



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, WEDNESDAY, NOVEMBER 18, 2015

No. 170

## Senate

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

### PRAYER

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

Let us pray.

Eternal Father, who established the Heavens, give our lawmakers a faith that will hold strong and steady in life's storms. Help them to remember that You are with them every moment of every day. Blessed by Your loving providence, may they trust You to surround our Nation with the shield of Your favor. Give them a quiet confidence for facing the difficulties of our times. Lord, make our Senators instruments of Your will for the healing of our Nation and world. Thank You for the rewards You give to those who live for You.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

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

### TRANSPORTATION-HUD APPROPRIATIONS BILL

Mr. MCCONNELL. Mr. President, from the outset, the new Senate has worked to realize a smarter and more inclusive appropriations process. That is why we passed a budget, moving past 6 years of inaction. That is why we

passed all 12 appropriations bills through committee, moving past 6 years of inaction. Nearly all of those bills passed on a bipartisan basis. That is why it is so disappointing to see voices on the other side try to tie them up in gridlock.

We never lost sight of the goal. We never stopped trying to move the Senate forward and our country ahead. Because we kept pushing, we are steadily overcoming the partisan gridlock of the past and steadily moving back to regular order on appropriations. Last week we passed one bipartisan appropriations bill—the bill that funds America's veterans. Today we will begin to advance another—the bill that funds America's transportation and housing infrastructure.

I would like to recognize the Senator from Maine, Ms. COLLINS, for her work in crafting a bipartisan bill that makes smart investments in critical transportation and infrastructure priorities. This is a bipartisan bill that will help ensure our transportation systems are reliable, efficient, and safe. This is a bipartisan bill that will increase the efficiency and affordability of Federal housing programs.

For example, the expanded Moving to Work Program it contains will offer a helping hand to lower income Americans. Moving to Work is one of the many success stories of the bipartisan welfare reform effort of the 1990s, and by expanding it from 39 to 339 housing authorities, we can help more Americans achieve the self-sufficiency that is at the core of our national dream.

Americans who strive for a better life deserve real opportunity. They deserve serious policies that can make positive differences in their lives. That is what Moving to Work aims to achieve. It is just one more reason to pass the bipartisan transportation infrastructure bill before us.

Again, I want to thank our colleague from Maine for her important work across the aisle to craft it. We look forward to debating the bill today.

### MEASURE PLACED ON THE CALENDAR—S. 2288

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

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

The senior assistant legislative clerk read as follows:

A bill (S. 2288) to prohibit members and staff of the Federal Reserve System from lobbying for or against legislation, and for other purposes.

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

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

### EVERY CHILD ACHIEVES ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the House message accompanying S. 1177.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House insist upon its amendment to the bill (S. 1177) entitled "An Act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

### COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move to disagree to the amendment of the House, agree to the request from the House for a conference, and authorize the Presiding Officer to appoint conferees.

### CLOTURE MOTION

Mr. President, I send a cloture motion to the desk for the motion to go to conference with respect to S. 1177.

The PRESIDING OFFICER. The cloture motion having been presented

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



Printed on recycled paper.

S8029

under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to disagree to the amendment of the House, agree to the request from the House for a conference, and authorize the Presiding Officer to appoint conferees with respect to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, David Perdue, Shelley Moore Capito, Daniel Coats, John Cornyn, John Barrasso, John Hoeven, Cory Gardner, Johnny Isakson, Lamar Alexander, Michael B. Enzi, Kelly Ayotte, Mark Kirk, John Thune, John Boozman, Chuck Grassley, Bill Cassidy.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

APPROPRIATIONS PROCESS

Mr. REID. Mr. President, I too agree with the distinguished Republican leader that it is good we are moving through the appropriations process. The key to getting this done is December 11. I have checked with the subcommittees, I have been in touch with the White House, and they have made significant progress. I would hope they will be working hard during the recess that we are going to have for Thanksgiving. By the time we get back here it is going to be time to start making some really difficult decisions, which we have to do. I look forward to the appropriations process succeeding, and next year I hope we can move through the bills individually. That would be the best thing to happen to the Senate in a long time.

Mr. President, on the bill that is before the Senate at this stage, the education bill, we have two of the finest Senators I have had the pleasure of serving with who are the managers of this legislation, the distinguished senior Senator from the State of Washington, of course, a member of the Senate Democratic leadership, and the distinguished senior Senator from Tennessee, LAMAR ALEXANDER. They have worked together well, and it is easy to work well with either one of them. They understand what a legislator is. A legislator can't get everything they want, but they have to work for the good of the country. These two have done that with this legislation.

Had I been writing this legislation and advocating on behalf of this legislation, I probably would have done it a little differently than they did, but it is a fine piece of legislation, put together by two very fine Senators. I look forward to it being completed in the immediate future.

SURFACE TRANSPORTATION FUNDING

Mr. President, one of the Founding Fathers, Benjamin Franklin, said: "You may delay, but time will not." For far too long Republicans have delayed doing anything to address our Nation's insolvent transportation system or to address other vitally important infrastructure problems. As PAUL RYAN said earlier this year on the House floor:

Instead of fixing the problem, we've dodged it. Five times we've come up with temporary solutions and transferred money from the general fund into the trust fund—which, in English, means we've patched a pothole and not fixed the problem.

Sadly, that is what has happened, and it looks like it is going to happen again—which is too bad—and we are going to have another short-term extension because the conferees couldn't work out their differences.

My Republican colleagues have delayed, but time has marched on, and it has wreaked havoc on our Nation's tens of thousands of roads that are in disrepair. This is a problem and a very dangerous one. We have 61,000 roads and bridges that have been deemed structurally deficient.

Just a short distance from where we are here—just a couple of miles—is the Memorial Bridge that connects Arlington National Cemetery with the National Mall. That bridge is corroded and it is failing. They have closed down several lanes of that bridge. Vehicles that pass over this Memorial Bridge are subject to weight restrictions. Why? Because of the bad condition of the road and the bridge itself. Construction experts are working now to fix the problem, but here is the kicker: The Memorial Bridge is just 1 of 14 structurally deficient bridges in our Nation's Capital, according to the American Road and Transportation Builders Association. There are 14 structurally deficient bridges in our Nation's Capital alone. It is a staggering figure.

But around the country, we have about 60,000 others where we have a problem. The problem is bigger than thousands of these decrepit bridges. The American Society of Civil Engineers estimates that one-third of all U.S. roads are in poor or mediocre condition. That is 1.3 million miles of roadway. The former Secretary of the Treasury and an academic said in a steering committee chaired by Senator KLOBUCHAR recently that each year an American motorist who drives a car in effect is paying an extra \$2,000 in damage to their car. Drive around and feel the crashes as you hit those big potholes.

It is not only in Washington, DC. It is all over the country, and that is to say nothing of the time and resources wasted each year because of our struggling transportation system in other ways. We Americans waste nearly 7 billion hours in our cars due to traffic congestion. We waste 3 billion gallons of fuel. We need real, long-term invest-

ment in America's surface transportation infrastructure.

Right now we are spending about \$90 billion a year, including State and local funds, just to maintain the current poor condition. People don't like to hear this but the fact is that we need to do more.

The Federal Highway Administration estimates it will take \$170 billion a year to improve the condition of our roads and bridges. If we don't increase that funding, it will only get worse. The American Society of Civil Engineers maintains that by 2020 the United States will need to invest \$3.6 trillion in our infrastructure to bring it up to par. If Congress continues the current baseline funding, in the next 6 years our transportation infrastructure will be a disaster, but it looks like that is where we are headed with the new highway bill.

Instead of maintaining the status quo, now is the time for Congress to increase surface transportation funding. There is no reason for any Republican to balk at spending more money for our Nation's roads and bridges. We can be conservative and still support fixing our roads and bridges. Think about \$2,000 per driver because of the condition of the roads and highways.

We need look no further than the senior Senator from Oklahoma. Is there anybody in the world who could say JIM INHOFE is not a conservative? Of course he is. But he has worked hard with liberal BARBARA BOXER to address this critical need. Their bill is not everything I would like—and that is an understatement—but I appreciate their efforts. We need other Republicans to step up, as did INHOFE, and do the right thing. We need a long-term highway bill with increased funding for our roads and our bridges. We shouldn't delay. Now is the time to be bold with adequate resources to address our infrastructure needs.

SARAH WINNEMUCCA AND NATIVE AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, in the Capitol Visitor Center, there is a statue of a Nevada Paiute woman named Sarah Winnemucca. Each State gets two statues; one of ours is Sarah Winnemucca. I wish the other one would just go away, but it all has to be done legislatively. That is a subject for another discussion. I am referring to the other one from Nevada.

The statue of Sarah Winnemucca is beautiful. The artist was a 23-year-old young man. When the contest was being held to find out who would get the benefit of being able to sculpt it for Statuary Hall and they brought in his design, the judges gasped. It was so unbelievable. Her skirt is blowing in the breeze. He depicted her with a shellflower in one hand and her autobiography in the other, her dress blowing in the wind. I admire that statue. In fact, I have a smaller version of that statue in my Capitol office.

Think about her accomplishments. She was the first Native American to

publish an autobiography. She was a scholar who spoke five languages. She was a defender of her people. She even met with the President of the United States, Rutherford B. Hayes, to negotiate settlement for the Paiute Tribe.

Sarah Winnemucca was courageous and resolute. She was good for her people and good for her country. She is one of Nevada's heroes.

November marks Native American Heritage Month. During this month, we honor the contributions of American Indian, Alaska Native, and Native Hawaiian cultures and their impact on the United States. We honor the contributions of Native Americans such as Sarah Winnemucca.

Native American heritage is a pillar of America's foundation and certainly the foundation of so many different States. Nevada has 22 separate tribal organizations. We feel that is an important part of our history in the State of Nevada. The Native American cultures are uniquely embedded within the fabric of our Nation, and their contributions must never be forgotten.

Would the Chair announce the business of the day.

COMPOUND MOTION

The PRESIDING OFFICER. The compound motion to go to conference on S. 1177 is the pending business.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from Washington and I are here to recommend to Members of the Senate that we vote yes on allowing the majority leader and the minority leader to appoint conferees so our committee can continue its work on a bill to fix No Child Left Behind.

The vote we are about to have is not a vote on the merits of the bill. The reason it is not a vote on the merits of the bill is because there is no bill.

What we are asking for is the usually routine request to permit us to take our legislation, which passed the Senate 81 to 17, and to meet with Members of the House of Representatives, who passed a similar bill, and see whether we can come up with a bill that the conference would recommend to the House and the Senate to approve. When that occurs—and it could occur this week—then Senators would have at least a week to consider whether to vote for or against the bill.

I emphasize to Senators and their staffs who may be watching that this is a routine request. This is the kind of request that the Senate should almost always approve, giving our leaders a chance to allow us to continue our committee work, especially given this bill.

Newsweek magazine recently reminded us what everybody knows. Everybody knows this law needs to be fixed. We are 7 years overdue.

The Senator from Washington and I spent an entire year working with our committee, which is as diverse as any committee in the Senate, to produce a result. The process allowed numerous amendments. Everybody who wanted

an amendment got one in committee. As a result of the process, all 22 voted to report the bill to the Senate. It was a remarkable event considering the diversity of views on our committee. Then we came to the floor of the Senate. We had a full debate. We considered more than 70 amendments. The vote was 81 to 17—a remarkable event. This is a bill which has alligators lurking in every part of the pond, and the Senate is about to get a result on something that affects 100,000 public schools, 3.5 million teachers, and 50 million students.

Since the Senate passed its bill and the House passed its bill, the Senator from Washington and I have been meeting with our counterparts, the chairman and ranking member of the House education committee. Our staffs have been talking, and we have been trying to take the two bills, which are very similar, and see if we could suggest to the conference a way that we could get a result. We don't have the result because we haven't had a meeting of the conference. We can't have a meeting of the conference until the leaders are allowed to appoint the Members of the conference.

On Monday evening, the Rules Committee of the House of Representatives reported a rule to allow the leader to appoint members of the conference, and they did it yesterday, Tuesday, by voice vote. We should be able to do this by consent.

I would think everybody in the Senate would want us to go to work to see if we can produce a result on this bill. We will have a chance, apparently, in a few minutes to vote yes, we want to allow our leaders to appoint conferees so that we can see if we can get a result. This is not a vote on the merits of the bill. Almost everybody voted for the bill in the Senate last time, but even if you didn't, this is not a vote on the merits of the bill. If you want to vote "no" later—which I hope you don't; I hope we will come up with something you will support—you will have a chance to do that and you will have a week to do it.

We have 22 members of our committee. That is about a quarter of the Senate. We have been talking for years. We have offered amendments. The members of the committee have had the staff draft for the last several days. They have been briefed for the last several days. No amendments can be offered, no bill can be offered until the conference actually meets. So this is a vote to allow leaders to appoint conferees so that we can move ahead on the urgent business of seeing whether we can produce a bill that we will recommend to the House and to the Senate that we will fix No Child Left Behind.

I thank the Senator from Washington for her leadership. It was her advice that led us down this path which so far has produced a good result. I thank the majority leader for making time to put this bill on the floor. I also thank the

Democratic leader, Senator REID, who has worked to make this easy for us to do during this process.

We have had excellent cooperation from Senators. I think everybody wants a result, and we hope we can go to work to do it. So vote yes to give us a chance to finish our work, and then take a look at our work. You will have a week to read it. We will be pleased to visit with you about it. And then I hope you vote yes again, but that will be the vote on the merit. This is a vote simply on whether you trust the leaders to appoint conferees to allow the committees to finish our work.

Mr. President, I reserve the last 5 minutes before the debates ends for any additional comments I might make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are all in agreement that Congress absolutely needs to work together to finally fix the broken No Child Left Behind law for our students, our teachers, our parents, and the communities in my home State of Washington and across the country. Today we will have the chance to take another step forward toward that goal.

As the Presiding Officer heard from our chairman, Senator ALEXANDER, since February of this year, he and I have worked together on a bipartisan education bill that would remove the harmful one-size-fits-all mandates of No Child Left Behind, while also including Federal guardrails to make sure all of our students have access to a quality education.

We improved on our bipartisan bill in the HELP Committee with the help of our colleagues and a number of amendments that were agreed to, and in July the Senate voted to pass that bipartisan bill with a vote of 81 to 17. The House also passed their bill in July.

Since then, Chairman ALEXANDER and I—as he just mentioned—have been working with House Education and the Workforce Committee Chairman KLINE and Ranking Member SCOTT. The four of us have had very good conversations about making sure the conference is successful, and I hope we will be able to continue our bipartisan work in the conference, continue to bring in the priorities and ideas of our fellow Senators and Members of the House, and make sure that the final product we will bring forward is something that can pass both Chambers and that President Obama can sign into law. But first we need to take the next step in the legislative process by approving this compound motion to name conferees and allow the Senate to proceed to conference with the House.

In the Senate, we want to appoint every member of the HELP Committee. Our committee members have worked very hard to craft the Senate bill, and we want to make sure their voices are heard in the conference meeting.

I urge our Members to support this compound motion in a few minutes so

we can continue this incredibly important work to finally fix No Child Left Behind.

I once again thank Chairman ALEXANDER for the tremendous job he has done in moving the legislation to this point.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEE. Mr. President, shortly the Senate will vote on the motion to appoint conferees—or what is often called the motion to go to conference—for a bill that reauthorizes the Elementary and Secondary Education Act, the ESEA, which is the legislation governing our Federal K–12 education policy. Because most Americans have probably never heard of this obscure parliamentary procedure—the motion to appoint conferees, that is—I wish to take just a moment to explain how it works or at least how it should work.

When the House and the Senate each pass separate but similar bills, the two Chambers have the ability to convene what is called a conference, a conference committee. A conference is essentially a meeting where delegates from each Chamber come together to iron out any differences between their respective—similar but somewhat different—bills and then put together what is called a conference report, which is a single piece of legislation that reconciles any disparities between the House-passed bill and the Senate-passed counterpart to that bill. Once the delegates to the conference—the conferees, as they are sometimes known—agree on a conference report, they bring it back to their respective Chambers, to the House and the Senate, for a final vote.

It is important to note that once the conference report is sent to the House and the Senate for a final vote, there is no opportunity to amend the legislation. It is an up-or-down vote. Each Chamber can either approve or reject the conference report in its entirety. If each Chamber votes to approve the conference report, then it is sent to the President, who can either sign it into law or veto it. So what we are doing today is voting on the motion to appoint conferees for the reauthorization of the Elementary and Secondary Education Act.

Earlier this year, both the House and the Senate passed their own ESEA reauthorizations and now we are voting to proceed to the conference process and to appoint certain Senators to participate in that process as conferees. Historically, and according to the way the conference process is supposed to work, this vote is not that big of a deal. Voting on the motion to appoint

conferees is usually, and mostly, a matter of routine, but it is not a vote that should be rushed through on a moment's notice because it is the last opportunity for Senators and Representatives who are not conferees, such as I, to influence the outcome of the conference process.

We can do that by offering what are called motions to instruct the conferees. For example, let's say I was not chosen to be a conferee on a particular bill, but there was an issue related to the bill that was important to me and to the people I represent. In that case I could ask the Senate to vote on a set of instructions that would be sent to the conference to inform the conference's deliberations and influence the substance of the conference report.

This is how the conference process is supposed to work, but it is not how the conference process has been conducted with respect to this bill—the Elementary and Secondary Education Act reauthorization. Sure, we are still voting to appoint conferees and those conferees will still convene a conference and that conference will still produce a conference report. So from the surface it will still look like the conference process is happening, is unfolding in the manner in which it is supposed to, but beneath the surface we know that all of this has already been prearranged, precooked, predetermined by a select few Members of Congress working behind closed doors free from scrutiny, and we know this vote was scheduled on extremely short notice so it would be difficult, if not impossible, for the rest of us to influence the substance of the conference report through motions to instruct.

Why does this matter? We know the American people care deeply about K–12 education policy, but why should they care about this obscure parliamentary procedure in the Senate? They should care, and we know they do care, because the process influences the policy. In this case, the process expedites the passage of policies we know don't work, policies to which the American people are strongly opposed. For instance, it is my understanding this bill would authorize \$250 million in new spending on Federal pre-K programs—what amounts to a downpayment on the kind of universal, federally run pre-K programs advocated by President Obama. This would be a disaster not only for American children and American families but for our 21st century economy that increasingly requires investments in human capital.

We know a good education starting at a young age is an essential ingredient for upward economic mobility later in life. A mountain of recent social science research proves what experience and intuition have been teaching mankind for millennia; that a child's first few years of life are critical in their cognitive and emotional development. Yet we also know that too many of America's public schools, especially those public schools in low-

income and disadvantaged neighborhoods, often fail to prepare their students to succeed. Nowhere has the top-down, centrally planned model of public education failed more emphatically than in our Nation's public pre-K programs. The epitome of Federal preschool programs is Head Start, which has consistently failed to improve the lives and educational achievements of the children it ostensibly serves.

According to a 2012 study by President Obama's own Department of Health and Human Services, whatever benefits children gain from the program disappear by the time they reach the third grade, but because bureaucracies invariably measure success in terms of inputs instead of on the basis of actual outcomes, Head Start and its \$8 billion annual budget is the model for Democrats as they seek to expand Federal control over childcare programs in communities all across this country.

This bill also doubles down on the discredited common-core approach to elementary and secondary education the American people have roundly and consistently rejected. Parents and teachers across America are frustrated by the heavy-handed, overly prescriptive approach to education policy by Washington, DC. I have heard from countless moms and dads in Utah who feel as though anonymous government officials living and working 2,000 miles away have a greater say in the education of their own children than they do. The only way to improve our K–12 education system in America is to empower parents, educators and local policymakers to meet the unique needs of their communities and serve the low-income families the status quo is leaving behind.

With early childhood education, we could start block-granting the Head Start budget to the States. This would allow those closest to the children and families being served to design their own programs rather than spending all their time complying with onerous, one-size-fits-all mandates and designate eligible public and private preschools to receive grants. We know this works because many States are already doing it. In my home State of Utah, for instance, the United Way of Salt Lake has partnered with two private financial institutions, Goldman Sachs and J.B. Pritzker, to provide first-rate early education programs to thousands of Utah children. They call it a pay-for-success loan. With no upfront cost or risk to the taxpayers, private capital is invested in the Utah High Quality Preschool Program, which is implemented and overseen by the United Way. If, as expected, the preschool program results in increased school readiness and improved academic performance, the State of Utah repays the private investors with the public funds it would have spent on remedial services the children would have needed between kindergarten and the 12th grade had they not participated in the program.

Washington policymakers should not look at Utah's pay-for-success initiatives and other local success stories like them as potential Federal programs but rather as a testament to the power of State and local control, of State and local ingenuity. We should not expand Washington's control over America's schools and pre-K programs. Instead, Congress must advance reforms that empower parents with flexibility and with choice to do what is in the best interests of their children. The policies in this bill, as I understand them, move in the opposite direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I know there are a number of Senators who have important appointments. I know the Senator from Oklahoma has a military funeral he wants to attend, so I intend to make about 3 or 4 minutes of concluding remarks and then yield back the rest of the Republican time.

I would say this to my friend from Utah. Critics of this body say we are not able to get a result. We are often able to get a result, and this vote is about whether we are able to get a result. That is what this vote is about.

We have big differences. That is why we are sent here—to resolve our big differences. If all we want to do is announce our differences, we could stay home and speak on a street corner. After we announce our differences, our job is to get a result. We are not the Iraqi Parliament, we are the United States Senate. Under our rules, after we have had a full process, our leaders—the Republican leader and the Democratic leader—appoint Members of the Senate to work with Members of the House and see if we can get a result—see if we can get a result.

As I said earlier, this went through committee—22 members on the committee. As diverse a committee as we have, unanimously they recommended a result, with many amendments. This came to the floor, we had more than 70 amendments, and with a vote of 81 to 17 we got a result. We have our instructions. It came from this Senate—81 to 17. We have our instructions.

We will work with Members of the House of Representatives, if given permission, and see if we can get a final bill. All 22 members of our committee will be on that conference. There will be more Members than that on the conference. So all of the education committee members will be continuing our work to get a result. Why would we slow this down when the American people have waited 7 years for us to get a result on fixing No Child Left Behind?

So, Mr. President, however you voted on the bill earlier—and almost everyone voted for it—I hope you will support Senator MCCONNELL, Senator REID, Senator MURRAY and me and our committee and our efforts to continue our work to get a result. This is not a vote on the merits of the bill because

there is no bill. We are asking for permission to go write a bill and then we will bring it back here and Senators will have at least a week to consider it and then they can vote yes or no. We need a result. I urge a "yes" vote.

I yield back our time.

Mrs. MURRAY. I yield back all time on the Democratic side.

The PRESIDING OFFICER. Is there objection to yielding back all time?

The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, I ask unanimous consent to speak for 1 more minute following his comments.

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

Mr. LEE. Mr. President, I thank my friend and distinguished colleague from Tennessee for his remarks.

In light of the fact that this bill does involve a complicated process, in light of the fact that this bill—the original Senate bill—was many hundreds of pages long, in light of the fact that the conference report is likely to be lengthy, I would hope and I would urge my colleagues to have a say in the matter. I hope we will all work toward a process that can result in at least allowing the American people to see this bill before it comes back in conference report form—at least a week or so before we actually have a vote on the conference report. I think the American people deserve to see what is in it before their representatives in the House and in the Senate have an opportunity to vote on it. I hope that will be the case and I hope my colleagues will agree to that.

Mr. ALEXANDER. Mr. President, as the Senator from Utah knows, that is the case. I said that to him yesterday and I just said it on the floor. We hope to complete our work this week. We may or we may not, but the bill will be out for at least a week for Members of this body to consider it.

We considered it in committee with many amendments, on the floor with many amendments, and 22 Members of the Senate are reading the staff recommendations right now. We hope to get a bill. We will get a result. And, yes, all Members—I am glad we are having this discussion. We haven't had conferences in years around here. Senator MIKULSKI has mentioned that. Maybe this discussion will help us understand how to get a result in the Senate.

I yield the floor, and I call for a vote.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to disagree to the amendment of the House, agree to the request from the House for a conference, and authorize the Presiding Officer to appoint conferees with respect to S. 1177, an original bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, David Perdue, Shelley Moore Capito, Daniel Coats, John Cornyn, John Barrasso, John Hoeven, Cory Gardner, Johnny Isakson, Lamar Alexander, Michael B. Enzi, Kelly Ayotte, Mark Kirk, John Thune, John Boozman, Chuck Grassley, Bill Cassidy.

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

The question is, Is it the sense of the Senate that debate on the compound motion to go to conference for S. 1177 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 91, nays 6, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—91

Alexander	Flake	Murray
Ayotte	Franken	Nelson
Baldwin	Gardner	Perdue
Barrasso	Gillibrand	Peters
Bennet	Grassley	Portman
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Booker	Heitkamp	Roberts
Boozman	Heller	Rounds
Boxer	Hirono	Sanders
Brown	Hoeven	Sasse
Burr	Inhofe	Schatz
Cantwell	Isakson	Schumer
Capito	Johnson	Scott
Cardin	Kaine	Sessions
Carper	King	Shaheen
Casey	Kirk	Shelby
Cassidy	Klobuchar	Stabenow
Coats	Lankford	Sullivan
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	Markey	Tillis
Corker	McCain	Toomey
Cornyn	McCaskill	Udall
Cotton	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	
Fischer	Murphy	

NAYS—6

Crapo	Daines	Paul
Cruz	Lee	Risch

NOT VOTING—3

Graham	Rubio	Vitter
--------	-------	--------

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 6.

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

Cloture having been invoked, the question occurs on agreeing to the motion to go to conference.

The motion was agreed to.

The Presiding Officer appointed Mr. ALEXANDER, Mr. ENZI, Mr. BURR, Mr. ISAKSON, Mr. PAUL, Ms. COLLINS, Ms. MURKOWSKI, Mr. KIRK, Mr. SCOTT, Mr. HATCH, Mr. ROBERTS, Mr. CASSIDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. SANDERS, Mr. CASEY, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, and Ms. WARREN conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Mr. McCONNELL. Mr. President, pursuant to the previous order, I ask that the Senate proceed to the consideration of H.R. 2577.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2577, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2577

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, namely:*

#### TITLE I

##### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$110,738,000, of which not to exceed \$2,734,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,025,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,109,000 shall be available for the Office of the General Counsel; not to exceed \$10,141,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$13,867,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$27,411,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,029,000 shall be available for the Office of Public Affairs; not to exceed \$1,769,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,434,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,793,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,880,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office

of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs: Provided further, That not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress the final Comprehensive Truck Size and Weight Limits Study, as required by section 32801 of Public Law 112-141: Provided further, That the amount herein appropriated for the Office of the Under Secretary for Transportation Policy shall be reduced by \$100,000 for each day after 60 days after the date of enactment of this Act that such report has not been submitted to Congress: Provided further, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending reports required to be submitted to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide in electronic form all signed reports required by Congress.

#### RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$13,000,000, of which \$8,218,000 shall remain available until September 30, 2018: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: Provided further, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

#### NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$500,000,000, to remain available through September 30, 2019: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure): Provided further, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs

of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$100,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than 30 percent of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$25,000,000 for the planning, preparation or design of projects eligible for funding under this heading: Provided further, That grants awarded under the previous proviso shall not be subject to a minimum grant size: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program.

#### FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available through September 30, 2017.

#### CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$8,000,000, to remain available through September 30, 2017.

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,678,000.

#### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$6,000,000.

#### INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER

For necessary expenses to establish an Interagency Infrastructure Permitting Improvement Center (IIPIC) that will implement reforms to improve interagency coordination and the expediting of projects related to the permitting and environmental review of major transportation