secretary of State for Verification and Compliance and currently as Under Secretary for Arms Control and International Security. In these roles, Rose has been integral to ensuring that American national security priorities are realized, and I personally could not think of a more competent individual who has the requisite experience and expertise to be the next Deputy Secretary General.

Under Secretary Gottemoeller will be taking up her post at a critical time for Europe. NATO's core mission is safeguarding the freedom and security of its 28 members. The freedom and security of Europe today is threatened by Russian aggression on its eastern flank and from the instability and violence emanating from the Middle East and North Africa. The United States and our NATO allies must stand together as one in order to achieve national and international security against these threats.

I would like to conclude my remarks by saying, for the record, that I myself have had numerous opportunities to