

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 134 Leg.]

#### YEAS—52

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

#### NAYS—44

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

#### NOT VOTING—4

Franken	Lee	Tillis
Klobuchar		

The PRESIDING OFFICER (Mr. HOEVEN). On this vote, the yeas are 52, the nays are 44.

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

The majority leader.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the conference report to accompany H.R. 2577.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, John Thune, Orrin G. Hatch, Jerry Moran, Shelley Moore Capito, Johnny Isakson, Mike Crapo, Thom Tillis, John Hoeven, Joni Ernst, Steve Daines, Chuck Grassley, James E. Risch, John Boozman, Cory Gardner, John Barrasso.

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

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 524, H.R. 5293.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 524, H.R. 5293, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 524, H.R. 5293, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, James Lankford, John Thune, Orrin G. Hatch, Jerry Moran, Shelley Moore Capito, Johnny Isakson, Mike Crapo, John Boozman, Thom Tillis, John Hoeven, Joni Ernst, David Perdue, Dan Sullivan, Steve Daines, Chuck Grassley, James E. Risch.

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

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

The Senator from Wisconsin.

#### WATERFRONT COMMUNITY REVITALIZATION AND RESILIENCY ACT OF 2015

Ms. BALDWIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 508, S. 1935.

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

The bill clerk read as follows:

A bill (S. 1935) to require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Waterfront Community Revitalization and Resiliency Act of 2015".*

#### SEC. 2. FINDINGS.

*Congress finds that—*

(1) many communities in the United States were developed along waterfronts;

(2) water proximity and access is a recognized economic driver;

(3) water shortages faced by parts of the United States underscore the need to manage water sustainably and restore water quality;

(4) interest in waterfront revitalization and development has grown, while the circumstances driving waterfront development have changed;

(5) waterfront communities face challenges to revitalizing and leveraging water resources, such as outdated development patterns, deteriorated water infrastructure, industrial contamination of soil and sediment, and lack of public access to the waterfront, which are often compounded by overarching economic distress in the community;

(6) public investment in waterfront community development and infrastructure should reflect changing ecosystem conditions and extreme weather projections to ensure strategic, resilient investments;

(7) individual communities have unique priorities, concerns, and opportunities related to waterfront restoration and community revitalization; and

(8) the Secretary of Commerce has unique expertise in Great Lakes and ocean coastal resiliency and economic development.

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **RESILIENT WATERFRONT COMMUNITY.**—The term "resilient waterfront community" means a unit of local government or Indian tribe that is—

(A)(i) bound in part by—

(I) the Great Lakes; or

(II) the ocean; or

(ii) bordered or traversed by a riverfront or an inland lake;

(B) self-nominated as a resilient waterfront community; and

(C) designated by the Secretary as a resilient waterfront community on the basis of the development by the community of an eligible resilient waterfront community plan, with eligibility determined by the Secretary after considering the requirements of subsections (b) and (c) of section 4.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Commerce.

#### SEC. 4. RESILIENT WATERFRONT COMMUNITIES DESIGNATION.

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall designate resilient waterfront communities based on the extent to which a community meets the criteria described in subsection (b).

(2) **COLLABORATION.**—For inland lake and riverfront communities, in making the designation described in paragraph (1), the Secretary shall work with the Administrator of the Environmental Protection Agency and the heads of other Federal agencies, as the Secretary determines to be necessary.

(b) **RESILIENT WATERFRONT COMMUNITY PLAN.**—A resilient waterfront community plan is a community-driven vision and plan that is developed—

(1) voluntarily at the discretion of the community—

(A) to respond to local needs; or  
(B) to take advantage of new water-oriented opportunities;

(2) with the leadership of the relevant governmental entity or Indian tribe with the active participation of—

(A) community residents;  
(B) utilities; and  
(C) interested business and nongovernmental stakeholders;

(3) as a new document or by amending or compiling community planning documents, as necessary, at the discretion of the Secretary;

(4) in consideration of all applicable State and Federal coastal zone management planning requirements;

(5) to address economic competitive strengths; and

(6) to complement and incorporate the objectives and recommendations of applicable regional economic plans.

(c) **COMPONENTS OF A RESILIENT WATERFRONT COMMUNITY PLAN.**—A resilient waterfront community plan shall—

(1) consider all, or a portion of, the waterfront area and adjacent land and water to which the waterfront is connected ecologically, economically, or through local governmental or tribal boundaries;

(2) describe a vision and plan for the community to develop as a vital and resilient waterfront community, integrating consideration of—

(A) the economic opportunities resulting from water proximity and access, including—

(i) water-dependent industries;  
(ii) water-oriented commerce; and  
(iii) recreation and tourism;  
(B) the community relationship to the water, including—

(i) quality of life;  
(ii) public health;  
(iii) community heritage; and  
(iv) public access, particularly in areas in which publicly funded ecosystem restoration is underway;

(C) ecosystem challenges and projections, including unresolved and emerging impacts to the health and safety of the waterfront and projections for extreme weather and water conditions;

(D) infrastructure needs and opportunities, to facilitate strategic and sustainable capital investments in—

(i) docks, piers, and harbor facilities;  
(ii) protection against storm surges, waves, and flooding;  
(iii) stormwater, sanitary sewer, and drinking water systems, including green infrastructure and opportunities to control nonpoint source runoff; and  
(iv) other community facilities and private development; and

(E) such other factors as are determined by the Secretary to align with metrics or indicators for resiliency, considering environmental and economic changes.

(d) **DURATION.**—After the designation of a community as a resilient waterfront community under subsection (a), a resilient waterfront community plan developed in accordance with subsections (b) and (c) may be—

(1) effective for the 10-year period beginning on the date on which the Secretary approves the resilient waterfront community plan; and

(2) updated by the resilient waterfront community and submitted to the Secretary for the

approval of the Secretary before the expiration of the 10-year period.

## **SEC. 5. RESILIENT WATERFRONT COMMUNITIES NETWORK.**

(a) **IN GENERAL.**—The Secretary shall develop and maintain a resilient waterfront communities network to facilitate the sharing of best practices among waterfront communities.

(b) **PUBLIC RECOGNITION.**—In consultation with designated resilient waterfront communities, the Secretary shall provide formal public recognition of the designated resilient waterfront communities to promote tourism, investment, or other benefits.

## **SEC. 6. WATERFRONT COMMUNITY REVITALIZATION ACTIVITIES.**

(a) **IN GENERAL.**—To support a community in leveraging other sources of public and private investment, the Secretary may use existing authority to support—

(1) the development of a resilient waterfront community plan, including planning and feasibility analysis; and

(2) the implementation of strategic components of a resilient waterfront community plan after the resilient waterfront community plan has been approved by the Secretary.

(b) **NON-FEDERAL PARTNERS.**—

(1) **LEAD NON-FEDERAL PARTNERS.**—A unit of local government or an Indian tribe shall be eligible to be considered as a lead non-Federal partner if the unit of local government or Indian tribe is—

(A) bound in part by—  
(i) the Great Lakes; or  
(ii) the ocean; or  
(B) bordered or traversed by a riverfront or an inland lake.

(2) **NON-FEDERAL IMPLEMENTATION PARTNERS.**—Subject to subsection (d)(3), a lead non-Federal partner may contract with an eligible non-Federal implementation partner for implementation activities described in subsection (d)(2).

(c) **PLANNING ACTIVITIES.**—

(1) **IN GENERAL.**—Technical assistance may be provided for the development of a resilient waterfront community plan.

(2) **ELIGIBLE PLANNING ACTIVITIES.**—In developing a resilient waterfront community plan, a resilient waterfront community may—

(A) conduct community visioning and outreach;  
(B) identify challenges and opportunities;  
(C) develop strategies and solutions;  
(D) prepare plan materials, including text, maps, design, and preliminary engineering;  
(E) collaborate across local agencies and work with regional, State, and Federal agencies to identify, understand, and develop responses to changing ecosystem and economic circumstances; and  
(F) conduct other planning activities that the Secretary considers necessary for the development of a resilient waterfront community plan that responds to revitalization and resiliency issues confronted by the resilient waterfront community.

(d) **IMPLEMENTATION ACTIVITIES.**—

(1) **IN GENERAL.**—Implementation assistance may be provided—

(A) to initiate implementation of a resilient waterfront community plan and facilitate high-quality development, including leveraging local and private sector investment; and  
(B) to address strategic community priorities that are identified in the resilient waterfront community plan.

(2) **ASSISTANCE.**—Assistance may be provided to advance implementation activities, such as—

(A) site preparation;  
(B) environmental review;  
(C) engineering and design;  
(D) acquiring easements or land for uses such as green infrastructure, public amenities, or assembling development sites;  
(E) updates to zoning codes;

(F) construction of—

(i) public waterfront or boating amenities; and  
(ii) public spaces;  
(G) infrastructure upgrades to improve coastal resiliency;

(H) economic and community development marketing and outreach; and

(I) other activities at the discretion of the Secretary.

(3) **IMPLEMENTATION PARTNERS.**—

(A) **IN GENERAL.**—To assist in the completion of implementation activities, a lead non-Federal partner may contract or otherwise collaborate with a non-Federal implementation partner, including—

(i) a nonprofit organization;  
(ii) a public utility;  
(iii) a private entity;  
(iv) an institution of higher education;  
(v) a State government; or  
(vi) a regional organization.

(B) **LEAD NON-FEDERAL PARTNER RESPONSIBILITY.**—The lead non-Federal partner shall ensure that assistance and resources received by the lead non-Federal partner to advance the resilient waterfront community plan of the lead non-Federal partner and for related activities are used for the purposes of, and in a manner consistent with, any initiative advanced by the Secretary for the purpose of promoting waterfront community revitalization and resiliency.

(e) **USE OF NON-FEDERAL RESOURCES.**—

(1) **IN GENERAL.**—A resilient waterfront community receiving assistance under this section shall provide non-Federal funds toward completion of planning or implementation activities.

(2) **NON-FEDERAL RESOURCES.**—Non-Federal funds may be provided by—

(A) 1 or more units of local or tribal government;  
(B) a State government;  
(C) a nonprofit organization;  
(D) a private entity;  
(E) a foundation;  
(F) a public utility; or  
(G) a regional organization.

## **SEC. 7. INTERAGENCY AWARENESS.**

At regular intervals, the Secretary shall provide a list of resilient waterfront communities to the applicable States and the heads of national and regional offices of interested Federal agencies, including at a minimum—

(1) the Secretary of Transportation;  
(2) the Secretary of Agriculture;  
(3) the Administrator of the Environmental Protection Agency;  
(4) the Administrator of the Federal Emergency Management Agency;  
(5) the Assistant Secretary of the Army for Civil Works  
(6) the Secretary of the Interior; and  
(7) the Secretary of Housing and Urban Development.

## **SEC. 8. NO NEW REGULATORY AUTHORITY.**

Nothing in this Act may be construed as establishing new authority for any Federal agency.

Ms. BALDWIN. Mr. President, I further ask unanimous consent that the committee-reported substitute be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

Ms. BALDWIN. I know of no further debate on the bill.

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

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 1935), as amended, was passed.

Ms. BALDWIN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

# DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 2127

Mr. JOHNSON. Mr. President, I rise today to ask my colleagues to honor the life of Dr. Chris Kirkpatrick by passing a bill to strengthen whistleblower protections.

Last year the Center for Investigative Reporting published an article that revealed allegations of opioid overprescription, whistleblower retaliation, and a culture of fear at the Tomah VA Medical Center in Tomah, WI. It also detailed the tragic story of Jason Simcakoski, who passed away at the Tomah VA in 2014 from mixed drug toxicity. Jason had over one dozen different drugs in his system when he died.

Jason's life is honored by a bipartisan bill introduced by my colleague from Wisconsin that I am pleased to cosponsor: the Jason Simcakoski Memorial Opioid Safety Act. The bill aims to improve VA opioid prescribing guidelines and ensure greater coordination and oversight for patient treatments.

When I learned of the problems at the Tomah VA, I immediately directed my Homeland Security and Governmental Affairs Committee staff to investigate. They reviewed thousands of pages of documents and conducted 22 interviews. We held two hearings in Tomah and two in Washington, DC, to examine what happened at the facility and hear from whistleblowers across the country. On May 31 of this year, we released a 359-page report detailing the findings of our bipartisan investigation. The unfortunate conclusion of our investigation is that with proper disclosure, the tragedies of the Tomah VA could have been prevented.

One of the individuals who blew the whistle on these problems was a psychologist at the Tomah VA named Dr. Chris Kirkpatrick. His portrait stands beside me.

Chris came to Tomah in 2008. He treated veterans, the finest among us, for PTSD, substance abuse, and chronic pain. It didn't take long for him to realize that something was not right. Chris told his family and the union that he thought doctors were overprescribing, overmedicating patients.

The chief of staff of the facility was a doctor who had been known as the Candy Man as far back as 2004 because of the amount of opioids he prescribed for veterans. When the Candy Man

found out that Chris was questioning his prescription practices, Chris was warned to stop. But rather than address Chris's concerns, the VA fired him. Tragically, late on the day that he was terminated, Chris committed suicide.

Chris's managers later said they felt coerced into firing him. Yet no one ever investigated Chris's suicide, and the agency was never held accountable.

Inspectors general are supposed to be the government's watchdogs. Instead of promptly investigating, preparing, and making a report of its investigation public, the VA Office of Inspector General took almost 3 years to prepare a short, extremely flawed report, administratively closed the investigation, and then buried the report.

Then last year, under pressure from news reports and my committee's investigation, the office issued an unsolicited white paper that defended its flawed work and attacked Chris. It even accused him of being a drug dealer. They were retaliating against a dead man.

Sean Kirkpatrick, Chris's brother, summed up the office's actions best. He told our committee: "The haphazard attempt to discredit and slander Chris was absolutely outrageous to us when our brother was merely questioning opioid abuse and concerns that the veterans were not being cared for properly."

Sean Kirkpatrick offered invaluable testimony to our committee and asked us to make commonsense changes to help ensure that what happened to Chris will not happen to someone else.

To address these recommendations and the problems our investigation uncovered, I introduced the Dr. Chris Kirkpatrick Whistleblower Protection Act. Among other things, the bill requires agencies to discipline supervisors who retaliate against whistleblowers and mandates training so employees know their rights and supervisors know how to handle complaints. The bill requires the VA to inform its employees about mental health services available to them and review their protocols to address threats from patients. The bill also prohibits VA employees from accessing the private medical records of coworkers when they blow the whistle as a means to retaliate against them.

I ask the full Senate to honor Dr. Chris Kirkpatrick and protect veterans and future whistleblowers by passing these commonsense reforms. It would be particularly special for the Senate to pass the bill today as, sadly, it is the 7-year anniversary of Chris's passing.

This bill received unanimous support of Democrats and Republicans on my committee in December by a vote of 16 to 0. It has the support of every Republican in the Senate. Yet, unfortunately, one or more Democrat Members have been blocking it. I haven't been told who they are, so I have come to the floor to ask that if a Senator objects to this bill, he or she explain why.

Protecting whistleblowers and putting our veterans first shouldn't be a partisan issue. I know it sure hasn't been one for me.

In fact, just yesterday the Jason Simcakoski Memorial Opioid Safety Act was approved as part of CARA. I was pleased to cosponsor the bill that the junior Senator from my State, a Democrat, introduced. I am not aware of any Republican Member who tried to block its inclusion in CARA, and I was pleased to do whatever I could in the Senate to ensure its passage because it is just good policy and it is just good for our veterans.

I ask my colleagues to give this bill the same respect by judging it based on policy, not politics. Put our veterans first.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 499, S. 2127. I further ask that the committee-reported substitute amendment be withdrawn, the Johnson substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object. We, as the Republicans, want to work to improve veterans' benefits. It is so very important. They give a lot, and we don't take good enough care of them.

I understand Senator JOHNSON's legislation. I appreciate that, but there are a number of bipartisan bills to help our veterans that Democrats want to pass as well. We have our bills; he has his bill. So I hope we can work together in the next little bit to come up with a package of bills that would give the Republicans a few of the things they want and give us some of the things we want because the issue before us, as valid as it could be and might be, addresses a very narrow issue the Senator from Wisconsin seeks to address, but a variety of matters are left undone.

I hope we will be in a position to pass the legislation by the Senator from Wisconsin, but we are not there yet. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, might I ask the majority leader: Are you objecting for yourself or on behalf of others? Further, is there a reason for the objection?

The PRESIDING OFFICER. It is not in order to ask questions of someone who does not have the floor.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, it is extremely disappointing that the minority leader has objected to a commonsense piece of legislation that was passed—again, let me repeat—unanimously out of my committee. Not one