RECESS

Mr. LANKFORD. Madam President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. COATS).

AMERICAN SECURITY AGAINST FOREIGN ENEMIES ACT OF 2015—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4038, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 300, H.R. 4038, a bill to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided between the two leaders or their designees.

Mr. LEAHY. Mr. President, it is unfortunate that the fear and xenophobia being peddled by some Republican candidates for President is now being given time on the Senate floor.

Instead of solving the real problems facing Americans—like the student debt crisis or our need for energy independence—or responding to real threats to our national security—like our failure to track visa overstays or prevent terrorists from buying guns—today we are debating a strawman inspired by Donald Trump's baseless rhetoric.

The bill the Republican leader is asking us to consider will not make America safer. In fact, it is a dangerous distraction that plays into the hands of the ISIS propaganda machine.

Instead of demonizing refugees, who are the most thoroughly screened group of people who enter the United States, we should take up and pass the Defeat ISIS and Protect and Secure the United States Act of 2015. That bill offers a comprehensive strategy to counter ISIS propaganda and violent extremism in the United States and abroad. It offers real solutions that will keep us safe rather than scapegoating refugees who are fleeing war and torture.

In contrast, the bill we are asked to consider has put forward fresh fodder for the false narrative that we are at war with Islam.

I will oppose this House bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent that the quorum call be equally divided between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 300, H.R. 4038, an act to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes.

Mitch McConnell, Rob Portman, John Thune, Tom Cotton, Steve Daines, James M. Inhofe, Mike Crapo, Thom Tillis, Roger F. Wicker, Lindsey Graham, Pat Roberts, John Cornyn, Shelley Moore Capito, John Boozman, Michael B. Enzi, James E. Risch, John McCain.

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 motion to proceed to Calendar No. 300, H.R. 4038, an act to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—55

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

NAYS—43

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

NOT VOTING—2

Graham	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 43.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

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

Mr. MCCONNELL. Mr. President, I call for regular order with respect to the veto message on S.J. Res. 22.

The PRESIDING OFFICER. The veto message is the pending business.

The Senate proceeded to reconsider the joint resolution.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the veto message.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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

Mitch McConnell, Tom Cotton, John Thune, Johnny Isakson, Steve Daines, Roy Blunt, Cory Gardner, Deb Fischer, Pat Roberts, Thom Tillis, John Cornyn, Joni Ernst, David Vitter, Lamar Alexander, John Barrasso, Ron Johnson, Thad Cochran.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, this cloture vote be set at 10:30 a.m. on Thursday, January 21; further, that if cloture is not invoked, the veto message be indefinitely postponed.

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

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. COONS. Mr. President, 6 months ago, world powers reached an agreement to constrain Iran's nuclear program and to give us a path forward toward constraining Iran's nuclear ambitions. While the international community has taken some positive steps to implement this agreement and to limit Iran's nuclear program and while Iran has recently taken positive steps to observe and to implement this agreement, we must do much more to strictly enforce this deal and aggressively push back on Iran's bad behavior outside the deal's parameters. If we don't, this nuclear agreement may not survive into next year.

This past weekend was an eventful one for U.S. foreign policy and, in particular, for U.S. policy toward Iran. Saturday marked implementation day of this nuclear deal, also known as the Joint Comprehensive Plan of Action, or JCPOA.

Implementation day is important because it means that the International Atomic Energy Agency, or the IAEA, has certified that Iran has completed a whole series of tasks required as part of the nuclear agreement. The four most important of those tasks are these:

First, it has shipped 12 tons of enriched uranium—nearly its entire stockpile, which took Iran a decade to amass—out of the country to a secure facility supervised by the IAEA around the clock.

Second, it means Iran has reduced the number of its functioning centrifuges—centrifuges it uses to enrich uranium—by nearly two-thirds, or from roughly 19,000 to a little more than 6,000, and it has accepted long-term limits on developing, testing, and deploying new centrifuges.

Third, it means that Iran has presented the IAEA with unprecedented 24/7 access to monitor all of its nuclear-related facilities. That is not only enrichment facilities. That is uranium mines, uranium mills, and centrifuge production facilities—every known and declared site within Iran connected to its nuclear program. This level of access far exceeds previous IAEA authorities in countries suspected of trying to develop a nuclear weapon.

Fourth—and to me, in ways most importantly—Iran has filled the core of its Arak heavy water reactor, pictured here, with concrete, permanently disabling the most likely short-term path that Iran had to producing weapons-grade plutonium. Had Iran proceeded and had Iran been able to produce significant quantities of weapons-grade plutonium, our ability to intervene and to prevent their march toward a nuclear weapon would have been significantly harder.

Plutonium is one of the most lethal toxic substances known to man, and any attack on a heavy water reactor producing plutonium would have had horrible consequences, not just in Iran but throughout the entire region. So blocking Iran's short-term pathway through uranium enrichment and through plutonium enrichment is a significant step forward and does reflect significant restraints on Iran's nuclear weapons program.

As a result of the conditions on this deal that I just referenced, the time it would take Tehran to break out and to dash toward a nuclear weapon, to amass all of the fissile material needed for a bomb has been extended significantly from just 2 months to 3 months to a year or more. But these positive developments come with substantial risks, principally among them is the tens of billions of dollars in sanctions relief that Iran will now receive for complying with the terms of the deal. Tens of billions of dollars of Iranian assets, which have long been frozen in bank accounts around the world through an American-led international sanctions effort will now be released.

That is why America and our international partners must continue to aggressively enforce the terms of the deal and to make sure that Iran remains in compliance with every aspect of the JCPOA. Our work in this area is more urgent and more difficult than it has been at any point before. We can be confident that in the coming months and years the Iranians will test the boundaries of the deal and will probe our every response. Indeed, they already have.

If we fail to respond more swiftly and more vigorously to these Iranian provocations, Iran will nibble away at the deal's restrictions and gradually undermine the international coalition that put it together. Every minor violation that we permit, every violation that we tolerate damages our credibility and gives Iran tacit permission to continue its breaches of the agreement.

Given this stark, difficult reality, our efforts to deter Iranian aggression must not be limited to just enforcing the nuclear deal, or the JCPOA. Rather, our efforts must be part of a coherent, unified regional strategy to contain Iran and to push back on its bad behavior in the Middle East, a task made even more difficult because of its newfound access to assets previously frozen. That comprehensive effort to counter and contain Iran must include a willingness to take unilateral action by imposing new sanctions on Iran for destabilizing actions, both inside and outside the parameters of the nuclear agreement.

That brings me to the second important development of this past weekend—the designation of additional sanctions to punish Iran for its ballistic missile tests. Last fall, in clear violation of the United Nations Security Council Resolution 1929, Iran conducted two ballistic missile tests: one on October 10 and one on November 21. Since then, I and many of my colleagues have been calling on the Obama administration to punish Iran for these disruptive, dangerous, and blatantly illegal actions. Over the weekend, the administration took action by designating for sanctions 11 additional individuals and business entities involved in supporting Iran's ballistic missile program. These sanctions follow a series of steps previously taken by the Treasury Department last fall to sanction other Iranians, other Iranian-linked individuals and organizations for a litany of other dangerous and illegal activities: supporting Hezbollah officials and agents who threaten our vital ally, Israel; supplying financial and material aid to the Houthi rebels in Yemen; providing military support for the murderous Assad regime in Syria; and the list goes on. It is important for all of us, on a bipartisan basis, to remind our allies throughout the world that American-led sanctions against Iran—for its human rights violations, for its ballistic missile program, for its support of terrorism—remain in effect and will be vigorously enforced.

From conducting these missile tests to supporting terrorism, to continuing to deny the very existence of some basic human rights, Iran has shown time and again it will continue to flout international rules and values. The United States must continue to maintain its unilateral sanctions in these areas, and we must not hesitate to use these authorities—not just to punish Iran for its immediate bad behavior but to send a clear signal to our allies in the region, throughout the world, and to Tehran that we are serious about holding Iran accountable.

Of course, implementation day and the imposition of sanctions and sanction designations for Iran's illegal ballistic missile tests weren't the only significant developments of the new year. We also learned this weekend that America would soon be able to welcome home five innocent Americans long held unlawfully by Iran. These Americans should never have been held in the first place and their release was long overdue. The negotiations to release these five Americans occurred outside the parameters of the JCPOA.

While we are grateful for their safe return, this release also raises some serious questions. We still don't know the status of retired FBI agent Robert Levinson or his whereabouts. We don't know the status of Siamak Namazi, an Iranian-American energy industry executive arrested in October. It is my hope there are equally ceaseless efforts by the administration to bring them home.

We have to ask: What did we give up? What were the terms of the agreement?

How did we make possible this release? A key part that is public is that while none of the 7 Iranians released were convicted of violence, they were nonetheless convicted of criminal acts, and 14 Iranians who may have been convicted had the charges against them dropped. The question we are going to have to pursue is, What precedent did these prisoner swaps set for our future interactions with the Iranian regime? It is my hope that we are at the end of prisoner deals with the Iranian regime.

We must remember, though, that despite the limits imposed by the JCPOA, Iran continues to destabilize the Middle East and undermine America's goals for the region. Iran's behavior since the JCPOA was signed has made it crystal clear that Iran is neither America's friend nor ally. We must remain suspicious and distrustful of the Iranian regime.

In addition to its ballistic missile test I referenced before, the Iranian Revolutionary Guard has conducted dangerous military operations near U.S. ships, most recently threatening the safety of American sailors by conducting a live-fire exercise barely a mile from the aircraft carrier, the USS *Harry S. Truman*.

Iran also detained American sailors in the Arabian Gulf last week, and it did not treat them in a manner consistent with naval forces rendering assistance at sea. While I am pleased our sailors were released safely, Iran did use the images of those sailors for propaganda purposes in an attempt to send a signal to the world about its capacity to sow chaos in the region. We must not turn a blind eye to provocations of Iran in the open seas of the Persian Gulf and throughout the region. I call on the administration and on my colleagues to support significantly increased efforts at maritime interdictions in the gulf and throughout the broader region. We should conduct more joint military exercises with our valued allies and partners in the region to make it clear to Iran that we will continue to pursue our interests, and we will counter Iran's maligned activities. Again, to remain distrustful of Iran and push back on the regional ambitions I think is the only path toward a safer, stronger Middle East and an American presence as one of its regional leaders.

No one should mistake Tehran's compliance with the terms of the nuclear agreement for a broader willingness to respect human rights and engage with the international community in the rules-based order that we have helped lead since the Second World War. I have seen nothing to indicate that the regime in Tehran cares about the well-being of the Iranian people, much less the opinion of the world community. In October, for example, two Iranian poets each received 10-year sentences and 99 lashes for kissing members of the opposite sex and shaking their hands. That same month an Iranian award-winning filmmaker was sentenced to 6 years in prison and 200 lashes on the charge of insulting sanctities. The filmmaker was making a documentary about an Iranian artist, based in Europe, who had been accused of blasphemy.

Nearly two-thirds of the 12,000 candidates who applied to run in next month's parliamentary elections recently withdrew or were disqualified by Iran's Guardian Council. Iran's Supreme Leader said: ''Americans have set their eyes covetously on elections, but the great and vigilant nation of Iran will act contrary to our enemies' will, whether it be in elections or on other issues, and as before we will punch them in the mouth.'' These are not the actions or the statements of a state that respects the rights of its people or seeks friendship with the United States in the near future.

Just 2 weeks ago I returned from a trip to Saudi Arabia, Turkey, Israel, and Austria. I am grateful to my colleague from New York, Senator GILLIBRAND, for organizing this trip, which included important meetings with nuclear inspectors from the IAEA. We met with their leadership headquartered in Vienna and had meetings with Israeli Prime Minister Benjamin Netanyahu, Minister of Defense Ya'alon, and Turkish President Erdogan, as well as other vital regional leaders. The message my colleagues and I heard from these leaders was simple, powerful, and clear: America must reassure our allies that we will not waver in our commitment to push back on Iran, its nuclear program, and its destabilizing actions in the region. Our partners, our allies—and Iran—must know and believe through our words and our actions that we are serious about preserving the long-term stability of the Middle East and that Iran—a revolutionary regime—does not share our values or that goal.

As part of this effort, we must reassure, reaffirm, and strengthen our support for our vital ally, Israel. As the administration negotiates a new, long-term memorandum of understanding to provide Israel with the security assistance it needs to protect itself in the most dangerous neighborhood on Earth, we must insist that joint U.S. and Israeli strategic planning includes protection of Israel from threats it faces from neighboring instability in Syria. We must not allow Israel to be attacked by Iranian proxies, such as Hezbollah and Hamas. We must work closely with the Israelis to share intelligence and intercept any weapons shipments from Iran to its regional proxies.

If we fail to push back on Iran and enforce the terms of the nuclear deal, not only will the agreement collapse, but our efforts to show the world that diplomacy actually works will be dealt a dangerous blow as well.

In the weeks and months to come, I call on the administration to do more to push back on Iran, and I call on my colleagues—Republicans and Democrats alike—to come together, to be engaged, and to remain focused on enforcing the terms of this nuclear agreement, on containing Iran, and on deterring their bad behavior, their support for terrorism, their support for human rights violations, and their relentless effort to develop and advance ballistic missile capability.

As I said before on this floor, the Iranian Government has long paid close attention to everything America says and more closely to what America does. Never has it been more true than today. Never has it been more urgent than today. As the regime gains greater access to money and resources, we must not take our eye off of Iran.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

WASTEFUL SPENDING

Mr. COATS. Mr. President, as the Presiding Officer knows, throughout last year's session I would come to the Senate floor every week and talk about a waste of the week. That was in 2015. We did nearly 30 of those in the 30 weeks that the Senate was in session, maybe skipping one or two. It is 2016. We are in a new year, and I am back for the 2016 version of ''Waste of the Week.''

The reason I am doing this is because I am trying to bring to the attention of my colleagues and the American people the fact that the government is not spending their hard-earned tax dollars in the most efficient and effective way that they could. By highlighting these various uses of expenditures in Washington and abuses of that spending, we alert them to the fact that there are significant savings that can be made.

In 2015, we totaled up to nearly $130 billion of demonstrated examples of waste, fraud, and abuse—money that was spent for no purpose whatsoever or for a purpose that certainly didn't qualify for the use of taxpayer dollars and the abuse of that spending and the fraud that went along with it. This is just scratching the surface.

The Presiding Officer was very much a part of this and knows that since 2010 there has been a significant effort, much of it a bipartisan effort, to try to deal with the long-range plunge into evermore spending and evermore debt that is plaguing our country, holding down our ability to grow as an economy, and will have long-term negative consequences on our generation and particularly on future generations.

Whether it was Simpson-Bowles or Domenici-Rivlin or whether it was the Gang of 12, the Committee of 6 or the Vitter committee, many efforts were made to try to work with the administration to address the long-term problems. Eventually, each one of those failed. I am not here to impose blame on anyone. It would be easy to do. It is a very difficult problem working with the administration, and sometimes we have differences between our two parties here, but there was general recognition—universal recognition—that we couldn't continue down the same

path of excessive spending, more than we received in revenues, year after year at a frightening pace to ever greater debt.

When this administration took office, the national debt—accumulated well over 200 years of the existence of this country—that debt has nearly doubled in the 8 years this administration has been in office and will virtually double before that term is up. It is unsustainable.

The Congressional Budget Office—a neutral agency that has nothing to do with Republicans or Democrats or politics. It simply gives us the numbers and the numbers tell the story. Those numbers are frightening when we look at the degree to which we continue to plunge into debt.

The Congressional Budget Office just released its latest report, which said coming deficits will be more than 20 percent larger than previously forecast—previously forecast, just last August. Depending on some of the actions taken here in Congress regarding spending, the calculation has to be changed, and it is going to be 20 percent more than what they had projected just a few months ago. We are looking at trillion-dollar deficits on the horizon.

In my mind, here is the most startling of the 10 recommendations and notices to us: In 10 years, 99 percent of all revenue that comes in to the Federal Government—the cumulation of everyone's taxes and all the money that flows into Washington through user fees, excise fees, withholding taxes from our paycheck, the taxes we pay either every April or quarterly taxes, every tax out there accumulating, 99 percent will go to mandatory spending and net interest spending.

If you are for a stronger defense, if you are for better research at the National Institutes of Health, if you are for funding the Centers for Disease Control and Prevention, if your interest is education, social welfare, if you are looking at any of the hundreds, if not thousands, of programs that various interests have here, if 99 percent of the revenues coming in are going to things we have no control over—mandatory spending, which is Social Security, Medicare, Medicaid—essentially only 1 percent is left to divide up among everything else the Federal Government does; that is, building roads, fixing bridges, grants to cities, environmental interests, on and on we could go. If 99 percent is going to spending what we can't control—simply paying interest on the debt and covering the entitlement spending of Social Security, Medicare, and Medicaid—it is unsustainable. Those efforts have failed. It is a pox on all of our houses. We tried mightily and had no ability to bring it to conclusion.

That has been kind of pushed off the table. We didn't talk about that much in the last year of this Congress. The focus was on other issues. But this looming catastrophe that will happen based on nothing but numbers, arithmetic, and facts—will happen sooner than anybody anticipates—cannot be put aside. But having failed in those major efforts and as long as this President is in office, it appears that we are not going to be successful this year. This catastrophe will be dumped on the next President's lap, whoever that President might be, and I thought the very least we could do is continue to look at how to make government more efficient, how to prioritize our spending, and how to eliminate and address the issue of waste and fraud.

I started this program, waste of the week, trying to educate the public in terms of the fact that there is money out there that can be spent more wisely or that wouldn't have to be taken from them in the first place or that can be used to reduce our debt. I am now up to 30 examples of ways in which we can address that. So today I am doing, I believe, No. 30. This is something that has to do with our foreign policy.

These wastes of the week have everything from the ridiculous, such as hundreds of thousands of dollars for a grant to a university to study whether massaging rabbits—after strenuous activity—allows for faster recovery from the strain of the rabbits' work. This is what they are spending your tax dollars on. I think you can ask any person—whether they are in Little League, high school, professional sports, or college—whether, after strenuous exercise, it helps if you have a massage. I think the answer would be yes, of course. Everybody knows that, but we had to issue a grant of almost $400,000 to somebody who filled out a form and said: This is a great idea. Send us some Federal money, and we will produce this study, and then we will give you the conclusion.

There is everything from the ridiculous to issues that are very serious, such as the duplication of effort in two programs to help people who are out of work either because of disability or because they can't get a job. One is called unemployment insurance and the other is called Social Security disability. To qualify for Social Security disability, you have to prove you can't work. To get an unemployment insurance payment from the government, you have to prove you can work but there isn't a job. You don't get both. Yet we identified $5.7 billion of expenditure in duplication—people who were getting a check for both being disabled and not being able to work and saying: I am able to work, but the job isn't there. So two checks arrive every month in the mailbox for these people—to the total amount of $5.7 billion.

You would think that in this day and age where everything is computerized, it would be easy for the unemployment insurance agency to call up or to contact Social Security and say: You know, John Smith here is applying for unemployment insurance. Can you check your records to see whether he is also receiving Social Security disability? It would be easy to get their Social Security number and match. But, no, one agency is working over here and another agency is working over there. Both are sending out checks, one of which is illegal, and they are not communicating with each other. It ought to be an easy fix, but this is the Federal Government.

On and on it goes.

Let me talk about No. 30. No. 30 involves the Task Force for Business and Stability Operations in Afghanistan. It is a Pentagon business advocacy agency that was formed to provide contracting work in Afghanistan through rebuilding. We did this in Iraq, and now we are doing it in Afghanistan. It was established for a valid purpose: to encourage foreign investment. They have a task force, and the task force lives over there. What we found through the inspector general—a special inspector to ensure that this money that is being spent over there is spent wisely has found that millions has been spent on private housing for the staff of this task force instead of allowing those people to utilize excess space at existing Department of Defense bases.

So here is a Department of Defense program. The Department of Defense has housing and provisions for food and shelter and so forth, and they have excess capacity because we have drawn down troops. But instead of putting those people in this area where they can occupy unoccupied space, where they can get food through the DOD process—a much cheaper process—they put them in specially furnished, privately owned villas and spent $150 million doing it. They have also hired contractors to provide—because they are separate from the Department of Defense base, they have to have private security, they have to have food services provided to them, they have to have bodyguards for staff and visitors, and they have to have onsite laundry service, food and drink services, private transportation, cultural advisers, and housekeeping services. All of this could be avoided for this task force which is there to provide investment counsel and advice for Afghanistan.

Not surprisingly, reports of the spending drew the attention of the Special Inspector General for Afghanistan Reconstruction, who has spent time digging into finding out exactly what is happening here. He noted that the exorbitant cost of the villas is especially concerning, as I have said, because there are other facilities through the Department of Defense that have been planned for this specific purpose that are not being used and it would be much cheaper if they were used. Because they are already there, they don't to have all this collateral support. He said that 20 percent of the task force budget provided housing and security for no more than 5 or 10 staffers.

Former task force employees told investigators that the inspector general estimates that housing a staff of 10 at

the U.S. Embassy in 2014 in Kabul would have cost $1.8 million and little or nothing if they had bunked with troops at a military base.

The IG also noted that poor oversight and the complete lack of coordination—where have we heard that before? Where have we heard about Federal programs with a complete lack of coordination with other programs to see if there is duplication, such as Social Security disability and the unemployment insurance as an example? That has not been provided, he said.

He is still investigating all of this, but what we are going to do today is take that $150 million price tag for these Afghanistan villas to the taxpayer, and we are going to add that.

By the way, I have a picture of the villas. I can see why people might want to live in something like this rather than an Army base. But this is tax dollars going over to Afghanistan. We have a mission over there to complete. I don't know—this could be in Washington, DC, or this could be in Indianapolis, IN. They are pretty nice digs. Is it really necessary to spend that kind of money when other facilities are available, when all the services and food are available to maintain these and the security is within a Department of Defense military base? Do we have to go to this level of support with taxpayer dollars?

We are adding $150 million to our ever-growing list of waste, and our total is now well over $130 billion of cost. That is this week's waste of the week.

SYRIAN REFUGEES

Mr. President, I also wish to talk about the Syrian refugee issue. I had the opportunity to spend some time in Jordan, as a member of the Intelligence Committee, and in Turkey looking at the situation as it exists in Syria. I also spent time in Italy and Greece relative to the humanitarian crisis that is taking place, with literally hundreds of thousands of people who are fleeing Iraq, northern Iraq, and fleeing Syria because it is a war-torn area, and their migration and all the issues involved with that migration and the implications and consequences it is having on Europe.

It is an issue here in the United States, resettlement of refugees. It is overwhelming. These countries cannot even begin to process people coming to their borders to determine whether they are legitimate or whether they are inserted terrorists who are using this flow of migration to gain access to Europe, to gain access to the United States, and to gain access to other places. They are legitimate people who are leaving with their families to avoid the consequences of this war; yet we know, because we have already ascertained this, that included in that effort are terrorists who want to insert themselves into that flow so they can come to Europe, come to our European capitals, come to the United States, and continue their brutality and jihad against Americans and against Western civilization.

I think the issue we just voted on here unfortunately fell short. We didn't get support from our colleagues across the aisle and didn't have the necessary number of votes to pass what the House has already passed, and that is to provide a suspension of time to comply with what our FBI Director has said needs to be done so that we can ensure that people in this refugee flow who are going to be admitted to America under the administration's plan are truly war-torn refugees and not representing a terrorist threat to the American public. The FBI Director and our intelligence agencies have said we don't have the necessary tools in place to be able to ascertain this, and until we do, we cannot guarantee that these refugees do not include people who are not coming for asylum reasons but are connected in one way or another to terrorists. I thought it was a very reasonable thing to do to provide for security for Americans and assure them that we are not simply opening the gates here to terrorist access, to pause and get these screening procedures in place before we allow this to happen.

We just had this vote within an hour or so and came up short, which is unfortunate, and we did not gain the support we needed to get the necessary votes from our colleagues. So the effort the House has made once again dies in the Senate because while we had virtually every Republican vote, we couldn't get any other votes to get to the necessary level to take up the legislation and move forward. There may be another attempt to do that.

After going and looking and talking to U.N. associate officials, talking to our government officials, talking to officials from these various countries and particularly those entry points from northern Africa that come through Italy and from Greece, which comes from Syria and Iraq, the conclusion I came to was that this flow, which is now well over 1 million people—temporarily slowed here because of the weather, and it will start up again in the spring when it warms up—is overwhelming Europe. You don't have to watch too much cable news or read too much of a newspaper to see what is happening in Europe with the massive inflow of refugees, asylum seekers, and the incorporation of people who are not abiding by the laws, overwhelming the system.

So as open-arms welcome, as Germany was under the Chancellor's proclamation to ''bring them here, and we will take care of them,'' even that is now under question in terms of Germany's capability of doing that. A number of other countries, including Denmark and Hungary, are basically saying: We can't handle all of this. It is just overwhelming us. The social and financial consequences of all of this are a great political, as well as a financial, threat to Europe, and we have seen evidence of that. No one is really talking about a possible alternative that can deal with this problem.

Several months ago, I came to the Senate floor and basically said: I think I have a better solution that is perhaps even more financially feasible. My solution is to provide safe havens for these people either within their country or simply across the border of other countries. Turkey and Jordan are taking in millions of refugees, but they are overwhelmed. There is a precedent here in terms of providing safe havens.

I was serving in the Senate at the time of the Balkan war, and the brutality there was equal to some of the brutality that is taking place in Syria. It was a desperate situation, but through the U.N. agencies for refugee relief and the use of NATO to provide security, we created, as a coalition of nations, safe havens for people in the Balkans. There were a few mistakes, but in the end it worked very significantly.

These people wanted to go back to their homes. They wanted to stay citizens of their country. They had hundreds of years of history through the line of their families in these countries, and they didn't want to try to take on a different language and have to learn different skills in order to assimilate in other countries any more than we would want to move our people out to another country if we were in that situation.

By creating safe havens and having NATO provide the security to keep these safe havens from being attacked or misused and by providing a coalition of financial support and enough humanitarian support through the United Nations and through the world's nations, I said this is a better way to handle it, and we succeeded in that effort. So the precedent is there, and I thought: Why not use the same model for Syria? It solves the immigration issue because those people are housed in a humanitarian way, with NATO providing for their safety, which is what I suggested. After all, Turkey is part of NATO. It is a mission in which NATO would address the problem in Europe, where most of the NATO nations are housed. Obviously, the United States would take part in it.

It provides a financial situation to the issue. I haven't been able to calculate this, but the cost of providing those safe havens can't exceed the cost of all the transfer, movement, assimilation into the culture, training, education, learning the language, and everything that has to be provided for those who are going to foreign nations from their homeland.

So once again, I am bringing this suggestion to my colleagues' attention, and, hopefully, to the attention of NATO and other countries that are caught up in this refugee problem and asking: Why don't we reopen the discussion and debate about what the cost would be, what it would take to accomplish it in order to create these safe havens in areas close to or within the

borders of the countries from which they are coming from? It addresses a multitude of problems that are overwhelming the capability of European nations and have created a political storm of opposition both in Europe as well as in the United States, and it legitimately gives those refugees safe harbor, humanitarian support, and housing conditions. It gives them food, water, and humanitarian and medical support at their safe haven rather than have them flowing into other countries.

So, once again, I am calling for this. Germany estimates that last year alone the cost of the refugee crisis was 21 billion euros, and in dollars it would be even more. Italy spent 620 million euros in 2014 and more than 800 million euros in 2015. Individual islands in Greece spent between 1 and 1.5 billion euros last year, and they can't afford it. We all know that Greece can't begin to afford this. They have said: We have enough financial problems trying to take care of our own people, let alone the massive influx of refugees. Sometimes they get 10,000 refugees a day in their country who say: We are here, we want to eat, we want a place to sleep, and we need to be taken care of.

Greece is saying: We can't even take care of our own, let alone the refugees.

It is creating tremendous tension and tremendous political consequences for many European nations. The EU allocated 560 million euros for the crisis last year, which is far too short. But in that context, this money can be used to address the problem of funding for these safe havens, avoiding all of the cultural, political, and social dynamics that are a part of this refugee flow and creating so many problems there.

I have kind of given an outline here of what I think we ought to seriously consider as we are looking at the refugee crisis. For those who say America is not a welcoming country, that is not true.

My mother is an immigrant. I am the son of an immigrant. She came here as a young child with her sisters and brothers the legal way. My mother and father learned the language and worked hard so that we could get a good education and assimilate into the United States.

But now we simply don't have the capability. It is not wise to simply open our borders and say: Come one; come all. Maybe that was possible before ISIL, ISIS, Al Qaeda, and these other terrorist groups were formed, but today we have a major national security issue combined with the ability to assimilate refugees from other countries.

The security issue alone puts us in a position where we just simply can't provide the kind of security for the American people without screening and background checks because ISIL said: We are doing this. Look at California and these other places where they are inspired over the Internet or injected into our country. The FBI Director says: We are overwhelmed in terms of trying to keep track of people whom we suspect are trying to do harm to the American people. I think because of that issue alone, as well as the other issues involved here, this is a model we ought to take a serious look at.

Once again, I am calling for that, and I will talk more about that as we go forward.

I am now finished with my two presentations.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

RIGHT TO LIFE FOR THE UNBORN

Mr. MORAN. Madam President, Kansans celebrate a rich history of protecting man-made laws that deny natural rights. We have protested many things over a long period of time, and our history is significant in that regard. After years of bloodshed leading to the Civil War, Kansas was born a free State. Though we lament the use of any violence, residents of our State have acted on the firm conviction that human beings, regardless of their stage or state in life, could not be regarded as property by other people.

We take pride in the fact that one of the first sit-ins of the civil rights movement took place at the Dockum Drugstore in Wichita, KS, leading the way for peaceful protests in the struggle for equality.

Today I wish to call attention to a somber anniversary in our Nation's history that will be observed this week. Forty-three years ago, the Supreme Court determined an unborn child has no guaranteed right to life under the Constitution, paving the way to destroy the lives of 57 million unborn children since 1973.

Many Kansans, most of them very young, will continue a decades-long tradition of standing up for the civil rights of an unprotected class of people as they come to Washington, DC. With their chaperones, they will comprise one of the Nation's largest groups attending the annual March for Life.

They come each January, when it is rarely warm, and, as is forecast for this Friday's march, it will be snowy, cold, and probably very miserable. Despite the elements—despite the weather—when the hundreds of thousands of youth walk down Constitution Avenue past the Capitol and the Supreme Court, they give witness to the sanctity of human life from the moment of conception. They protest abortion providers receiving taxpayer dollars. They object to government policies that violate freedom of conscience.

These Kansans have made a 20-hour bus ride and will yet again brave cold weather to demonstrate their commitment to the right to life—a right that those of us in positions of power have an obligation to protect.

When visiting with these young advocates, I have been struck by the clarity with which they march. Motivated by a joy for life, a love for life, they come to Washington, DC, not to condemn, but rather to affirm that all life is sacred and to encourage a broader realization of that in our Nation.

Every opportunity they have while they are here they will use to educate and to encourage a point of view that protects life. As other times in our struggle for civil rights in our country, they will make progress to pursue and secure the right to life, and none of those things have happened as quickly as we would like.

As we work to expedite the day when the unborn are protected under law, I welcome to our Nation's capital all Kansans, as well as the hundreds of thousands more who will join them as they march for life. Every great movement begins with the first step, and these young Kansans can be certain their march will not be in vain.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

PRICE SPIKES IN DECADES-OLD PRESCRIPTION DRUGS

Ms. COLLINS. Madam President, I rise today with my friend and colleague, the Senator from Missouri, Mrs. MCCASKILL, to inform our colleagues of an important development in the investigation underway by the Special Committee on Aging as we examine the sudden and dramatic price hikes for certain decades-old prescription drugs.

First, let me provide the Presiding Officer and our colleagues with some background on our investigation to date. Given that 90 percent of seniors take at least one prescription drug every month, the egregious price increases we have witnessed on these older drugs that are no longer under patent protection could inflate the cost of health care by hundreds of millions of dollars each year. Concerned not only about the high costs but also about the potential risk that patients will not be able to access the prescription drugs they need, we launched a bipartisan investigation early last November into the causes, effects, and potential solutions to these massive and unjustified price increases.

Our investigation is focused on four companies that recently acquired six drugs that were decades old—drugs whose patents had expired long ago—and then these companies, after purchasing these drugs, dramatically hiked their prices. The four companies are Turing Pharmaceuticals, Valeant Pharmaceuticals, Retrophin, Incorporated, and Rodelis Therapeutics.

Of these four, Turing Pharmaceuticals, previously led by its founder Martin Shkreli, is the company that has received the most attention. In August of last year, Turing acquired the

drug Daraprim. Daraprim is considered to be the gold standard for the treatment of toxoplasmosis, a disease resulting from a parasite infection that can be particularly harmful to infants born to infected mothers.

Despite the fact that Daraprim has been on the market for 63 years, Turing bought the drug and then promptly raised its price from $17.63 to a whopping $750 per pill.

The other three companies also dramatically increased the prices of the drugs they acquired from between 300 to 2,000 percent.

On November 4, we wrote to the companies asking for detailed information regarding their pricing decisions. I ask unanimous consent that our letter be printed in the RECORD at the conclusion of my remarks.

Around the same time, Turing CEO Shkreli was actively engaged in online postings and other communications discussing Turing business, using what appeared to be his own personal electronic devices.

On November 12, 2015, the Aging Committee asked the counsel for Turing to take reasonable steps to ensure that any business records on Mr. Shkreli's personal devices be properly preserved and produced. Turing still has not provided the Aging Committee with clear assurances that it will do so, notwithstanding the fact that they have told us that Mr. Shkreli was ''principally involved for Turing in all aspects of the transactions and the decisions covered by'' our November 4 letter.

On December 9, 2015, we issued a subpoena for documents to Mr. Shkreli in his capacity as CEO, compelling Turing to produce the information that had been sought by our November 4 letter. On December 15, 2015, we learned that Mr. Shkreli had been indicted on seven counts unrelated to Turing and predating the company's corporate existence. The next day Turing announced Mr. Shkreli's resignation as CEO but left unclear whether or not he remained on its board of directors.

The fact that the company has not made it clear that it would act to preserve Turing business records in its former CEO's possession left the committee deeply concerned that we might not receive all documents relevant to our investigation. Therefore, on December 21 of last year, the committee requested that Turing provide detailed information on the steps it was taking to preserve these records. Once again, however, Turing failed to produce an adequate response to our request.

Consequently, the Special Committee on Aging issued another document subpoena—this one directly to Martin Shkreli himself—on December 24. It directed him to produce substantially the same documents sought by the committee's December 9 subpoena. By a letter dated January 12, 2016, counsel informed our committee that Mr. Shkreli was categorically invoking the act of production privilege under the Fifth Amendment to the Constitution and was therefore refusing to produce any documents in response to the December 24 subpoena. So this is the important new development. He has chosen, in response to a document subpoena for Turing documents that may be in his personal possession, to invoke the Fifth Amendment.

To be clear, Mr. Shkreli is essentially arguing that the very act of producing and authenticating documents that are seemingly unrelated to the charges filed against him may incriminate him. The committee has asked him through counsel for an explanation of the rationale for this argument, and we are awaiting a response. The committee is troubled by his unsupported invocation, given that the Turing documents we have requested appear to be unrelated to the charges brought against him. Absent a valid justification of the grounds for invoking the Fifth Amendment, Mr. Shkreli's assertion could hinder our important investigation.

Our committee is seeking to understand how companies can acquire prescription drugs—drugs for which they had nothing to do with the research and development, drugs that in some cases are more than half a century old—and then suddenly impose dramatic price increases on those drugs at the expense of infants, vulnerable seniors, and others with devastating diseases for which in some cases these drugs are the gold standard for treatment.

So far the Special Committee on Aging has received nearly 20,000 documents over the course of this investigation. The documents the Senator from Missouri and I are seeking on behalf of the committee likely include information that is essential in order for us to fully understand why this phenomenon is happening and to develop the legislative and regulatory solutions to end this disturbing practice.

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

UNITED STATES SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, DC, November 4, 2015.

Mr. MARTIN SHKRELI,
Chief Executive Officer, Turing Pharmaceuticals LLC, Avenue of the Americas, 39th Floor, New York, NY.

DEAR MR. SHKRELI: The United States Senate Special Committee on Aging is conducting an investigation into the pricing of off-patent drugs in certain circumstances. We seek your cooperation with this investigation so that the Committee may better understand drug pricing and related regulatory and public policy concerns.

In particular, the Committee wishes to learn more about Turing Pharmaceuticals' recent acquisition of the rights to sell Daraprim, a drug used to treat and prevent infections, from Impax Laboratories and Turing's subsequent decision to increase the price of Daraprim from $13.50 per tablet to $750.00.

In order to assist us in our investigation, we ask that you provide us with the documents set forth in Schedule A and the information set forth in Schedule B by December 2, 2015. Please submit the material responsive to this request as it becomes available, rather than waiting to provide it all at once. In order to facilitate this production, we request that you schedule a time to meet and confer on the Request with Committee Staff as soon as it is practicable for you to do so.

The jurisdiction of the Special Committee on Aging is set forth in Section 104 of S. Res. 4, agreed to February 4, 1977.

We appreciate your attention to this matter. Should you have any questions, please do not hesitate to have your staff contact Samuel Dewey of the Majority Staff at (202) 224–2798, or Cathy Yu of the Minority Staff at (202) 224–7752. Please direct all official correspondence to the Committee's Chief Clerk, Matt Lawrence.

Sincerely,

SUSAN M. COLLINS,
Chairman, U.S. Senate Special Committee on Aging.

CLAIRE MCCASKILL,
Ranking Member, U.S. Senate Special Committee on Aging.

SCHEDULE A

1. Any analysis conducted by Turing relating to the price of Daraprim.
2. Any analysis in Turing's possession, custody, or control relating to the price of Daraprim; exclusive of documents responsive to Schedule A, Specification 1, herein.
3. My communications with Turing's Board of Directors relating to Daraprim.
4. Any documents generated by the Turing Board of Directors relating to Daraprim.
5. My projected or historical financial data relating to Daraprim, including, but not limited to, costs, revenues, profits, losses, and cash flows.
6. Any projected or historical financial data relating to Turing's research and development, including, but not limited to, research and development relating to Daraprim.
7. Any documents evaluating any product market that includes, directly or indirectly, Daraprim, regardless of the definition of the geographic market, including, but not limited to, analysis of barriers to entry thereto.
8. Any documents evaluating any market share that includes Daraprim, or the market power of that market share, for any product market or geographic market; exclusive of documents responsive to Schedule A, Specification 7, herein.
9. Any communications with Impax relating to Daraprim.
10. Any documents relating to Impax's sale of Daraprim to Turing.
11. Any contracts entered into by Turing that are related to the production, marketing, and sale of Daraprim.
12. Any marketing or pricing plans prepared for, or being used in, the sale or advertisement of Daraprim, including all documents related thereto.
13. My documents relating to Patient Assistance Programs relating to Daraprim.
14. My documents relating to Daraprim and Imprimis.
15. Any documents relating to the price of Daraprim that have been produced pursuant to an investigative inquiry by any federal, state, or local government entity.
16. My analysis relating to Daraprim and any statute or regulation administered by the FDA.
17. Any communications with the FDA relating to Daraprim; exclusive of documents responsive to Schedule A, Specifications 15 or 16, herein.
18. Any documents relating to Daraprim and the Health Resources and Services Administration's 340B Drug Discount Program;

exclusive of documents responsive to Schedule A, Specifications 13, 16, or 17, herein.

19. Any projected or historical financial data related to Daraprim and Medicare or Medicaid; exclusive of documents responsive to Schedule A, Specifications 5, 6, or 15–18, herein.

20. Any documents notating, memorializing, or summarizing a communication, or a portion thereof, responsive to Schedule A, Specifications 3, 9, or 17, herein.

SCHEDULE B

1. State:

a. A list of all countries where Daraprim is sold (or is expected to be sold in the next two years from the date of this letter) and the corresponding price or planned price for each country.

b. In detail, how Turing reached the price for each country.

c. How the revenue, costs, and any discounts associated with international sales are accounted for within Turing.

2. State in detail any changes Turing has made, or plans to make, to Daraprim or the administration of the drug.

3. Identify the Turing employee responsible for setting the price of Daraprim.

4. Identify the names and addresses of all companies owned in whole or in part by Turing that are involved in the production, marketing, and sale of Daraprim and any of its components.

5. State the total expense to Turing related to the acquisition of Daraprim.

6. State in detail all known uses of Daraprim by medical professionals, including both on-label and off-label uses.

7. State in detail all known protocols, of which Daraprim is a component, used by medical professionals, including both on-label and off-label uses.

8. For each discrete communication that did not occur via document, but which would have been responsive to Specifications 1–19 of Schedule A if made via document, state:

(a) The method of communication.

(b) The date and time of the communication.

(c) The author and addressee of the communication.

(d) The relationship of the author and addressee to each other.

(e) A general description of the communication.

Information responsive to this question should be produced in a native Excel file.

Ms. COLLINS. Madam President, I yield now to the ranking member of the Special Committee on Aging, my colleague Senator MCCASKILL.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Madam President, first I want to compliment the chairman of the committee for her remarks, which presented, I think, a very thorough and complete look at what the committee is doing and why we are doing it.

There are different ways that people can do business in the Capitol. There is the one-off press conference, there is the topic of the day that everyone scurries to get attention for, and then there is the professional, plodding, complete investigation into a very important public policy issue. That is the kind of investigation that Chairman COLLINS is leading—one that is responsible, thorough, and, frankly, grounded in a deep belief that the American people have the right to know why these obscure drugs and the companies that developed them were purchased, and then they exploded in price. This is something we need to understand. These drugs are lifesaving drugs. This is something that adversely affects many Americans with these drugs. But the problem that is represented here could have much broader implications.

Prescription drug prices have increased by 13 percent in 2015, and they are up 76 percent in the past 5 years—more than eight times the rate of inflation. A recent national poll shows that the affordability of prescription drugs was Americans' top health concern. This problem appears to continue unabated as we speak. Just last week, there were reports in the Wall Street Journal that several major drug companies have all raised prices on drugs, some by double digits in the last month alone.

We need to get to the bottom of why we are seeing such huge spikes in these drug prices. In the course of the investigation, we have received quite a bit of pushback from lobbyists and insiders. One industry lobbyist said if we wanted to cure cancer, we better leave the drug companies alone. That is absurd.

We want to encourage innovation, and that is why the investigation is being handled so responsibly by Senator COLLINS. We want to protect those in research and development, but we can do so while taking a hard look at price gouging and the hedge fund-like behavior of some pharmaceutical companies.

I believe Congress has both the ability and the duty to conduct a thorough investigation of this issue, and I am proud to be a part of this bipartisan investigation led by Chairman COLLINS so that we can find policy solutions that will help Americans. As she indicated, we have already requested and received over 20,000 documents from multiple sources and have conducted more than 60 interviews with relevant stakeholders, and we plan to continue our investigative efforts until we have assembled a sufficiently complete picture so that we can be confident that any proposed policy solutions are well informed and targeted to the specific problems we have identified. In order to do that, it is important that we get all of the documents that have been requested.

The privilege against self-incrimination is an extraordinarily important and sacred constitutional right. It is a right that this body believes in protecting, and we in no way want to erode it. But as a former prosecutor, I am also very aware of its limitations. In order to invoke the Fifth Amendment, there needs to be a nexus between the documents and the information that one is refusing to provide under the privilege and an actual fear of self-incrimination in a criminal proceeding. We are asking for documents that on their face have no apparent connection to any ongoing criminal proceeding. If there is no connection between the documents and a criminal proceeding or if the documents are corporate documents, the courts are very clear that they should be turned over to authorities.

I appreciate the chairman's conscientious and dogged pursuit of this investigation. I will continue to cooperate and assist in any way possible. I look forward to continuing the important work of the Special Aging Committee's investigation into drug prices, and I can assure the public that with the work that Chairman COLLINS is doing along with our staffs and the other members of the committee, we will get some answers.

Thank you, Madam President.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN SAFE ACT

Mr. BENNET. Mr. President, all across the Middle East and Europe, hundreds of thousands of refugees are fleeing the medieval barbarism of ISIS and the violent cruelty of the Assad regime. Out of a population of 22 million, more than 4 million Syrians have fled to neighboring countries. These refugees—almost all of them women and children—have been living away from their homes for years in Jordan, Turkey, or other host countries, struggling to survive, struggling to be free. Hundreds of thousands have decided to make the dangerous journey to Europe. Many perish along the way. According to the United Nations, over 3,200 refugees attempting to reach Europe died or went missing in 2015 alone.

Throughout our history, when we have been at our best, the United States has accepted the world's most vulnerable seeking refuge from violence and murder. Our principles don't mean very much if we jettison them when we find them politically inconvenient or difficult to live by.

The legislation we voted on today represents a significant departure from our proud history. It would require the Secretary of the Department of Homeland Security, the Director of the FBI, and the Director of National Intelligence to personally certify that each refugee from Syria and Iraq poses no security threat before admission into the United States and would effectively halt the refugee process. This is not the reason I opposed the legislation. It is worth noting it is likely those three officials would be able to do nothing else during the course of the day to keep us secure because they would be busy signing certifications.

It is very clear, from all the testimony we have heard at our committees and people who are experts in this area, that a blanket prohibition like this

doesn't actually make us safe. Refugees are the most thoroughly vetted group of anyone entering the United States. Let's start with that. The United States first screens them and collects biometric data. Only those who pass are then referred to the United States—and refugees don't even know which country they are going to be referred to when they approach the United Nations. Then multiple agencies—including DHS, the FBI, the State Department, and our intelligence agencies—conduct a rigorous screening process. This includes health checks, repeated biometric checks, several layers of biographical and background screenings and interviews. Out of the 23,000 individuals referred to the United States, only about 2,000 have been accepted. It should be understood by people in this body—and I hope it is understood by the American people—that no refugee enjoys a presumption of acceptance into the United States. The reverse is true. They are required to pass the most stringent standards of any group seeking to enter the United States—a process applicants must endure with uncertainty for over 2 years.

So instead of playing politics, in my view we ought to be having a serious discussion about how actually to keep our country safe and what will make it safer. One of the things I learned when we were working on the immigration bill in the Senate—which still hasn't passed the House. I would remind everybody, the only bill to secure our border, the only bill to provide internal security when it comes to immigration was the bill that passed through the Senate that has never been taken up by the House in any form. One of the things I learned was that of the 11 million undocumented people in the United States, 40 percent of them—almost half—are people who came lawfully to the United States but overstayed their visa, and we have no way of tracking that. We have no way of understanding who those people are. This legislation would have fixed that. I would have loved to have seen the House pass a companion piece of legislation, but that concerns me because there are a bunch of people in here who haven't been vetted at all. So instead of playing politics, we ought to figure out what we can do.

Another example. A group of us have introduced a bill that strengthens the Visa Waiver Program, which terrorists can exploit to enter the United States. Currently, over 25 million people come to the United States every year through this program. Our legislation addresses important security vulnerabilities and closes the program to foreign fighters. The omnibus we just passed in December included some important parts of our bill. It prevents people who have traveled to terrorist hot spots in the last 5 years—including Iraq and Syria—from even using the Visa Waiver Program. It also requires all travelers using the program to have electronic passports, which are harder to fake. These are big changes to make the American people safer. Together, these changes will help stop terrorists from coming to the United States, but there are still important parts of the bill we must pass, including requiring individuals using the Visa Waiver Program to submit biometric data such as fingerprints and photos before boarding a plane to the United States, working with our European partners to close their borders to the flow of foreign fighters heading to ISIS and back, requiring better information sharing on foreign fighters and dangerous individuals.

This is not to say that a refugee—or even a U.S. citizen—is not vulnerable to radicalization. We need to be vigilant about that. Americans are justifiably concerned about the reality of the threat and the dangerous world in which we live today. We must counter terrorist groups' ability to radicalize using social media, both here at home and abroad. Our country needs a much better strategy for countering and degrading ISIS propaganda and its recruitment machine. We have to develop creative and agile technologies to effectively degrade the ability of terrorist organizations like ISIS and others to persuade, inspire, and recruit by using social media. Congress should also pass the Senate immigration bill I mentioned earlier, which included a historic investment to secure our borders and enhance our interior enforcement.

As a reminder to everybody here, this bill would double the number of border agents, expand fencing, implement new technology and resources, address visa overstays, and provide for full monitoring of every inch of our southern border. By addressing real vulnerabilities and investing in smart security solutions, we can protect our borders and also—and also—live by our values.

We cannot allow ourselves to return to dark periods in our history when Americans debated turning away those fleeing cruelty around the world.

My mom who was born in Poland in 1938 while Nazi tanks amassed at the borders—she and her parents miraculously survived—Polish Jews—miraculously survived one of the worst human events in human history, and they survived it in and around Warsaw. They lived there for 2 years after the war and then went to Stockholm for a year, Mexico City for a year, and then they came to New York City. They came to the one country in the world where they felt they could rebuild their shattered lives.

On my first birthday—when I was 1 year old, 1965, 15 years after my mom and her grandparents came to the country—my grandparents sent me a birthday card. This is what they said in that card. They wrote in English, by the way, 15 years after they came to the United States: The ancient Greeks gave the world the high ideals of democracy in search of which your dear mother and we came to the hospitable shores of beautiful America in 1950. We have been happy here ever since beyond our greatest dreams and expectations with democracy, freedom, and love and humanity's greatest treasure. We hope that when you grow up you will help to develop in other parts of the world a greater understanding of these American values.

We have very few opportunities to live by our values. This is one of those times. In this case it is not about developing them, as my grandparents worried during the Cold War, in other parts of the world. This is making sure that we hold on to the values that have defined us as a nation, that have separated us from so many other nations in the world and made this a place where my grandparents and my mom were able to come and achieve the American dream—a dream that would have seemed unimaginable to them during the Holocaust.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

OUR VALUE FOR LIFE

Mr. LANKFORD. Mr. President, it is a basic American value: Families.

America has gotten particular about our families. We love our families and we love our kids. It is one of the struggles we have had recently as a nation because we have seen this collapse of the American family, this basic value. We see that unit struggling. Families begin, a husband and a wife, in that incredible moment when a lady looks at a pregnancy test, sees that little line, and realizes there is a baby on the way.

Forty-three years ago as a country there was a decision made by the Supreme Court. That decision forever changed the structure of our families, forever changed the values within the country, because the values shifted 43 years ago, and it changed from there is a baby on the way to that family gets to choose if that is a baby or not. To literally be able to say, based on the preference of the mom, it is tissue or it is a baby, we should handle those two things very differently.

I can remember distinctly in my family 19 years-plus ago now, when we saw that little line on the pregnancy test and we started getting a house ready and getting things organized and we started trying to figure out how to get our finances in order and everything ready to go because there was a baby on the way. In those first moments, before my wife could even feel that she was pregnant, we found out that she was. That was a child coming to our family. She has a name now. Her name is Hannah. With the first of our two daughters—Hannah and Jordan—we understand full well how things started and what things were like in those earliest days. It is remarkable to me that so much of the conversation now circles around preference. At that moment we knew that if we didn't do something right away to actually reach into the womb and take that child out of the womb—Planned Parenthood and other folks would say

''just to remove the tissue''—that if something wasn't done from that moment on, there was a baby coming, a baby who would look up into our face and would smile and would have a name.

Americans have lost track of this basic principle. That is not tissue in the womb. When that pregnancy test comes up positive, that is a baby. Regardless of the preference of any individual, that is a baby on the way. Cells are dividing. For many they don't find out for maybe a couple of months even and begin to figure out something is really changing and they do a quick test. Sometimes by the time they even do a test there is a beating heart there. They look in with a sonogram and count 10 fingers, 10 toes. If you were to reach in and do a DNA test, you would find out that lump of tissue that is in there is not tissue. It has DNA different than the mom, different than the dad. That is a child. It is a unique life. That life is not determined based on a preference. That life is determined based on that dividing cell as a child with 10 fingers and toes.

I can't think of anything else we have in America where anyone can say, based on their preference, I choose for that to be alive or I choose for that not to be alive. I can't just look at this desk and say I choose to call that a life because we know life has basic criteria. It has dividing cells. It can function on its own. It can reproduce. It is life. We know what life is. We can't casually say one thing is life and one thing is not, just like we casually don't just try to fight off the destruction of tissue in other ways.

I always smile when I hear some folks on the other side of this argument say they want abortion to be safe, legal, and rare. I hear it all the time—safe, legal, and rare. When someone says that to me, I always ask the question: Why rare? I understand safe and legal. Why would you care if it is rare? If it is just tissue, why does it matter if you remove it?

No one has a big national movement to fight individuals from taking warts off their hands because everyone knows, if you have a wart on your hand, it is just tissue and no one cares if you take that off. They understand that really is your body. It is a wart on your hand and it doesn't look good, so take it off. Everyone is fine with that. For some reason there is a push to say safe, legal, and rare when it comes to abortion because I believe inherently even the individuals who say safe, legal, and rare understand it is not just tissue or you wouldn't say it has to be rare. You understand it is an incredibly painful, difficult decision that a mom is making because she knows in her gut that is not tissue. That is a child, a child who would one day have a name and a smile. That is a child.

In China the government gets to decide whether it is just tissue or a child because the government will step in and say: If you have a second child, you can't have that one. You have to destroy the second child. Now, in their benevolence, China has shifted to say you can have up to two children in certain areas and in certain regions, but if you have a third one, you have to destroy that child. In America, for whatever reason, we have individuals with the freedom to be able to say: I prefer for this not to be a child. Suddenly, somehow our culture says: OK. You can pick.

The Supreme Court in 1973 looked at this issue, and they argued a lot about viability, what they call quickening. This conversation about viability really circled around whether States could actually make laws protecting the lives of children once they reach viability. In 1973, viability was very different than what it is today. In the NICU units—neonatal intensive care units—you will find a very large area in most hospitals. You ought to go by and visit and walk into an NICU area because you will find many rooms and many beds there. Decades ago that wasn't true because children at 22 weeks and 24 weeks didn't survive before. Now a higher and higher percentage are.

There are children who are in Oklahoma City right now in NICU who weigh just a tiny bit more than two iPhones. That is their weight when they are born—just a tiny bit more than two iPhones in weight. Yet they are growing up to be healthy, productive kids. They are children.

We are getting better at NICU as well, learning how to provide oxygen so their lungs develop. I visited some of the physicians in the NICU at OU Children's Hospital over the Christmas break and said: What have we learned? What have we gained? Is this getting better?

They talked about how we feed differently now than we did decades ago. At NICU, we understand how they are developing and receive food, and we want their digestive systems to develop. Things are very different now in science. It is forcing the country to rethink an issue again: When is a child a child? And in our basic American values, should we stand up for them?

I believe we should. I am amazed at the number of moms who—if they will get a sonogram and see the picture of their child in their womb, they understand clearly that is not tissue; that is a face looking back at them. Those are fingers and toes that they can count. There is a beating heart there. That is not random tissue.

In fact, I don't know if you knew this, but they can now do 3–D sonograms and then send the sonogram to a 3–D printer and actually print out a model of what the child looks like in the womb in that exact position. Not only is that cool as a parent, to be able to say that I can actually hold a model of what my child looks like right now at 20 weeks of development, 28 weeks of development and to be able to see and look at their face, but it is revolutionary for physicians that at 20 weeks they are reaching into the womb, giving anesthetic to the child, and they can actually see exactly what the imperfections are so when they go in to do surgery, they can practice on the outside before they reach into the inside.

The technology continues to advance. I say to my colleagues, at what point will our laws catch up with our science? How long will we deny clear science and not understand that is a child?

I think in the decades ahead, our Nation will catch up to the science and will look back on a season in our country when we ignored the obvious: When a pregnancy test says positive, that is not positive for tissue; that is positive for a baby.

I also want to affirm thousands of volunteers around the country—many of them coming this week to the March for Life—who serve every single week in crisis pregnancy centers around the country, who lovingly walk with moms through some of the most difficult days of their lives as they make hard decisions. With great compassion, they walk them through a tough pregnancy. Then they are with them in the days after delivery, bringing diapers to them, bringing formula to them, helping them in those early moments. Thousands of volunteers around the country do that every single week. Good for them. Good for our country. Good for our value for life. I am always proud when Americans stand up for other Americans no matter how weak they are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMERICAN SAFE ACT

Mr. CARPER. Mr. President, the terrorist attacks that we have seen over the last couple of months, including those tragically in Paris and San Bernardino, CA, have made it all too clear that terrorists' threats to Americans and to our allies are very real.

I believe the best way to combat the threat of ISIS across our globe is to continue to degrade and destroy their forces overseas and show the world that they are not as powerful as they claim to be. Our success will not only rob them of their safe haven but will also undercut their recruitment narrative that ISIS is on the rise. But in addition to destroying ISIS overseas, we must also focus on defeating the threat of ISIS here at home.

I realize that many Americans and many of our colleagues are concerned about terrorists traveling to our borders as refugees from Syria or maybe some other country. As many of my colleagues may recall, late last year we debated the question regarding the resettlement of 4 million Syrian refugees and whether we in this country should open our doors to even a small fraction of them. We debated it right here on the Senate floor, as some of you recall, and we debated it in our committees, including the Homeland Security and

Governmental Affairs Committee, where I serve as the senior Democrat.

During that debate, I was reminded of the words of Pope Francis's historic and moving address to a joint session of Congress in the House Chamber last fall when he reminded us of the Golden Rule—to treat other people the way we want to be treated, to love our neighbors as ourselves. He also invoked Matthew 25, which deals with ''the least of these'': When I was hungry, did you feed me? When I was naked, did you clothe me? When I was thirsty, did you give me drink? When I was a stranger in your land, did you take me in?

I think we have a moral imperative to provide for ''the least of these,'' but at the same time, we have a moral imperative to protect Americans from extremists who seek to come to the United States to cause us harm. As we learn to address this tension, our Nation has rigorous screening procedures in place for all refugees, as well as enhanced screening for refugees who might be coming here from Syria. It is a process that takes an average of 2 years to complete.

For those who aren't familiar with the process, people—in this case, 4 million refugees—are left for fighting in Syria to try to get away to save their lives. They are in refugee camps in that part of the world, and the United Nations has a special mission which includes to vet them, to get to know them, to talk with them, and to see if they would like to stay in a refugee camp or try to get settled into some other country.

In vetting the 4 million refugees, a small fraction of those are folks who indicated that they would be interested in maybe resettling in this country. At the end of the day, after winnowing down from 4 million refugees, I believe the U.N. sent us 7,000 names. Out of the 7,000, we selected 2,000—mostly kids, mostly young families, mostly old people, and not very many men of fighting age, if you will. But the President has called for increasing that 2,000 to something like 10,000 over the next year—of course, this year.

Think about that. Out of 4 million, what percentage of 4 million is 10,000 people? Even if we took all 10,000, it is one-quarter of 1 percent. That is what it is: one-quarter of 1 percent. There are obviously concerns about whether any of those people are dangerous—pose an imminent danger to our people. Keep in mind that 2,000 have come in the course of the last year, and not one has been arrested, not one has been convicted of plotting or trying terrorist activity. One of the reasons that happens is—if I were an ISIS person and I were in Syria and wanted to get over, I sure wouldn't spend 2 years trying to come through with the refugees.

That is the most stringent vetting of any group of people who want to come to this country. They have to undergo biometric checks. They are interviewed by people who are trained not just by the U.N. but also by us overseas, and they are vetted by people, interviewed by people who are trained to detect deception.

We have the ability to check these people against any number of the databases that relate to potential terrorist activity. If I were an ISIS person wanting to embed myself with a terrorist group, I am not going to wait 2 years to do that and face the most rigorous of vetting processes for anyone trying to come to this country.

For those of Syrian descent, the process could be even longer than that. It is a long time to wait for terrorists if they were going to try to use the refugee program to access the United States. If I were a terrorist trying to come here, the last thing I would do is go through those 2 years of vetting.

While I understand my colleagues' concerns, the refugee bill that we dealt with today would do little to address our Nation's security needs. That is why many of my colleagues joined me in opposing this bill. The bill that was before us would require the head of top national security agencies to personally certify that each refugee from Syria and Iraq poses no security threat before admission to the United States—not now, not ever.

If this bill had passed, it would have served as a backdoor way to shut off the refugee program by requiring our national security leaders—the head of the FBI, Director of National Intelligence, Secretary of Homeland Security—to promise something they would never promise. As currently drafted, this bill would require these three national security leaders to guarantee that the refugee will never, never become a security threat. That is not how these leaders or their organizations evaluate security threats. They don't have a crystal ball, and they cannot predict the future.

Simply put, the SAFE Act would effectively stop the resettlement of fully vetted refugee women, children, families, and older folks from Syria and from Iraq and would weaken our national security. Again, that is one of the reasons I believe we must focus our attention on threats that pose a greater risk to our homeland.

Democrats put forward a series of commonsense solutions—alternatives, if you will—that will strengthen our security and help protect us against ISIS, a couple of which I had the pleasure of coauthoring. Instead of vilifying refugees, the proposals that we put forward impose tough new sanctions on financial institutions if they knowingly facilitate transactions with ISIS. That particular proposal closes loopholes that would let terrorists legally buy guns. This bill improves intelligence sharing with our allies who join us in the fight against ISIS.

The bill also includes several provisions to better protect the homeland. For example, the bill—our proposal—strengthens the security of our airports. The bill provides better training for law enforcement to respond to active shooter incidents. The legislation also makes several improvements to the security of low-level radiological material so that potentially dangerous material does not fall into the hands of terrorists who might use it to create a dirty bomb.

One particular area I want to focus on, though, is countering violent extremism. As the tragedy in San Bernardino, CA, underscores, some of the greatest threats we face are homegrown terrorism and self-radicalization. That is why the Democratic alternative includes language from the legislation I introduced that would strengthen the Department of Homeland Security's ability to counter violent extremism here in the United States.

This proposal authorizes a new office charged with helping communities across the country—Muslim communities across the country—stop their young people from being recruited by ISIS. The legislative proposal would also create a grant program that would help the Department of Homeland Security connect with nonprofits, with local officials, with religious leaders and youth groups to work together to counter the narratives proffered by terrorist groups like ISIS.

If you look in recent years at the folks in this country who are inspired by ISIS to commit terrorist activities against those of us in this country, you will not find them having come over embedded, to my knowledge, with any refugee organization or any refugee group. The biggest threat to us is not necessarily the people coming through on the Visa Waiver Program, student visa programs, or tourist visa programs. The biggest threat to our security is from folks who in many cases were born here or in some cases folks who could have come from Syria, Iraq, or some other place, but they became radicalized after coming here—maybe after becoming a citizen here. Those are the threats that I think pose the greatest danger. We call them lone wolves.

One of the best ways to address those folks is to look around at maybe our history and look at what is going on in Arabic and other countries and ask if there is some way to reach out to those people who are actually in danger of becoming radicalized or a lone wolf, if someone could reach out to them and reduce the likelihood of having them become radicalized and prevent them from taking out their frustration or anger on people in this country in harmful ways.

In my last year as Governor of Delaware, I was involved in a foundation that was called the American Legacy Foundation. It was funded by a tobacco settlement between the tobacco industry and all 50 States. The idea behind the American Legacy Foundation was to use the $1 billion that was provided to the American Legacy Foundation to

develop ways to message and communicate with young people in this country who were either smoking or thinking about becoming smokers.

Some of us remember from our youth—and when I was a kid growing up, the idea of smoking was thought to be a desirable thing. Early on, we were not aware of the health consequences to it. We would see all kinds of people in commercials on television advertising smoking, and you would think that would be a cool thing to do. The American Legacy Foundation came along in 2001 and developed a countermessage to all of that, and we called it the Truth Campaign. The Truth Campaign was a multimedia campaign that was included in radio and TV commercials, as well as on the Internet and in magazines and that sort of thing, that young people read or listened to. The narratives and the messaging communications were not developed in boardrooms or by someone like me or the paid staff of the American Legacy Foundation; they were developed by young people who could have been 11, 12, 13, 14, 15, 16, 17, or 18 years old who developed an area and said: This is a message you need to send out through all of these different mediums to try to convince them not to smoke or if they are already smoking, to quit. And that is what we did.

If you look at the incidence of smoking for people who were preteens and teenagers in this country in 2001 and what it was by the end of the last decade, it is amazing how well it worked. It was called the Truth Campaign. The messaging and the messages developed by our target audience were hard-hitting. There was a saying when I went to business school: Talk to your customer and ask them what they want. And in this case, we talked to our customers. A lot of them were about the same age as our pages who are sitting here today.

The Department of Homeland Security is attempting to start up an office called the Office of Community Partnership. It is an office that would work with Muslim communities across the country, including families, religious leaders, and other young people, in order to try to make sure young people do not become radicalized and undertake activities that are going to harm other folks in this country. I think it is a very promising initiative. The folks leading this community partnership office at the Department of Homeland Security are going to work with the American Legacy Foundation to see what worked and really changed the game with respect to young people smoking and using tobacco in this country. We may be able to apply some of those lessons to deter the likelihood of people of Muslim faith who are somehow convinced that their faith directs them to undertake these violent activities. I am encouraged by this prospect.

The last thing I will say is that we have 1½ billion people around the world who are Muslims. I am Protestant, and there are people of different faiths in this body. There are Protestants, Catholics, Jews, and others. Among the things we have in common, as well as with the Muslim faith, is something I mentioned earlier—the Golden Rule. Almost every major religion on Earth has several things in common, but one of the things they have in common is the Golden Rule, which is to love your neighbor as yourself and treat other people the way you want to be treated. I don't care if you are Protestant, Catholic, Jewish, Buddhist, Hindu, or Muslim, somewhere in your Sacred Scripture is that idea, that notion, that directive.

There are some people who take my Christian faith and turn it on its head to say and do things that we would never do and should never do. We take the Bible, the Old Testament and the New Testament, and instead of embracing Matthew 25—the least of these, when I was a stranger in your land, did you take me in—we are basically saying: We are not going to let any people in this country who are, say, of the Muslim faith. That is not a Christian thing to say or do.

People take my religion, my faith and turn it into something that it is not even close to being, and, not surprisingly, there are some people who do that with the Muslim faith. We need to counter that and help the vast majority of folks in this country who are Muslim to better counter them in ways which, frankly, I could never do but which people in Muslim communities and of that faith across the country would like to do and want to do. We need to be a good partner and help them to be successful in that effort. Frankly, that is a whole lot better alternative than the legislation that was before us today, and that is one thing we ought to be able to agree on. I hope my colleagues—Democratic, Republican, and Independent—will find a path to join me and others who think this is a good idea and make it happen.

With that, I will pass the baton to my friend from another big State, Rhode Island.

I thank the Presiding Officer for the opportunity to speak today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 17 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise for ''Time to Wake Up'' speech No. 124.

Today, let's talk Texas. Polling from the University of Texas at Austin shows that more than three out of four Americans—or 76 percent—now believe that climate change is occurring. Fifty-nine percent of Republicans say it is happening. While most poll respondents say they would support a Presidential candidate who supports reducing coal as an energy source, the number goes up to 65 percent for voters under the age of 35. So we might expect Republican Presidential hopefuls to acknowledge the problem and incorporate climate action into their campaign platforms. We might, but we would be wrong.

Republican candidates for President have a key constituency: fossil fuel billionaire donors. So the candidates ignore the clear tide of public opinion, mock the warnings of our scientific and national security experts, dismiss climate disruptions in their own home States, and dismiss the world-class climate research of their own home State universities and scientists—even in Texas.

When asked if global warming is real, the junior Senator from Texas responds that the ''data and facts don't support it. . . . Science should follow the facts.'' OK. Let's follow the data and facts.

NOAA and NASA just announced that 2015 was the warmest year ever recorded on Earth. That is a fact, and it not an anomaly. It is the continuation of a clear trend. Fifteen of the warmest 16 years ever recorded by humankind on this planet are the 15 years of this century.

Texas A&M has a department of atmospheric sciences. The faculty there have unanimously adopted this statement:

1. The Earth's climate is warming, meaning that the temperatures of the lower atmosphere and ocean have been increasing over many decades. Average global surface air temperatures warmed by about 1.5 degrees Fahrenheit between 1880 and 2012.

2. It is extremely likely that humans are responsible for more than half of the global warming between 1951 and 2012.

3. Under so-called ''business-as-usual'' emissions scenarios, additional global-average warming (relative to a 1986 to 2005 baseline) would likely be 2.5 to 7 degrees Fahrenheit by the end of this century.

That is Texas A&M's scientific assessment supported by the data and facts.

Go Aggies.

The Texas State climatologist, Dr. John Neilsen-Gammon, appointed to his position by Governor George W. Bush, has concluded that ''fossil fuel burning and other activities are the primary cause of the global-scale increase in temperature over the past decades.''

According to a Yale University poll released last fall, most Texans—61 percent of Texas adults—support setting stricter limits on coal-fired powerplants. Well, the President's Clean Power Plan would do just that. It is projected to both cut carbon emissions and save Americans money on their annual energy bills. Yet the junior Senator from Texas rails against the plan, urging people ''to stand up against this administration's dangerous agenda of economic decline''—economic decline if you are a big polluter, maybe, used to polluting for free. The Clean Power

Plan will save the average American family nearly $85 on their annual energy bill by 2030, not to mention preventing death and disease through reduced soot, smog, and other harmful pollutants.

A 2014 study found that strong limits on carbon pollution similar to those in the Clean Power Plan would prevent 2,300 deaths in Texas between 2020 and 2030. Texas emits the highest amount of carbon pollution in the country. Yet Texas is well positioned to meet its Clean Power Plan targets.

An Environmental Defense Fund study based on data from Texas's primary electric grid operator shows that existing market trends alone will get Texas to 88 percent of its compliance with the plan as a result of increased wind power capacity, improved energy efficiency results, and switching from coal to natural gas. In fact, Texas's wind farms have become so good at generating power that some utilities are giving away energy.

Here is an article from the New York Times on this unique situation in Texas with the headline ''A Texas Utility Offers a Nighttime Special: Free Electricity.''

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the end of my remarks.

Scott Burns, the senior director of innovation at Reliant Energy, a Texas utility with plans to incentivize night and weekend electricity use, says: ''You can be green and make green.''

With Texas so strong in wind energy production and solar energy potential, Texas is actually in a position to use its clean energy resources to help other States comply with the Clean Power Plan, a win-win with even more Texas clean energy jobs.

So, in Texas, there is an overwhelming consensus of scientists at their own State universities, there is a desire for action among the majority of Texans, and there are vast economic opportunities from Texas renewable energy. But the junior Senator from Texas continues to rail against mainstream climate science. He claims that ''according to the satellite data, there has been no significant global warming for the past 18 years.'' Eighteen years. What an interesting number to pick—18 years. If we go back 18 years, we start in 1998.

Why might the junior Senator from Texas start his assessment of satellite data in 1998? Well, look at this. When PolitiFact investigated the Senator's claim that global warming has paused, the Senator's office referred to the work of Dr. Carl Mears, a scientist who worked with satellite data temperature sets. This is a graph of that data. Look at 1998. The Earth was experiencing a large El Nino event in 1998, and the observed temperatures were substantially above normal. So if that is where we start the data set, of course it is going to look like a pause. As the Washington Post put it, ''There is a reason why CRUZ uses this particular year, and that reason is what makes this claim misleading.'' PolitiFact ruled him ''mostly false,'' by the way.

The whole data set shows a clear, unequivocal, long-term global warming trend. As Dr. Mears himself said, ''You can look at the data since 1980, and it's pretty clear that there's an ascending trend there. But if you look at any 15-year period, it's a lot less clear that the trend line that you drive might actually mean something.'' Dr. Mears also warns against drawing conclusions from just this one data set. ''Look at all the different datasets,'' he said. ''You don't want to trust only the satellite temperatures; you want to look at the surface temperatures and that sort of thing.''

Scientists have known for some time that the oceans bear the brunt of global warming. The reason is simple: They can absorb more heat than the atmosphere, and they do. Peter Gleckler, an oceanographer at the Lawrence Livermore National Laboratory, said, ''Ninety, perhaps 95 percent of the accumulated heat is in the oceans.''

A study released this month shows the world's oceans absorbed—I don't think this number has ever been said before on the Senate floor—approximately 150 zettajoules—that is a lot of zeroes; I don't even know how many zeroes that is—150 zettajoules of manmade heat energy between 1997 and 2015. What does that mean? Here is how the Washington Post described it. I will quote the Washington Post:

> [I]f you exploded one atomic bomb the size of the one dropped on Hiroshima every second for a year, the total energy released would be 2 zettajoules. . . . Since 1997, Earth's oceans have absorbed man-made heat energy equivalent to a Hiroshima-style bomb being exploded every second for 75 straight years.

Yet the Senator from Texas would like us to base our calculation on a cherry-picked data set beginning in an outlier year.

The oceans aren't just warming, unfortunately. The warming in the oceans is accelerating. Paul Durack, coauthor of the study, notes, ''After 2000 in particular the rate of change is really starting to ramp up.''

People who insist that the climate has not warmed in recent decades ignore a lot, but one thing they particularly ignore is the oceans, and we measure this stuff. The oceans don't lie.

Here is another good one from the junior Senator. The Senator from Texas informs us that ''history with markedly more CO_2 predated the Industrial Revolution, so it didn't come from automobiles or the burning of carbon fuels.'' What he omits is that this history with markedly more CO_2 occurred more than 800,000 years ago.

This chart shows that here is where we are right now. Here is the record of carbon in the atmosphere going back 800,000 years. Where in that period was it more than now? Never. Eight hundred thousand years, hundreds of thousands of years before humans even began to walk the Earth.

Greenhouse gases blanket our planet, absorbing the Sun's energy and preventing heat from escaping back into space. Ice sheets melt, seas warm and rise, and so since the late 1880s, sea level has risen 3 feet along the shores of Galveston, TX. None of that matters to the junior Senator from Texas.

In December he even convened a hearing protesting scientific consensus on climate change as ''partisan dogma and ideology.'' Tell that to NASA and the U.S. Navy. At the time, more than 190 countries were negotiating the groundbreaking international climate agreement in Paris. Well, Texans were on hand in Paris too. Austin mayor Steve Adler signed the Compact of Mayors, a ''global coalition of mayors pledging to reduce local greenhouse gas emissions, enhance resilience to climate change, and report transparently.'' Katherine Romanak and Hilary Olson represented the University of Texas's Gulf Coast Carbon Center to share their expertise on carbon capture and storage. Professor Robert Bullard, dean of the School of Public Affairs at Houston's Texas Southern University, organized a delegation from the Historically Black Colleges and Universities Climate Change Consortium, and Dr. Katharine Heyhoe, director of the Climate Science Center at Texas Tech University, encouraged fellow evangelicals to join her in faith-inspired support for climate action.

On that subject, let me read into the RECORD the 2015 statement of the National Association of Evangelicals:

> [T]he Earth belongs to God, not us. . . . Probably the most serious and urgent challenge faced by the physical world now is the threat of climate change. . . . We encourage Christians worldwide to . . . exert legitimate means to persuade governments to put moral imperatives above political expediency on issues of environmental destruction and potential climate change.

Well, as the President said last week, America ''led nearly 200 nations to the most ambitious agreement in history to fight climate change.''

The junior Senator from Texas would be President, yet he completely refuses to engage on climate change. He ignores Texas State universities, Texas scientists, Texas local officials, and the whole clean energy economy in Texas. He courts evangelicals. He associates himself with the evangelical movement, but he ignores the statement of their own national association.

Now, some say his candidacy is a danger to our distinct American heritage, the separation of church and state. But, really, it seems to me his problem is with the separation of oil and state.

The fossil fuel industry is the last bastion of climate denial. It funds a vast apparatus of climate denial. It also funds a lot of politics. You do the math.

It is time to wake up.

I yield the floor.

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

[From the New York Times, November 8, 2015]

ENERGY & ENVIRONMENT

A TEXAS UTILITY OFFERS A NIGHTTIME SPECIAL: FREE ELECTRICITY

(By Clifford Krauss and Diane Cardwell)

DALLAS.—In Texas, wind farms are generating so much energy that some utilities are giving power away.

Briana Lamb, an elementary school teacher, waits until her watch strikes 9 p.m. to run her washing machine and dishwasher. It costs her nothing until 6 a.m. Kayleen Willard, a cosmetologist, unplugs appliances when she goes to work in the morning. By 9 p.m., she has them plugged back in.

And Sherri Burks, business manager of a local law firm, keeps a yellow sticker on her townhouse's thermostat, a note to guests that says: ''After 9 p.m. I don't care what you do. You can party after 9.''

The women are just three of the thousands of TXU Energy customers who are at the vanguard of a bold attempt by the utility to change how people consume energy. TXU's free overnight plan, which is coupled with slightly higher daytime rates, is one of dozens that have been offered by more than 50 retail electricity companies in Texas over the last three years with a simple goal: for customers to turn down the dials when wholesale prices are highest and turn them back up when prices are lowest.

It is possible because Texas has more wind power than any other state, accounting for roughly 10 percent of the state's generation. Alone among the 48 contiguous states, Texas runs its own electricity grid that barely connects to the rest of the country, so the abundance of nightly wind power generated here must be consumed here.

Wind blows most strongly at night and the power it produces is inexpensive because of its abundance and federal tax breaks. A shift of power use away from the peak daytime periods means lower wholesale prices, and the possibility of avoiding the costly option of building more power plants.

''That is a proverbial win-win for the utility and the customer,'' said Omar Siddiqui, director of energy efficiency at the Electric Power Research Institute, a nonprofit industry group.

For utilities, the giveaway is hardly altruistic. Deregulation in Texas has spurred intense competition for customers. By encouraging energy use at night, utilities reduce some of the burdens, and costs, that the oversupply of wind energy places on the power grid.

Similar experiments are underway elsewhere.

In Italy, customers of Enel, a leading utility, can receive incentives for keeping their electricity use below a predetermined level at times of highest demand.

In Maryland, Baltimore Gas & Electric allows customers to earn rebate credits on their bills for every kilowatt-hour less that they use during certain high-demand times. The program is run by Opower, which manages similar programs for several utilities.

And in Worcester, Mass., National Grid has installed a home energy management system from Ceiva Energy in about 11,000 homes, connecting a range of devices like smart plugs, high-tech thermostats and digital picture frames that display the home's energy use along with the photos.

But no major market has gone as far as Texas, which is conducting a huge energy experiment made possible by the nearly universal distribution in recent years of residential smart meters that can receive and transmit data on electricity.

''Texas is head and shoulders above everybody else with really unique packages for the consumer,'' said Soner Kanlier, a retail energy markets expert at DNV GL, a consulting firm based in Oslo, Norway.

Texas is a unique power market, one that makes it better suited for innovation than most others. It is by far the largest deregulated electricity market in the country, spawning scores of retail power competitors hungry to make new customers and keep old ones.

''You can be green and make green,'' said Scott Burns, senior director for innovation at Reliant Energy, which has plans to offer incentives to increase night and weekend electricity use.

Energy experts say smart meters have not yet reached their potential and have made little difference in total power use. In many cases, utilities have monopolies and fixed rates, and they do not want to see customers bled away by renewable energy sources, so they have little incentive to use the new data source in creative ways, experts say. Texas is trying to be the exception, though experts say it will still take more time to assess the impact.

''The American consumer wants choice,'' said Jim Burke, TXU's chief executive. ''Consumer choice, with its impacts and benefits, will drive the future of the power industry.'' But he quickly added a note of caution: ''I think the pace at which it evolves is the unknown.''

Executives freely acknowledge that the range of residential electricity plans they offer is overwhelmingly a marketing tool.

''We're all trying to grow, and it's a very competitive market,'' said Manu Asthana, president of the residential division of Direct Energy, which offers various plans.

Commercials on television and radio, billboards on highways, and aggressive social media campaigns promise joyful, or at least free, cooking, cooling and gadget-playing at certain hours.

''Every morning, every evening, ain't we got fun?'' goes one TXU jingle, mimicking the jaunty song that became popular in the 1920s. When customers ask for information or complain on the phone or by Twitter post or Facebook comment, company agents go over their electricity needs and habits to find the right plan for them. Otherwise, power executives say, the customer can easily be lost.

''Time of use'' plans are growing in popularity in Texas, according to figures compiled by the Electric Reliability Council of Texas, or Ercot, the operator of the power grid and the manager of the deregulated market for 75 percent of the state.

In June 2013, 135,320 households had enrolled in ''time of use'' plans in the Ercot region. That number climbed to 290,328—out of more than six million residences in September 2014. And although nearly 63,000 residences dropped out of the program over that time—in part because rates are typically higher under the plans at peak hours—Ercot officials believe that the number of households enrolled continues to grow.

Consumers estimated that the plans were saving them as much as $40 or $50 a month during the peak summer season.

''We are still in the formative stages of this,'' said Paul Wattles, an Ercot senior analyst for market design and development. ''If we can reach critical mass—and 290,000 is already a pretty good number—but if that number started to double or triple, you could start seeing a significant shifting of load, and that is the whole point.''

Ms. Burks, the law firm business manager, is part of that shift—and she is not motivated by environmental concerns.

''I never thought about it,'' she said. In fact, she leaves lights on and even the television on when she leaves the room.

''I'm really wasteful now,'' she said. ''The first thing I tell my guests is my electricity is free after 9.''

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

AMERICAN SAFE ACT

Mr. CARDIN. Mr. President, I take this time as a Senator from Maryland, as well as the ranking Democrat on the Senate Foreign Relations Committee, to talk about the bill we voted on earlier today—on the motion to proceed to the so-called SAFE Act dealing with Syrian refugees. I like to call it the fear act because I think it really is an act that is misguided.

I will start by saying that the world looks to the United States, and when there are tough problems, they look to our leadership. They know this country is prepared to step forward and provide the international leadership to deal with the toughest problems we face as a global community.

The bill I call the fear act would jeopardize America's response to one of the greatest humanitarian crises of our time, it would jeopardize the U.S. leadership on humanitarian issues, and I think it would compromise U.S. security. Let me tell my colleagues why. We face the greatest crisis on refugees and displaced individuals since World War II. The number is about 60 million globally who are currently refugees or displaced. The largest numbers right now are coming out of Syria. Make no mistake about it—millions are coming out of Syria. They are escaping the Assad regime's barrel bombs and gases and starvation policies. These are victims. These are people who are losing their lives because of the barbaric regime of President Assad. Our values are that we respond to those issues, that we act in a responsible way, that we help the international community to help those people who are trying to escape the persecutions of oppressive regimes.

The fear act would shut down the U.S. process of accepting Syrian refugees. Why do I say it would shut it down? Because it would require the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Director of National Intelligence—all three—to certify, on an individual basis, the ability of these individuals to meet our standards to come into the United States. That would require 100 certifications per day, 300 certifications total.

What else would they be doing? I hope the Director of the FBI is working to keep our country safe and more than just dealing with the Syrian refugees. This would cut down and eliminate our ability to accept Syrian refugees.

Let me cite some of the numbers. The United States has accepted 2,000 Syrian refugees. There are millions of Syrian refugees. The total number the President has talked about is 10,000—a small fraction of the total numbers who are being relocated under the Syrian refugee program. We look at the neighboring countries alone, what is being done in Jordan, what is being done in Lebanon, and look at what Europe is accepting. We are taking a very

small burden here, and it is individuals who do not pose a threat. I will explain that. Every one of us will do everything we can to make sure that our homeland is safe. I am prepared to do everything reasonable to make sure we keep Americans as safe as we possibly can from the threat of extremists.

So what do these Syrian refugees go through? By the way, there has not been a reported case of a Syrian refugee in regards to terrorism. What do they go through?

First, they are screened by the High Commissioner for Refugees of the United Nations. They screen the individuals who are considered eligible to come to the United States. They go through that screening process. Then they are fingerprinted and go through a biometric check. They go through several layers of biographical and background screenings. They are individually interviewed by U.S. officials. It takes about 18 to 24 months. If you are a terrorist, you are not going to go through this.

It is up to the potential individual who will come to the United States as a refugee to establish that they are a refugee. That means they must establish that they have been a victim of the terrorist activities in order to be able to get to the United States. It is up to them to establish that burden. We don't accept individuals who cannot establish that burden. This is not the target group that we should be concerned about.

The real threat to our homeland security—let's take a look at others who come to this country. We already did this in the omnibus bill, but we know under the Visa Waiver Program there are individuals who hold passports of countries with which we have the Visa Waiver Program. That means they are countries that have relations with the United States, and we generally accept their visitors without a visa. Many of these countries have foreign fighters who have gone to the affected areas that could very well be involved in terrorist activities and then come back to the European country and come to the United States under the Visa Waiver Program. Well, we took some action against that in last year's bill. That was good. We need to continue to scrutinize that.

What we saw happen in California was that we had a spouse who didn't come under a Syrian waiver program or a Syrian refugee program, but who came under other visa programs. That needs to be scrutinized. For people who come to America, we need to know that they are not connected to a terrorist organization.

But the greatest concern is the radicalization of Americans. We need to know why people do what they do. We need to have a better system to protect the homeland. Let's focus on the real problem areas in our country.

If this bill were to be passed, it would actually make us less safe. It would affect our national security. Let me tell you the reason why. First, it would clearly diminish U.S. leadership. When we go and seek international support, particularly for our coalition against ISIL, our failure to be willing to take any of the Syrian refugees will certainly compromise America's credibility and ability to lead internationally.

It will be used by ISIL as propaganda. Make no mistake about that. They understand that. This is what they are saying about America.

It is against our values. It makes us weaker as a nation.

It is for those reasons that we found that national security professionals from both parties, including Henry Kissinger, David Petraeus, Brent Scowcroft, and Michael Chertoff, all have come out in opposition on the grounds that it would undermine our security and benefit ISIL. These are professionals. They understand the risk factors.

What we should be doing is everything we can to protect us from the threat of ISIL. That means let's figure out ways we can share intelligence information among all of our willing partners. Let's provide the leadership, particularly in those countries in which ISIL can operate, so that the governments represent all the communities, so that there is not a void where the Sunni minority population feels that their only safety is with ISIL.

Let's make sure we cut off all the financial support for ISIL, including their oil abilities and the transport of oil. This is what the Obama administration is doing. Let's make sure we do cut off any opportunities to expand their capacity.

Let's deal with foreign fighters—people who come from Western countries who go to these areas and train. Let's make sure that we know where they are, and when they try to come back into one of the Western countries, that they are apprehended and tried because of their affiliation with terrorists.

Let's help countries such as Jordan, Iraq, and Lebanon that are taking on the extreme burdens of the refugees so they can deal with their own crises that have been exaggerated because of the Syrian conflict and ISIL formation.

In other words, let us work in a coordinated way to root out the main cause of the terrorist activities; that is, ISIL's ability to attract supporters and to gain territory. Let's take away that territory, coordinate our airstrikes, and work with the local forces on the ground. All of that should be done, and we need to work together on that.

To concentrate on the few thousand Syrian refugees who have gone through this country's strictest vetting process makes little sense and will not keep us safer, but, as I indicated before, will actually compromise our national security.

In closing, let me state what makes this Nation the great Nation that it is. I think each of us knows that we are living in a special country—a country that has stood up for freedom, a country that has been looked upon as a beacon of hope around the world. Many of our parents and grandparents came from other countries in order to settle in this country because of its opportunity.

I am a student of history, not just because it is an effective, factual counterpart to the bluster of politicians and social media accounts. History can be a touchstone to remind us of who we are and a lens through which we can see who we are. Throughout our history, we have recognized that even in times of war we were fighting leaders of authoritarian regimes and not their victims. From 1945 to 1952, we resettled 400,000 displaced persons from Nazi-controlled areas in Europe. In the fall of Saigon in 1997, the United States rescued 883,000-plus refugees who fled Vietnam, a country with which we had been in a state of undeclared war that claimed 58,000 American lives. Between 1970 and 1991, we resettled 200,000 Jews from the Soviet Union, the very government which posed the greatest security threat the United States has ever known. In addition, we have resettled hundreds of thousands of refugees from Cuba and other countries behind the Iron Curtain.

This Republican bill we considered today dishonors our proud history of providing a safe haven. History can also be harsh and unsentimental. This bill risks repeating mistakes of the past when the United States tragically turned away Jewish refugees in World War II.

After the photo of Aylan Kurdi, the 3-year-old who was washed up on the beach, was published in the news media, the American people opened their hearts to the Syrian people. The American people recognize the distinction between those who are victims of terror and those who perpetrate it. We should not let knee-jerk reactions keep us from being the beacon of hope for Syrians and other refugees in the Middle East, Africa, and around the world. We should do what we do best—our values.

We should never compromise homeland security. We need to do everything we can to keep Americans safe. We need to make sure we have the strictest vetting procedures for anyone who wants to come to this country as a refugee or a visitor. We could always do a better job, and we have to do more to understand why Americans have been converted to radicalization through the Internet and what has happened on social media.

Yes, we need to do a much more effective job of keeping America safe and the homeland safe, but shutting down the Syrian refugee program would be a major mistake for our values of who we are as a nation and for our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 7 minutes.

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

REMEMBERING PAUL KINSMAN

Mr. ROUNDS. Mr. President, I rise today to commemorate the life and legacy of Paul Kinsman. Paul was born in Watertown, SD, on September 7, 1958, and died in Pierre, SD, on January 10, 2016, at the young age of 57. Paul was a lifelong South Dakotan and a dedicated public servant to the citizens of our State.

After earning his law degree, Paul began 28 years of public service to the people of South Dakota. We are a better State and a better people because of his hard work and his dedication.

As an administrative law judge, the deputy commissioner of administration, the director of property taxes and special taxes, the commissioner of administration, and the secretary of revenue, he inspired his coworkers with his intelligence, his humor, and his tenacity for getting things done.

During my 8 years working as Governor of South Dakota, Paul served as commissioner of the Bureau of Administration and secretary of revenue. He was a burly, teddy bear of a man. No matter how hard the problem or how challenging the issue, whenever we met he had a gleam in his eyes and a smile on his face that told me without words that we were going to solve that problem or meet that challenge. And we did because of him.

As an administrative law judge and tax collector, he earned the respect and admiration of the public, even when his rulings and applications of law were not in their favor. He was straightforward and fair, which South Dakotans appreciate.

As the head of the Bureau of Administration, he led and championed many projects that increased the efficiency of State government to serve the people and preserve the heritage of South Dakota in the people's house, our State capitol.

But more important than all of his career accomplishments is the kind of person Paul Kinsman was. He was a loving husband, father, grandfather, and friend to all who knew him. He had a tremendously positive impact on the many thousands of people he met and touched with his kindness and generosity. With this, I welcome the opportunity to recognize and commemorate the life and legacy of this public servant and my friend, Paul Kinsman.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ENEMIES LIST REGULATION

Mr. MCCONNELL. Mr. President, news outlets reported something today that should worry all of us. Apparently, President Obama is again—one more time—considering imposing his enemies list regulation by Executive order, just weeks after Congress voted overwhelmingly to pass, and the President signed into law, legislation prohibiting him from doing that very thing.

The enemies list regulation would inject partisan politics into the government contracting process by allowing an organization's political leaning and donations to be considered. Here is the practical effect: Administrations of either party could draw friends lists and enemies lists and then award contracts based upon whether an organization backed the right horse in the last election.

That is the kind of thing you would expect in some banana republic but not in the United States of America. So why would the President even attempt to impose such a bad idea?

Let me remind my colleagues of something the President's own Chief of Staff recently said. He implied that the central question President Obama will now ask himself before imposing a policy is—listen to this—''Why not?''

''Why not?'' Think about that—not whether it is good for the country, not whether it is constitutional, just ''why not.''

If future Republican Presidents lived by this ''why not'' standard, Democrats would be truly outraged. If future Republican Presidents ignored prohibitions passed by Democratic-controlled Congresses, Democrats would be outraged. When the legislature passes a prohibition and the President signs that prohibition into law, it is the law.

I hope every one of my colleagues, even those who support the idea of an enemies list, will join me in that sentiment at least. If it is the law, it is the law. We are always mindful that the precedents set today could be wielded by a different President tomorrow.

The intent of the prohibition Congress passed here is absolutely clear, regardless of creative arguments the administration might construct to justify skirting the law.

If President Obama's standard these days is ''why not,'' then here are a few reasons why not. Here is the first: He can't do it. That should really be the end of the discussion.

For the sake of argument, here is another reason: It is a terrible policy. Just listen to what members of the President's own party have said about it. One of our Democratic colleagues in the Senate said:

> Under the Federal Acquisition Regulation, the award of contract must be based on the evaluation of quality, price, past performance, compliance with solicitation requirements, technical excellence and other considerations related to the merits of an offer. The requirement that businesses disclose political expenditures as part of the offer process creates the appearance that this type of information could become a factor in the award of Federal contracts.

She explained:

> Requiring businesses to disclose their political activity when making an offer risks injecting politics into the contracting process.

The second-ranking Democratic in the House—not some back-bencher—said:

> The issue of contracting ought to be on the merits of the contractor's application and bid and capabilities. . . . There are some serious questions as to what implications there are if somehow we consider political contributions in the context of awarding contracts.

He said he was ''not in agreement with the administration'' on this issue.

So, look, no one should have to worry about whether supporting a certain political party or a candidate will determine their ability to get a Federal contract or keep their job. I hope what we read in the papers is not accurate.

The President's enemies list proposal fails even the ''why not'' test on multiple levels:

No. 1, he can't.

No. 2, it is bad policy, as Democrats have reminded us.

If you need another reason, here is a third: No. 3, Congress has rejected these types of policies already.

There are plenty of reasons why the President should not attempt to impose this regulation, and the President should heed them.

MORNING BUSINESS

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

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

230TH ANNIVERSARY OF THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

Mr. LANKFORD. Mr. President, in 1992, the House and Senate joined together to pass a resolution designating January 16 as Religious Freedom Day to celebrate one of the most powerful and unique freedoms within our Nation's founding and fabric. This day is significant because it marks the passage of the 1786 Virginia Statute for Religious Freedom originally authored by Thomas Jefferson.

2016 marks the 230th anniversary of the passage of this statute that, as Congress recognized, ''inspired and shaped the guarantees of religious freedom in the First Amendment.'' It reads in part: ''. . . no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced . . . in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.''

The Founders understood that there is a direct connection between the prosperity and health of a nation and its respect for human rights and religious freedom. Individual faith grows