

NAYS—31

Alexander	Daines	Risch
Ayotte	Enzi	Roberts
Barrasso	Hatch	Rounds
Blunt	Heitkamp	Scott
Boozman	Hoeven	Sessions
Capito	Kirk	Shelby
Cassidy	Lankford	Sullivan
Collins	Lee	Tester
Corker	McConnell	Thune
Cornyn	Moran	
Cotton	Murkowski	

NOT VOTING—13

Boxer	Heller	Rubio
Crapo	Inhofe	Vitter
Cruz	Johnson	Warner
Gardner	Leahy	
Graham	Paul	

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

MOTION TO INSTRUCT

Mr. BLUMENTHAL. Mr. President, I have a motion to instruct at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill H.R. 22 be instructed to insist upon the inclusion of the rail safety provisions contained in the amendment passed by the Senate on July 30, 2015, including the authorization of grants for the installation of positive train control.

The PRESIDING OFFICER. There will be 4 minutes of debate equally divided.

The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, in recent years all of our constituents have seen a scourge in rail accidents. There have been similar accidents all around the country. This motion insists that the Senate's provisions be included in this conference and in what comes out of the conference committee, including the authorization of grants for the installation of positive train control.

This summer, with the leadership of the committee chairman, Senator THUNE, and the ranking member, BILL NELSON, who are both champions of rail safety, in this instance it resulted in some very key reforms, and the Senate passed the DRIVE Act which is not perfect—troublesome in some highway safety elements—but forward thinking on rail safety. It includes funding for PTC, redundant signal protection, improved inspection practices, and a followup on the FRA's deep dive investigation. Along with cameras and grade crossing, these provisions help to advance the cause of rail safety.

The House has done nothing. The House bill is completely and abjectly lacking on rail safety, and therefore this motion instructs our conferees to insist on the Senate's provisions. I know that our conferees will be extremely sympathetic and supportive, but in order to simply to express our views, I ask unanimous consent that this measure be approved and that the motion be taken on a voice vote.

I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question occurs on agreeing to the motion.

The motion was agreed to.

The Presiding Officer appointed Mr. INHOFE, Mr. THUNE, Mr. HATCH, Ms. MURKOWSKI, Mrs. FISCHER, Mr. BARRASSO, Mr. CORNYN, Mrs. BOXER, Mr. BROWN, Mr. NELSON, Mr. WYDEN, Mr. DURBIN, and Mr. SCHUMER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Missouri.

MORNING BUSINESS

Mr. BLUNT. 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.

Mr. BLUNT. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes.

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

VETERANS DAY AND LEGISLATION SUPPORTING OUR VETERANS AND TROOPS

Mr. BLUNT. Mr. President, I am honored to represent nearly 500,000 Missouri veterans in the Senate. Tomorrow, on Veterans Day, we pause to reflect on the countless contributions and sacrifices that the men and women who serve in uniform and have served in uniform have made to our country. I hope we will all use this opportunity to recommit ourselves not only to appreciate their service but to be sure that the commitments our government has made to them are commitments that we move forward on and that they are commitments that we look at the time, place, and the veterans being served and decide when they need to be changed. I think one of the things we have done in the last year to create more choices and more competition for veterans is an important step in that direction.

When I introduced the Excellence in Mental Health Act with Senator STABENOW, one of our biggest support groups for that act, which not only would treat behavioral health care like all other health care but would also create more opportunities to access behavioral health care, were the younger veterans. The Iraq and Iran veterans and the veterans from Afghanistan wanted to have more choices and were big supporters of not just traditional VA services but other services as well.

I am pleased that the bill today steps forward in important ways and does things for veterans. The bill we just voted on, the Military Construction and Veterans Affairs appropriations bill, actually reached a record level of funding for veterans services. It increases veterans services by \$7.9 billion

over last year's levels, and it appropriates \$1 billion more than the President asked for.

It was also a bipartisan vote for lots of reasons. There should be no more of a bipartisan cause among all the funding bills than a bill that takes care of veterans and provides the facilities for those who are serving and for their families' needs. This is an important matter for us to address, and this is a great week for us to do it.

This bill provides specific funding for women veterans. I was at a women's veterans clinic in St. Louis recently. This bill includes additional care for Iraq and Afghanistan veterans. It provides treatment for the kinds of traumatic brain injuries that veterans often leave the military with today, which they did not have post-9/11 and post the cowardly devices that are used to attack our people in the service.

It increases veterans funding in areas such as health care, benefit claims processing, medical research, and technology upgrades. It also includes funding for construction and renovation of projects that ensure military readiness and improve the quality of life for military families.

As GEN Ray Odierno, the recently retired Chief of Staff of the Army, has said, our military families are the strength of the military. Senator GILLIBRAND and I recently introduced a bill—The Military Families Stability Act—that allows us to do new things. It allows families for educational or professional reasons to stay longer or leave earlier, depending on when the person serving gets transferred. If there is a month of school left or a professional matter that the spouse needs to be a part of and needs to finish a job quickly or go to a job early, why wouldn't we want to allow that to happen through legislation? This legislation looks at military families' needs, among the other things it looks at.

Because of the dissatisfaction that many of our veterans appropriately have with the Veterans' Administration, this bill includes necessary reforms such as protection for whistleblowers, the kind of protection that construction oversight managers need, and it assesses some new measures for construction oversight so that we don't have these facilities costing more than they should cost.

Frankly, if we look at competitive alternatives that veterans should have available to them, it is probably a good time to think about how we could make that program work better—rather than to continue to invest more money in facilities that they have to drive by—with better locations to get to that would give them that choice.

This bill has been ready for months now. I was disappointed the Democrats blocked consideration of this bill earlier this year, but I am pleased that we finally got to a bill that everybody could vote for. It actually shows how shortsighted the lack of willingness was to let us do our work, to bring this

bill to the floor, and to let Members offer amendments. Those amendments were either included in the bill or explained to Members: No, this is already in there. We have already taken care of this, and this is why this doesn't have to be done.

We have a real obligation to take care of our veterans—those who have served for our country—and I hope we continue to build on the work we have done today.

Earlier today we also passed the bipartisan Defense Authorization Act, another bill we could have gotten to earlier. In fact, the House passed it earlier. The President vetoed it, but now that same essential bill goes back to the President's desk because some other problem has been solved that should never have been tied to authorizing the defense of the country.

Every year since 2011, the Congress has passed and the President has signed a bill just like the bill we passed today that would make it clear to the President that the Congress doesn't want the President to go forward with his proposed changes for Guantanamo. Unfortunately, the media reports suggest that the President once again is considering acting unilaterally to bring terrorists to the United States. Both of these bills today said no terrorist can be brought to the United States from Guantanamo.

It is another example of the President ignoring the law, deciding instead: I am going to enforce the law I want to enforce, and I am going to ignore the law I want to ignore. He did that a few months ago with Executive amnesty. The President decided there are some laws that relate to people who are in the country and who are here without documents that he doesn't intend to enforce. Unfortunately for the President and fortunately for the law, the U.S. Court of Appeals for the Fifth Circuit ruled last night that the President can't do what the President said he was going to do. An earlier court had immediately said the President can't do what he said he was going to do.

This morning, I heard one of the spokesmen for the White House say: Well, every legal expert we have talked to believes the President has the authority to do this. Well, apparently none of the legal experts they have talked to are Federal judges, because Federal judges now, at the two levels below the Supreme Court, have decided that the President doesn't have, in all likelihood, the authority he says he has.

The courts, along with a bipartisan majority of the Congress, have taken the President to task on a sweeping new rule on waters of the United States—an issue we debated here last week. The law says the EPA has the authority to regulate navigable waters in the country. For 170 years everybody understood what that meant, and I think everybody still probably understands what that means, even the people at the EPA, who want it to mean

something much broader than it clearly means. The Federal courts, again, at both the first level and the appeals level—the appeal of the appeal court and the appeal court have said: No, you don't have the authority to do that. We are not going to let that rule go into effect.

That rule, by the way, in my State would put more than 99 percent of all of the geography of Missouri under the control of the EPA for anything that is related to water, including any water that runs off a roof, any water that runs off a parking lot, any water that runs down a roadside ditch. If the EPA wants that authority, they need to come to the Congress and say: Change the law. Give us the authority over all of the landmass, 99.3 percent of Missouri and similar amounts in many other States. Give us that authority.

Of course, the Congress wouldn't do that. The Congress knew what they were doing when they said “navigable waters,” and the EPA has never suggested to the Congress that the Congress change the law. The EPA would like to change it on their own, but the Sixth Circuit Court of Appeals said: No, you don't have the authority to do that.

Here is another issue that has to go to the Supreme Court. Apparently, the President doesn't mind going to the Supreme Court and doesn't mind being reversed by the Supreme Court. The President particularly, it appears, doesn't mind being reversed by the Supreme Court if somehow the rules got by the other two levels of Federal court, as the mercury rule did 2 years ago. Twenty-two months later, when the Supreme Court finally ruled, they said: No, the EPA doesn't have the authority to regulate that item in that way. But even people at the EPA said: Well, even though we didn't have the authority, 1,500 powerplants had to close down permanently because of the rule. And they seemed to take great pleasure in the fact that the rule accomplished its goal even though the law was not served and the EPA, according to the Supreme Court, didn't have the authority for that rule.

On the President's overreach, I reintroduced a law again this year—the Executive Needs to Faithfully Observe and Respect Congressional Enactments of the Law Act—the ENFORCE Act—which simply says something one would never think the Congress would have to say to the President, which is: Mr. President, you have to enforce the law. Mr. President, you have taken an oath to uphold the Constitution. There is a way to do this job in a constitutional way, and there is a way to do the job in the way you are doing it now.

We shouldn't need this bill. The President swore to uphold the law. With the action we took today, we see another place where the Congress has clearly spoken over and over and over again, and the President says: If the Congress won't do this, I am going to do it on my own.

Apparently, the President has discovered some authority as Commander in Chief to close military bases. Does that mean the President on his own can close any military base in the country? I don't think that is a precedent we want to set. There is a way to do this. The Congress has to be involved. The laws of the Constitution have to be respected.

Over and over again, even on the eve of Veterans Day—a celebration of those who did more than anybody else to defend our freedoms—even on the eve of Veterans Day, we need to remind ourselves what the Constitution is all about, what the country stands for, and the freedoms those veterans were willing to serve to defend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it is my habit to give my “Time to Wake Up” speeches once a week when the Senate is in session. It is also a practice of mine to go to other States—particularly States that have Republican Senators—to look at what is happening in the States and get a sense of where the local universities and the local experts are with respect to climate change. My last visit was to Ohio. I have also been to New Hampshire, North Carolina, South Carolina, Georgia, Florida, Tennessee, and Iowa. The thing that is common across all of those trips is that there is no denying climate change in those States. The denial is the function of this building, and it is the function of the wall of money the fossil fuel industry has erected around this building. But pick a State university in the country and go there, and we find there is simply not climate denial.

I am joined today by my friend SHERROD BROWN, Ohio's senior Senator, who was kind enough to accompany me on the trip—on several parts of it, anyway. We went to Cleveland. We had a couple of meetings there together. Another one of my visits was to Lake Erie, which got clobbered by the cyanotic bacteria that shut down Toledo's water system, which is also climate change-related.

Let me yield to the Senator from Ohio for a few moments, and then we can talk about Cleveland and the lake.

Mr. BROWN. Mr. President, I thank Senator WHITEHOUSE.

When I introduced Senator WHITEHOUSE to the mayor of Cleveland and to a number of experts in Cleveland, from public health officials, to wind energy entrepreneurs, to community groups to whom climate change matters so much, I introduced him as probably—not just probably—there is no person in the Senate who has done a better job of focusing public attention on the threats of climate change and what it means to our way of life and what it means to our country. I thank Senator WHITEHOUSE for that.