

Then, Republicans on the U.S. House Science, Space, and Technology Committee sent the attorneys general letters with a barrage of demands to discourage and disrupt their inquiries. A group of Republican State attorneys general even issued a letter decrying the efforts of their investigating colleagues. All of them insisted the First Amendment should prevent any investigation.

In one ironic example, the Koch-backed front group Americans for Prosperity rode to the rescue of the Koch-backed Competitive Enterprise Institute, one of the climate denial mouthpieces under investigation. The Koch-backed front group Americans for Prosperity announced it was joining a coalition of 47 other groups to support what it called “a fight for free speech,” but according to realkochfacts.org, 43 of the 47 groups in that so-called coalition also have ties to the Kochs, and 28 of them are directly funded by the Kochs and their family foundations. Welcome to the apparatus.

The Koch brothers’ puppet groups claim to stand united against what Americans for Prosperity described as “an affront to the First Amendment rights of all Americans,” but scroll back, and the tobacco companies and their front groups and Republican allies made exactly the same argument against the Department of Justice’s civil racketeering lawsuit—the one the Department of Justice won.

Big Tobacco’s appeal in court argued that, quoting the appeal, “the First Amendment would not permit Congress to enact a law that so criminalized one side of an ongoing legislative and public debate because the industry’s opinions differed from the government or ‘consensus’ view.”

How did they do? They lost. They lost because the case was about fraud, not differences of opinion. Courts can tell the difference between fraud and differences of opinion. They do it all the time. Fraud has specific legal requirements. The courts in the tobacco case held firmly that the Constitution holds no protection for fraud—zero—and the tobacco industry had to stop the fraud. Now the fossil fuel industry says it is different from the tobacco industry while it uses the very same argument as the tobacco schemers.

To really appreciate how bogus the First Amendment argument is, think through what it would mean if fraudulent corporate speech were protected by the First Amendment. Out would go State and Federal laws protecting us from deceitful misrepresentations about products. Consumer protection offices around the country would shrivel or shut their doors, and it would be open season on the American consumer. That is a dark world to envision, but it is the world that results if corporate lies about the safety of their products or industrial processes are placed beyond the reach of the law. I say lies because you have to be lying for it to be fraud.

This begs the question of whether there is really a difference of opinion about climate change among scientists. Last week, 31 leading national scientific organizations, including the American Association for the Advancement of Science, the American Meteorological Society, the American Geophysical Union, and 28 others sent Members of Congress a no-nonsense message that human-caused climate change is real, that it poses serious risks to society, and that we need to substantially reduce greenhouse gas emissions. They told us this:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the 39 scientific organizations.

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

JUNE 28, 2016.

DEAR MEMBERS OF CONGRESS: We, as leaders of major scientific organizations, write to remind you of the consensus scientific view of climate change.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

There is strong evidence that ongoing climate change is having broad negative impacts on society, including the global economy, natural resources, and human health. For the United States, climate change impacts include greater threats of extreme weather events, sea level rise, and increased risk of regional water scarcity, heat waves, wildfires, and the disturbance of biological systems. The severity of climate change impacts is increasing and is expected to increase substantially in the coming decades.

To reduce the risk of the most severe impacts of climate change, greenhouse gas emissions must be substantially reduced. In addition, adaptation is necessary to address unavoidable consequences for human health and safety, food security, water availability, and national security, among others.

We, in the scientific community, are prepared to work with you on the scientific issues important to your deliberations as you seek to address the challenges of our changing climate.

American Association for the Advancement of Science
 American Chemical Society
 American Geophysical Union
 American Institute of Biological Sciences
 American Meteorological Society
 American Public Health Association
 American Society of Agronomy
 American Society of Ichthyologists and Herpetologists
 American Society of Naturalists
 American Society of Plant Biologists
 American Statistical Association
 Association for the Sciences of Limnology and Oceanography
 Association for Tropical Biology and Conservation

Association of Ecosystem Research Centers
 BioQUEST Curriculum Consortium
 Botanical Society of America
 Consortium for Ocean Leadership
 Crop Science Society of America
 Ecological Society of America
 Entomological Society of America
 Geological Society of America
 National Association of Marine Laboratories
 Natural Science Collections Alliance
 Organization of Biological Field Stations
 Society for Industrial and Applied Mathematics
 Society for Mathematical Biology
 Society for the Study of Amphibians and Reptiles
 Society of Nematologists
 Society of Systematic Biologists
 Soil Science Society of America
 University Corporation for Atmospheric Research

Mr. WHITEHOUSE. That letter is the voice of fact, of scientific analysis, and of reason.

Up against it is the apparatus. The apparatus has the money. The apparatus has the slick messaging. The apparatus has the political clout. It has that parallel election spending muscle, it has the lobbying armada, and it has that array of outlets willing to print falsehoods about climate change and, for that matter, about fraud and the First Amendment.

The scientists? Well, they have the expertise, the knowledge, and the facts. Whose side we choose to take says a lot about who we are.

With that, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

THE PRESIDING OFFICER (Mr. SCOTT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. TILLIS. 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.

MILCON-VA AND ZIKA VIRUS FUNDING BILL

Mr. TESTER. Mr. President, it is the end of June and mosquitos are everywhere. That means the danger of the Zika virus is increasing. All but five States have at least one reported case of the Zika virus. Just today, a baby was born in the United States with microcephaly because of the Zika virus. This is a serious crisis that requires serious action.

That is why I was so disappointed to see the majority insert language that would limit access to contraception, a key component of a strategy to fight Zika, but this bill denies women the ability to get birth control services

from their doctors or from primary care clinics. Limiting access to contraception while fighting a disease we know can be transmitted sexually is ridiculous, counterintuitive, and downright dangerous. This approach unnecessarily endangers women across the country.

Why on Earth would the Republicans—with a public health crisis looming—insert a provision that is not only bad policy, but that they knew Democrats could not support? One reason: politics.

Turning emergency research funding into a political football is irresponsible, and I cannot support it. Women, men, and children need to be protected against Zika, and this bill undermines those efforts. As mosquito season continues and the danger of Zika increases, we need serious legislation that addresses this public health crisis, not partisan gamesmanship.

But Zika funding is not the only place this bill falls short. This conference report cuts \$500 million from the bipartisan Senate VA Appropriations bill.

The Senate bill cleared the Senate 89-8, a truly bipartisan bill. In the U.S. Senate, I imagine we couldn't even get 89 people to agree on what color the sky is, much less an appropriations bill, but here, we have one.

The Democratic conferees went to conference with open ears and an open mind. Things started off okay, but Republican leadership inserted themselves into the process, and it quickly became clear that they had no interest in crafting a bipartisan deal. Getting a deal requires two parties to at least talk to each other.

But once leadership got involved, Republicans did not even return our phone calls after last weekend. This conference report was negotiated in private with only Republican Members in the room.

They took the chainsaw to the Senate's bipartisan proposal that would have given the VA the resources it needs to give our vets the care they have earned.

The conference report before the Senate would put the VA \$653 million below what the VA says it needs to get the job done.

Veterans across the country and in my home State of Montana are waiting for action, and these harmful cuts will leave the VA with just enough to try and address veterans' needs. And let's be clear, "just enough" isn't good enough for our veterans.

This bill cuts money out of medical service accounts. These are the very accounts that are used to pay doctors, nurses, and for medical equipment.

Making it harder for the VA to administer care is irresponsible, and this bill would leave VA medical centers scrambling to provide services for thousands of veterans.

Compared to what the Senate passed—with 89 votes earlier this year—this bill cuts \$250 million for fa-

cility maintenance of VA hospitals and clinics.

I have toured these clinics. In Missoula, MT, we have a VA clinic that is far over capacity. Patients are forced to double and triple-up in rooms, ruining any semblance of patient privacy. Doctors and nurses are forced to have conversations that should be confidential in front of other patients.

Sixty percent of VHA facilities are more than 50 years old, and they have over \$10 billion in code deficiencies.

Our veterans deserve better than being treated in third-rate facilities.

This type of cut is exactly the partisan game playing that shows this bill was never meant as a compromise, but rather it is just a catalyst for cuts to make the VA less effective.

These cuts aren't designed to improve care; they are designed to balance the budget on the backs of our veterans.

If Republicans had come to the table willing to play ball, we could swallow these cuts if real improvements were made to how the VA is run, but these cuts will only compound the problems at the VA and are unacceptable without genuine reform.

This was not how a conference should operate; not a single vote was ever taken by the conferees on VA related items. They were simply shoved into the bill.

The unfortunate byproduct of this partisanship was that a bipartisan approach to VA funding and policy priorities was abandoned at the end and left VA short of what I believe to be responsible funding levels.

I invite my Republican colleagues in the House—and one in particular in the Senate—to look at the Veterans First Act, that cleared committee unanimously, that takes a real shot at reforming the VA, and is a good example of what bipartisan compromise can look like.

The VA is struggling, and cutting costs and not addressing real issues across the VA is not what our veterans deserve. I cannot support this bill because it does not support our veterans.

We have 3 months before the next fiscal year begins—3 months before the VA runs out of money.

I am ready to work with folks on both sides to see if we can agree on a plan that gives our veterans more than "good enough." We have done it once this year, and we can do it again, but we need to get moving.

GREEN CLIMATE FUND

Mrs. CAPITO. Mr. President, on June 29, 2016, the Senate Appropriations Committee marked up S. 3117, the Department of State, Foreign Operations, and Related Programs Appropriation Act, 2017. During the mark-up, the Senator from Oregon offered an amendment to strike language that would have prohibited the Department of State from expending funds appropriated by the bill to make a Federal

Government contribution to the Green Climate Fund. The Appropriations Committee adopted Senator MERKLEY's amendment by voice vote.

The committee's voice vote did not afford me the opportunity to record my opposition to Senator MERKLEY's amendment in the committee record. I oppose the Merkley amendment and any transfer of funding to the Green Climate Fund.

As Deputy Secretary of State Heather Higginbottom testified to the Senate Foreign Relations Committee in March, Congress did not authorize the Green Climate Fund. Congress also failed to appropriate any funding for the Green Climate Fund in fiscal year 2016. In March 2016, the Department of State transferred \$500 million from the Economic Support Fund to the Green Climate Fund, despite the lack of any authorization or appropriation from Congress.

This \$500 million transfer represents 26 percent of all appropriations to the Economic Support Fund—intended to promote economic and political stability around the globe—at a time when combating the Zika virus, addressing the threat of international terrorism, and dealing with the risks posed by Russian aggression in Eastern Europe all would have been better uses of State Department funds.

For these reasons, I oppose Senator MERKLEY's amendment to S. 3117.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0N-16. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described