

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VOTE EXPLANATION

Mrs. MURRAY. Mr. President, due to inclement weather causing a flight delay, I was unavoidably detained during consideration of Brown amendment No. 1242 and missed the rollcall vote that occurred on Monday, May 18. As a cosponsor of S. 568, the Trade Adjustment Assistance Act of 2015, and supporter of trade adjustment assistance for workers here at home, had I been present I would have voted yea.

#### BADGER ARMY AMMUNITION PLANT LAND PARCEL

Ms. BALDWIN. Mr. President, in the closing days of last Congress, I was proud to see this body include a provision in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act, P.L. 113-291, to transfer a parcel of land at the former Badger Army Ammunition Plant near Baraboo, WI, from the Department of Defense to the Department of the Interior. I worked throughout the drafting of this legislation to include this provision, which is of great importance to Wisconsin.

During discussions on the specific legislative text to be included in the bill, a question was raised as to how the language might apply to Department of Defense contractors, particularly any Badger Army Ammunition Plant operators. I understand the legislative language that refers to "activities of the Department of Defense" to include activities undertaken by the officers and agents employed or contracted by the Department of Defense, meaning that under the terms of this provision, the Army retains responsibility for remediation of environmental contamination resulting from activities undertaken by the Department of Defense and its contractors. This clarification is critical because Badger Army Ammunition Plant was operated by the Department of Defense contractors, and contamination at the site was caused as a direct result of their activities.

I wrote to the Department of Defense to request their clarification on this matter, and I ask unanimous consent that my letter and their response be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,

Washington, DC, January 12, 2015.

Mr. JOHN CONGER,  
Deputy Under Secretary of Defense, Installations & Environment, Department of Defense, Washington, DC.

DEAR MR. CONGER: The National Defense Authorization Act for Fiscal Year 2015 (PL 113-291) includes a provision (Section 3078) transferring administrative jurisdiction, from the Secretary of the Army to the Secretary of the Interior, of property located on the site of the former Badger Army Ammunition Plant (BAAP) near Baraboo, Wisconsin. I worked throughout the drafting of this legislation to include this provision, and would like to thank you for the assistance provided by your staff in drafting the legislative language that became part of the final bill.

During discussions on the specific legislative text to be included in the bill, a question was raised as to how the language might apply to Department of Defense contractors, particularly any BAAP operators. I understand the legislative language that refers to "activities of the Department of Defense" to include activities undertaken by the officers and agents employed or contracted by the Department of Defense, meaning that under the terms of this provision, the Army retains responsibility for remediation of environmental contamination resulting from activities undertaken by DOD and its contractors. This clarification is critical because BAAP was operated by DOD contractors, and contamination at the site was caused as a direct result of their activities. I would appreciate your views on this matter.

I have worked on this project for 16 years, and I am extremely grateful for the assistance provided by DOD and the Army to help craft a legislative solution. Thank you for your consideration of this request and for all that you do in support of the men and women of our Armed Forces.

Sincerely,

TAMMY BALDWIN,  
United States Senator.

OFFICE OF THE ASSISTANT  
SECRETARY OF DEFENSE,  
Washington, DC.

Hon. TAMMY BALDWIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BALDWIN: Thank you for your January 12, 2015, letter requesting clarification of section 3078 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291), transfer of administrative jurisdiction, from the Secretary of the Army to the Secretary of the Interior, of the property at the former Badger Army Ammunition Plant (BAAP) near Baraboo, Wisconsin. You asked how the act applies to the former Department of Defense operating contractors at BAAP.

The operating contractor for BAAP would have been responsible for operating the plant in accordance with the terms of the contract. Such an operating status would not change the underlying responsibility of the United States Army for the activities at the plant simply because they were performed by its contractor. This is not to say that the contractor would be absolved of responsibility for its activities while performing under the contract, but that responsibility would be governed by the terms of the contract as between the contractor and the United States Army.

To the extent that the contractor's activities were performed pursuant to and in accordance with the contract, the United States Army would retain responsibility for the activities that occurred in the operation of the plant. During those periods you appear

to be most interested in, the Army was the owner of the plant for purposes of the environmental laws. We cannot prejudice any actual issue relating to who would be responsible for actions that occurred at the plant. Such responsibility would be determined after a careful review of the law and its application to the specific facts.

I hope you find this information helpful, please let me know if I can be of any further assistance in this matter.

Sincerely,

JOHN CONGER,  
Performing the Duties of the  
Assistant Secretary of Defense.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR GENERAL R. MARTIN UMBARGER

• Mr. DONNELLY. Mr. President, today I recognize and honor the extraordinary service of MG R. Martin Umbarger, the Adjutant General of Indiana, and to wish him well upon his retirement. A dedicated and loyal public servant, Major General Umbarger has served the people of Indiana and the United States in the Indiana Army National Guard for more than 45 years.

A native of Bargersville, IN, Major General Umbarger enlisted in the Indiana Army National Guard in 1969 after graduating from the University of Evansville. Shortly thereafter, in June 1971, he was commissioned as a second lieutenant, Infantry Branch, following his graduation from the Indiana Military Academy as a Distinguished Military Graduate. Since then, he has dedicated more than four decades to serving his State and his country. Some of his notable assignments include serving as Commanding General of the 76th Infantry Brigade; the Assistant Division Commander for Training, 38th Infantry Division; and the Deputy Commanding General, Reserve Component, U.S. Forces Command. On March 11, 2004, Gov. Joseph Kernan appointed Major General Umbarger to lead the Nation's fourth-largest National Guard contingent as the Adjutant General of Indiana, a position he was reappointed to by Gov. Mitch Daniels on December 1, 2004, and further reappointed by Gov. Mike Pence on December 13, 2012.

During the past 11 years as the Adjutant General, Major General Umbarger has led the Indiana Army and Air National Guard, as well as the more than 15,800 Indiana Guard, Reserve, and State employees, challenging them to embody the National Guard's motto, "Always Ready, Always There." He has directed the training and deployment of nearly every unit of the Indiana Army and Air National Guard in support of the global war on terror and helped establish and oversee the well-respected J9 Resilience Program to support Guard members and their families during predeployment, deployment, and postdeployment. He also served as a member of the Secretary of the Army's Reserve Forces Policy Committee and the Secretary of Defense's Reserve Forces Policy Board.