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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2690 WITHDRAWN

Mr. TILLIS. Mr. President, I ask unanimous consent to withdraw amendment No. 2690.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

VOTE ON MOTION TO CONCUR

The question occurs on agreeing to the motion to concur with amendment No. 2689 in the House amendment to the Senate amendment to H.R. 719.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—78

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

NAYS—20

Blunt	Heller	Sasse
Boozman	Inhofe	Scott
Burr	Lankford	Sessions
Coats	Lee	Shelby
Cotton	Moran	Toomey
Crapo	Paul	Vitter
Cruz	Risch	

NOT VOTING—2

Graham	Rubio

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

MILITARY CONSTRUCTION, THE DEPARTMENT OF VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 98, H.R. 2029.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 98, H.R. 2029, a bill making appropriations for military construction, the Department of Veterans Affairs, 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 motion to proceed to Calendar No. 98, H.R. 2029, an act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, Tom Cotton, James Lankford, Shelley Moore Capito, Deb Fischer, Thad Cochran, John Barrasso, John Cornyn, Richard C. Shelby, Cory Gardner, Richard Burr, Jerry Moran, Jeff Flake, Steve Daines.

Mr. MCCONNELL. I ask unanimous consent to waive the mandatory quorum call for this cloture motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, this morning I said the American people are ready to see Democrats start supporting, not blocking, the very bipartisan funding legislation they previously voted for and actually bragged about. I also said we would give our colleagues a chance to do so this week. So I have just set up a vote that will give them that opportunity.

The Military Construction and Veterans Affairs bill is one of the 12 pieces of appropriations legislation we must pass to properly fund our government. It is a bipartisan bill that does a lot of important things for our country, but here is the headline: It supports our veterans.

This bipartisan bill passed committee with support from both Democrats and Republicans. Democrats have said nice things about it in press releases that were sent out to their various States. Now it is time to cooperate across the aisle to finally pass it and support our veterans.

The PRESIDING OFFICER. The Senator from South Dakota.

PTC EXTENSION

Mr. THUNE. Mr. President, I rise on a subject of urgency and importance to our Nation's economy. The looming deadline for implementing a new railroad safety technology known as positive train control, or PTC, could soon wreak havoc on our Nation's transportation system. This havoc would not just affect the millions of Americans who board commuter trains every day but also Americans who depend on critical freight rail deliveries. These services could be interrupted because—despite years of warning—implementation of PTC has not kept pace with an overly ambitious schedule set by Congress.

Let me explain how we got here. Seven years ago, following a deadly Metrolink passenger train collision in California caused by an engineer who was texting and failed to react to track signals, this body passed legislation mandating the installation of PTC, an innovative safety technology on over 60,000 miles of rail lines. Though a meaningful and important safety upgrade, PTC is not a panacea. It will not make a difference when rail tracks are damaged or in situations when people trespass on tracks or at highway rail crossings where the most accidents occur, but PTC can and will have an impact in preventing three specific accident scenarios; first, the technology will prevent train-on-train collisions when both trains and the track they are traveling on have fully functioning PTC systems installed; second, the system will prevent accidents or derailments caused by excessive train speeds like the deadly Amtrak derailment in Philadelphia earlier this year; and, third, the technology will help protect individuals working on railroad tracks from being hit by a train accidently routed onto the wrong track.

PTC systems operate by relying on ground-based computer systems, equipment installed on train locomotives, satellites and wireless radio spectrum-based communications coming from a network of thousands of towers being built along rail tracks. A PTC system can help certain trains automatically communicate with one another and sense if operator instructions—namely speed—are appropriate for where the train is operating. Because it isn't effective unless all trains are linked together on a network, PTC will be required on all passenger and freight trains that travel on rail tracks that carry passengers or certain hazardous materials regardless of what an individual train might be hauling.

Our colleague, the senior Senator from California, Mrs. FEINSTEIN, championed the legislative provision that put this requirement in place back in 2008. The legislative mandate was forward-looking and set an aggressive schedule for fully implementing the technology.

Seven years later, both freight and commuter railroads have made substantial progress in implementing positive train control, but there have been some unexpected delays in implementing the technology.

The Federal Communications Commission halted the construction of necessary communications towers for over a year in 2013 over concerns about historic preservation and potential impacts on tribal lands. There have also been delays in regulatory approvals, problems in obtaining necessary communications spectrum, and many difficulties that come with building a new technology.

The complexity of a positive train control system falls somewhere in between a new version of computer operating software and driverless cars. Any of us who have had a just-released version of software installed on our computer know about bugs that have to be worked out, and like driverless cars, when lives are at stake, you have to get the technology right before relying on a system as advanced as PTC.

Over $5.5 billion in private funding has already been spent on implementing PTC. The debate on the need, costs, and benefits is long over. When this body voted in 2008 to mandate full and certified implementation of PTC by December 31, 2015, there were concerns that the timeline was too aggressive. Those concerns have steadily grown. Both the independent Government Accountability Office and the Federal Railroad Administration, which regulates railroad safety, have warned for years that the deadline set by Congress was unrealistic.

Some saw great value in keeping this overly aggressive deadline in place. It was a way of maintaining pressure on freight and commuter railroads to move aggressively. At the end of the day, the thinking went that if railroads did not meet the deadline, they would be subject to financial fines, and these penalties would motivate to quickly finish work on PTC. If the pressure didn't work, these individuals assumed things could go on much as if the law hadn't been put in place at all, and freight railroads could just continue to haul critical shipments of products like chlorine and fertilizer, which would pose greater public hazard if hauled on highways.

There was even a naive belief that commuter railroads run by State and local governments could get exempted from fines mandated under the law. Some believed commuter railroads could continue to move passengers instead of adding to the congestion and safety risks on our Nation's roads, but over the past month, these myths have been put to rest as the real consequences of failing to meet the legal deadline for positive train control implementation have come into focus.

Both freight and commuter railroads have informed Congress, regulators, and even stockholders that an inability to comply with the PTC mandate could halt some freight and passenger services by January 1, 2016. In fact, the effects would be felt weeks earlier when it comes to the shipment of hazardous materials such as anhydrous ammonia, a critical fertilizer for our Nation's crops, because it takes time to move tank car traffic off the rail network.

The Obama administration—in testimony before the commerce committee this month—noted that the law leaves no possibility of exempting publicly owned commuter railroads that do not meet the PTC deadline from fines, but the threat of Federal fines is only one worry for railroads among other much larger consequences of missing the PTC deadline. Remember, the vast majority of passenger rail service relies on track owned by freight railroads. To run commuter rail service on freight lines in compliance with the PTC mandate, not only must commuter rail trains and tracks be fully equipped but all freight tracks and freight trains that run on them must also be properly equipped.

There are approximately 40 railroads, mostly commuter railroads in the United States, that will be affected by the December 31, 2015, deadline for certified implementation of positive train control. I asked them to tell us about their situations in dealing with the upcoming mandate.

I will tell you what we heard. Not one railroad said they have met the legal obligation for implementing PTC. I will repeat that. Not one railroad, commuter or freight, told us that after 7 years of work, and with 3 months to go before the legal deadline for full implementation of positive train control, that they have been certified by the Federal Railroad Administration as compliant with the requirement.

We had one railroad, Metrolink in California, that would go so far as to express that they were ''cautiously optimistic'' that they could meet the end-of-the year deadline for implementing PTC, but neither Metrolink nor any other railroad advised us against the legal deadline for positive train control. Some commuter railroads bluntly told us they saw no option for continuing passenger service after December 31 without action by Congress to extend the deadline.

Last week, the board of directors of Metra in Chicago, with over 70 million riders annually, voted in favor of a resolution to shut down on January 1, 2016, if the deadline is not extended.

Our Nation does not have the transit bus capacity to move these displaced riders. This will dramatically increase the number of people who are stuck in traffic each day and decrease the safety of our transportation system.

Sarah Feinberg, the Acting Administrator for the Federal Railroad Administration, testified last week that she had not recently spoken to a railroad that planned to continue operating on January 1, 2016.

Why are railroads so concerned about running over the legal deadline for PTC? Railroads point out that, regardless of fines, their insurance would not cover an incident if the railroad had knowingly violated a safety law regulation like operating in noncompliance with the PTC mandate. They also point out that Federal law provides individual workers with the right to refuse instructions that are counter to Federal safety laws or regulations. In effect, railroad workers across the country would have an individual right, and protection from consequence, to refuse to participate in the operation of trains in noncompliance with the PTC mandate.

Different railroads have different concerns. Freight railroads have expressed some varying ideas about how they interpret the law. But, remember, railroads are interconnected. Let me explain a common view we have heard and how it will affect the Nation's interconnected rail system and economy more broadly.

The PTC mandate applies only to routes where there is passenger travel or shipment of certain hazardous materials, such as chlorine used for water reservoir purification. Under normal circumstances, freight railroads are bound by something called the common carrier requirement. This means that freight railroads can't refuse to haul a specific cargo such as chlorine simply because it is unprofitable or inconvenient, but railroads argue that this common carrier requirement cannot be reasonably interpreted as requiring them to haul cargo on tracks if doing so would violate Federal law.

Dan Elliott, the Chairman of the Federal Surface Transportation Board, which regulates railroad business practices, added weight to these concerns. In a letter to me this month about the situation, Mr. Elliott stated to me that the ''common carrier obligation is not absolute.'' He informed us that he ''cannot predict'' how regulators would rule on specific railroad decisions to exclude cargo or passenger traffic in order to comply with the PTC mandate.

So how do we avert this safety and economic disaster? The independent experts at the Government Accountability Office who studied this issue and released a report told us that the railroads would need an additional 1 to 5 years to meet the requirements of the implementation. They documented the immensely complex technological challenges associated with new PTC components. This report and the letters I received from both railroads and regulators about the positive train control deadline are posted on the Commerce, Science, and Transportation Committee Web site: commerce.senate.gov/ptc.

The Senate acted in July by passing a provision on the multiyear highway reauthorization bill that would extend the deadline on a case-by-case basis. The Senate's bill, which passed by a vote of 60 to 34, took the best parts of legislation to extend the deadline that

had been put forward by the Obama administration, by Senator FEINSTEIN, who championed the PTC requirement, and by Senators ROY BLUNT and CLAIRE MCCASKILL of Missouri, who saw this problem coming some time ago and have worked with me to prevent it.

Under the bipartisan Senate plan, the Secretary of Transportation gets the legal authority to approve or disapprove requests for extensions submitted in plans where railroads show how and when they will meet the full requirements of PTC implementation. If approved, this essentially becomes a contract, and railroads will face consequences if they do not adhere to it, including fines. Under no circumstance could the Secretary approve a date for full PTC installation that is later than 2018. The Secretary also has the authority to identify and require changes to deficient schedules that do not show safe and successful implementation as soon as practicable.

The proposal is specifically designed to maintain pressure on railroads to install and implement PTC systems without undue delay. It also recognizes that review by regulators after installation, which is necessary to achieve legal certification of full PTC implementation, may take additional time. Of serious concern to the many commuters and shippers who rely on railroad transportation, the deadline for congressional action on the PTC mandate is actually well before December 31 of 2015. Without a legal extension, railroads will have to begin preparations weeks in advance to operate under the assumption that no change would be made. This will mean railroads will be contacting customers such as water treatment facilities by Thanksgiving to cancel critical shipments. It will mean contacting passenger and commuter rail customers to have tickets refunded because passenger railcars will have to be cleared off the rail system before January 1.

To avoid this calamity, not to mention the other backups that such changes could have on a vast rail network, we need to pass an extension into law before these cancellations begin. Working on a bipartisan basis, we can help our constituents avert a transportation calamity that would have a much more serious impact on our economy than last year's west coast ports slowdown.

This is about helping millions of Americans who are dependent on railroads for their livelihood and essential deliveries. We have a responsibility to act.

I ask unanimous consent to have printed in the RECORD letters that the Committee on Commerce, Science, and Transportation have received from railroads and officials that I have with me here today, which I think explain very clearly what the consequences are if this body fails to act before these deadlines are upon us.

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

METRA,
Chicago, IL, September 10, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THUNE, Thank you for your letter requesting information about Metra's positive train control (PTC) installation and the impact on our system if Congress does not extend the December 31, 2015 implementation deadline. As the commuter rail service provider for the northeastern Illinois region, our primary goal is the safe operation of more than 750 trains that run daily throughout our system, providing about 300,000 passenger trips each day and 83.4 million passenger trips per year. We remain committed to the implementation of PTC in a safe and prudent manner. However, many significant challenges prohibit our ability to meet the federally-mandated deadline.

METRA OVERVIEW

Metra is one of the largest and most complex commuter rail systems in North America, serving Cook, DuPage, Will, Lake, Kane and McHenry counties in Northeastern Illinois. The agency provides service to and from downtown Chicago with 241 stations over 11 routes totaling nearly 500 route miles and approximately 1,200 miles of track.

Metra owns and operates four of its 11 lines, has trackage-rights or lease agreements to operate Metra trains over freight railroads on three lines, and has purchase of service agreements with two freight railroads which operate commuter service on four other Metra lines.

Metra's core business is to serve people traveling to downtown Chicago to work. Approximately half of all work trips made from suburban Chicago to downtown are made on Metra. Our customers come from all parts of our region's 3,700 square miles.

METRA PTC IMPLEMENTATION UPDATE

Metra faces unique challenges implementing PTC as a result of Chicago's complex railroad infrastructure and role as the nation's busiest transportation hub. In fact, Chicago handles one-fourth of the nation's freight rail traffic each day, handling 37,500 rail cars.

More than 1,300 trains operate in the Chicago area each weekday, including 750 Metra trains, 500 freight trains and the remainder Amtrak trains. Metra must interact and coordinate its railroad operations on a daily basis with all railroads operating in Chicago—including six of the seven Class 1 railroads. PTC implementation must be closely and carefully coordinated with each of them. As a result, Metra has directed much of its initial resources toward our contract carriers, Union Pacific Railroad (UP) and BNSF Railway (BNSF).

Despite these challenges, we have made steady and consistent progress in implementing PTC. We currently expect to have on-board equipment completely installed on BNSF by the end of this year and on UP by the second quarter of 2016. After those systems are tested and become operational, more than 40 percent of Metra's train fleet will be PTC-compliant.

Metra has also made significant progress toward implementing PTC on the lines we own. To date, that includes:

Allocating $153 million in capital funding from federal formula funds and state sources toward PTC.

Installing PTC equipment on half of our 530 locomotives and cab cars.

Continuing signal upgrades at 12 interlocking locations—half the all signal locations on our system.

Installing 118 wayside interface units.

Hiring a system integration team to design Metra's PTC system.

Awarding contracts to engineering firms to design necessary upgrades to our signal system and to draft specifications for other tasks.

Filling key leadership positions on the PTC project, as well as hiring more than 50 full-time employees to install PTC in the field and on our trains.

CONTINUING PTC CHALLENGES

However, despite our progress, many significant challenges remain, including cost and funding. PTC implementation is an unfunded mandate and expected to cost Metra more than $350 million. Our agency receives approximately $150 million each year in federal formula funding for all of our capital needs, such as bridges, track and signals. Thus, to fully fund PTC, Metra would need to spend 100 percent of its federal funding for two and one-half years. Nationwide, the American Public Transportation Association (APTA) estimates that it will cost more than $3.48 billion to fully implement PTC on all commuter railroads.

In addition, Metra, like all other railroads, has been constrained by the limited number of firms that can provide signal design services and the limited expertise available to accelerate design and deployment. Those firms and expertise are needed by most railroads to help redesign and renew existing signals and install trackside components—a tough job made even more so by the sheer volume and complexity of the task. We have also been limited by the availability of the needed equipment.

Another challenge has been the deployment of a national 220MHz communications network for PTC among U.S. railroads. The network is critical. The onboard, trackside and back office components of every railroad's PTC system have to be able to communicate via a radio network. In Chicago, it is undetermined if we have enough spectrum available for the PTC needs of the region's railroads until a spectrum study is completed by Transportation Technology Center, Inc.

Another challenge is that the initial technology continues to be revised. A major prerequisite for the PTC system is the creation of a detailed database of every route on the system—a time-consuming and extremely labor-intensive process. A process will be needed to document and update GPS coordinates every time a critical PTC asset is moved more than one foot. These processes are dependent upon the final onboard software. A final production release date is not known at this time.

Other challenges include expected issues with components and software as full system testing continues this year. So far, only partial testing of individual segments of the system has taken place. And, the fear of component failure is driving designs with more redundancy, which is further lengthening the design process. In addition, the Federal Railroad Administration (FRA) must review and certify every railroad's plans.

Metra's current timeline for full PTC implementation is 2019, although we expect several lines to be completed before then.

CONSEQUENCES OF FAILURE TO EXTEND THE PTC DEADLINE

Metra has been tirelessly advocating for an extension of the PTC deadline due to numerous technical, regulatory and operational challenges. The railroad industry and the FRA have also known that the 2015 deadline is unattainable. In our view, the time has come to adjust the implementation schedule to reflect reality.

Working with the American Public Transportation Association and the American Association of Railroads, we have asked Congress to allow the FRA to give waivers to agencies that have made a good faith effort to meet the 2015 deadline. We remain hopeful that we can work with Congress and the FRA on a solution that will allow us to safely implement PTC on our system and continue to provide 300,000 daily passenger trips.

Time is now running out. It is with great concern and trepidation that we must begin to prepare contingency plans in the event that the December 31, 2015 PTC implementation deadline passes. In addition, our plan is to fully brief our Board of Directors at its September 21st meeting to discuss the path forward.

In addition, we are currently working with the FRA to obtain further clarification on the legality of our ability to operate past the December 31, 2015 deadline. Metra along with other APTA members will be meeting with the FRA to discuss these concerns at the end of the month.

In the absence of an extension, there is a strong possibility that Metra will not be able to operate our trains beginning January 1, 2016. Additionally, the two railroads with which we have purchase of service agreements—UP and BNSF—have stated that they do not plan to operate passenger rail until PTC is fully implemented and operational. Both have stated that they will not have PTC fully operational by the December 31, 2015 deadline. These lines are our busiest and carry more than 50 percent of our customers.

While it will be a limited option, we have already reached out to our transit partners at CTA and Pace to learn if any operational changes can be made to accommodate an increase in passengers on their systems. However, we recognize that there is no way our transit partners can accommodate any but a small fraction of our 300,000 riders. We are also developing communication plans to alert our customers of a decision before October 31 so that they can begin to consider and prepare for alternate transportation.

As background, under federal regulations all qualified maintenance personnel must ensure locomotive and cab cars have the required safety systems and that they are functioning properly. After December 31, 2015, procedures for pre-service inspections will include PTC as a legal requirement. To be clear, Metra does not and will not support any action that would cause our employees to operate our trains in violation of any regulation.

This is not a decision we plan to make without thoughtful consideration of all of our options and the impact this would have on our customers and our employees. Operating in violation of regulations poses serious consequences. Our employees could face a personal civil fine of $25,000 per violation as well as loss of their certifications. We place a tremendous value on our employees and will not put them at risk in this way. If these fines were to be paid by Metra, we anticipate they could cost our agency nearly $19 million per day.

The potential impacts of a shutdown of Metra service on our customers, employees, Chicago area residents and others are severe and far-reaching.

First, if Metra is unable to operate past the deadline and we shut down our operations, our 300,000 weekday passenger trips will have to be made by alternate means.

The great majority of our riders will likely be forced onto our region's already congested roads and highways. In fact, a report by the Texas A&M Transportation Institute found that five of the 20 most congested roads in the nation are in the Chicago area. This resulted in 61 extra hours behind the wheel on average in 2014 because of delays caused by gridlock.

A shutdown would result in an increase of vehicles on our local roadways. Such action would be forcing our customers to move from one of the safest modes of transportation to one that is less safe, which was not the intent of the 2008 Rail Safety Act. If Metra service did not exist, it would take 29 extra lanes of expressways to accommodate our riders. As you know, mass transit also reduces the carbon footprint in an already congested and polluted region.

The shutdown would put many of our customers—those with little or no other transit options—at risk at the beginning of one of the historically coldest months in Chicago. This includes seniors, students and low-income riders who depend on Metra to get to work, school and doctors' appointments. Metra is a lifeline for many in our region.

The shutdown would impact our local economy by contributing to roadway congestion that already costs our region $7.2 billion annually and by impacting communities whose residents may not be able to go to work and collect their paychecks.

In 2014, Metra experienced the second-highest ridership in history. Clearly, at a time when customers and their families need us the most, a shutdown would be devastating. At a time when funding sources are scarce, now more than ever we depend upon growing our ridership revenue.

Further, if Metra shut down it could take several months to restart our operations as a result of furloughs of train crews and maintenance forces. This would place an enormous financial burden on our employees, who would cease to collect the wages they need to support their families. I want to assure you that we take these matters seriously. We will do all we can to prevent this crisis from happening within the confines of the law as it exists today.

I would like to thank you for your support for legislation that would responsibly extend the PTC deadline. As always, Metra remains committed to implementing PTC as quickly and as safely as we can, but like most of the rest of the U.S. railroad industry, we simply need more time. We remain hopeful that with your leadership, Congress will take appropriate action. Please do not hesitate to contact me should you require any further information.

Sincerely,

DON ORSENO,
Executive Director/CEO, Metra.

UNION PACIFIC CORPORATION,
Omaha, NE, September 9, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THUNE: Thank you for your letter requesting information on positive train control (PTC) installation, and the impacts if Congress does not extend the December 31, 2015, implementation deadline. This is an incredibly important issue for the nation's rail shippers and passengers, and I appreciate the opportunity to respond.

Union Pacific is implementing PTC, and since the mandate in 2008, we have worked tirelessly to design, install, and test the system. However, despite our best efforts, we will not make the installation deadline. This is because PTC isn't a simple and established off-the-shelf technology. Rather, PTC is a complex new system comprised of several independent technologies. Installing PTC requires integrating thousands of components across the telecommunications spectrum along tens of thousands of miles of track. The software must continuously relay critical information such as speed limits, train movement authorization, switch positions, work zone locations, and other operational data. It must also factor in locomotive and rail car mix, train length, weight, speed, track conditions and terrain to determine safe stopping distances. Based on this data, the system must calculate, multiple times a second, all of these measurements to allow the train to move safely. Finally, PTC must also be interoperable, meaning that the Union Pacific system must work with the systems of other railroads. Beyond these formidable technical elements, we also face regulatory obstacles to obtain the necessary spectrum and permits to install wayside communication towers.

While we will not make the deadline, I want you to know we take our responsibilities seriously, and we have made monumental efforts to implement PTC. These include:

Investing $1.8 billion through June with another $200 million for the rest of this year.

Hiring nearly a thousand workers to implement the technology.

Acquiring spectrum and developing custom radio equipment.

Developing the software necessary to create an interoperable PTC system.

Working with more than 50 vendors to develop or acquire components.

We have made enormous strides toward implementation, and I am very proud of the Union Pacific people who have gotten us to this point.

We have installed PTC hardware and software on 13,480 miles out of approximately 20,000 miles. The 20,000 miles we need to equip represents roughly two thirds of our network.

We have installed 6,275 out of 10,000 wayside antennas.

We have partially installed (phases one and two) PTC hardware on 4,500 locomotives, out of 6,500. (Locomotive hardware installations must be done in three phases due to the need to design and build the necessary components. The first phase takes the locomotive out of service for one week. The second phase takes the locomotive out of service for a couple of days, and the third phase will take the locomotive out of service for several hours.)

We expect to have PTC fully installed throughout our network by the end of 2018. Then we will need time to test the system before the FRA can certify it as implemented. PTC is the largest and most complex technological undertaking ever attempted by the freight rail industry. Without a period to test the system to ensure that it works properly across the estimated 63,000 miles of freight rail lines where it will be installed, gridlock could occur as trains will simply stop when they shouldn't. This could cause the entire national rail network to meltdown, and the thousands of customers and communities we serve would be significantly impacted.

What will happen if Congress does not extend the deadline? As you know, we have been contemplating that question for several months now. Because we would be operating in violation of federal law, and because we would be potentially subject to hundreds of millions of dollars in fines and expose ourselves to untold liability should a toxic by inhalation gas (TIH) or passenger accident occur on a line that was supposed to be equipped with PTC, it is our plan to embargo all TIH traffic as well as passenger traffic on our railroad. TIH traffic would be embargoed several weeks prior to January 1, 2016, to ensure an orderly shutdown and clear our system of TIH carloads prior to the end of the year. We expect to issue the TIH embargo notice prior to Thanksgiving. Commuter operations would cease before midnight on December 31, 2015, and long distance passenger

trains will stop originating several days earlier to ensure that all passengers reach their destinations before the deadline.

I want you to know these decisions are not made lightly or in haste. We carefully reviewed our options, which are limited. Embargoing this traffic, which is the traffic that necessitates PTC installation, is in the best interest of our employees and shareholders. We simply don't see another option.

This will cause significant economic disruption for our country. Chlorine and anhydrous ammonia (fertilizer) are the two largest TIH commodities we carry. Chlorine is not only a feedstock for many products, it is also critical for many cities to purify their drinking water. The suspension of anhydrous ammonia shipments will mean farmers will be unable to get the fertilizer they need to ensure healthy crops. Finally, millions of commuters will be forced onto already congested highways and roads. Again, we did not make this decision lightly. We are in the process of notifying our customers of this decision, and within the next month, we will be letting them (and you) know of the exact date we will have to start embargoing TIH to clear the network by the end of the year.

Our decision to stop only the traffic that led to the requirement to install PTC will be revisited if the Federal Railroad Administration (FRA) imposes fines on freight trains without TIH, as they are authorized to do. Should the FRA take such a broad action, we will have to consider an embargo on virtually all rail freight that we handle on lines that are to be equipped with PTC despite its untold consequences for the U.S. economy.

Finally, you asked how this decision could impact safety. Extending the deadline would not diminish safety in the rail industry. We are a safe industry. In fact, last year was the safest year on record as was the year before that. PTC, when ready and fully implemented, will be another mechanism to continue that improvement, but it is not the only one we employ and are pursuing. Rail inspections, wheel testing, innovative technologies that predict when something will fail so that it can be repaired or replaced before failure, and employee engagement are just some of the other tools we use to ensure a safe and efficient rail system.

However, failure to extend the deadline will increase safety risks, not for the rail industry, but for the public at large. Rail is the safest way to transport hazardous chemicals. Overall 99.997% of all hazardous material shipments by rail reach their destination without release caused by train accident. However, if services cease, TIH traffic will be forced to move by trucks on our nation's highways. Union Pacific carries 27,000 carloads of TIH traffic a year. If this commodity were to still move in commerce, it would need to be carried by about 100,000 trucks. Moreover, people who currently use commuter trains would be forced onto the highways, creating an even more congested mixture in some of our country's most dense urban environments.

Chairman Thune, I thank you for your letter and your leadership on this issue. We are committed to install PTC as rapidly and safely as we can. I think our actions have shown that. However, we will not make the end of the year deadline. If Congress does not extend the deadline, we will embargo TIH and passenger traffic on our network. Please do not hesitate to contact me if you need additional information.

Sincerely,

LANCE M. FRITZ,
President and CEO.

SURFACE TRANSPORTATION BOARD,
Washington, DC, September 3, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THUNE: Thank you for your letter dated August 28, 2015, concerning the Rail Safety Improvement Act of 2008 (RSIA). RSIA requires rail common carriers to install positive train control (PTC) on lines that carry passengers and toxic-by-inhalation hazardous materials by December 31, 2015. In your letter, you observe that railroads are not likely to meet that deadline, and you note that some railroads have indicated that they may curtail service absent an extension of the deadline. Given the likely disruptive effect that a curtailment of service could have on the economy, you requested that I respond to three questions. I will answer each in turn.

First, you ask what information we have sought or received from freight and passenger railroads on the actions they might take absent an extension. On July 13, I sent the Nation's largest freight railroads, as well as short line carriers, a ''fall peak letter'' requesting information about their ability to meet forecasted freight rail demand and any challenges they see for the upcoming season. Two carriers, CSX Transportation, Inc. (CSXT) and BNSF Railway Company (BNSF), stated in their response letters that they foresaw PTC compliance as a significant challenge. CSXT stated that the industry would not make the current year-end PTC installation deadline but indicated that it was ''premature to anticipate what decisions might be necessary should an extension not pass.'' BNSF confirmed that it would not meet the deadline and offered the possibility that ''neither passenger nor freight traffic would operate on BNSF lines that are required by federal law and regulation to have an interoperable PTC system'' after the current deadline. Additionally, we have received information about the railroad industry's concern with the potential repercussions of the deadline from reviewing recent testimony before Congress.

The Board has also obtained information about the status of PTC compliance through informal meetings. These include discussions at Railroad-Shipper Transportation Advisory Council meetings and conversations that the Board's Office of Public Assistance, Government Affairs and Compliance has had with rail and shipper stakeholders. Based on these informal channels, it appears that some railroads are considering suspending all freight and passenger service on lines that are required to be RSIA-compliant if an extension is not authorized.

Second, you ask what would be the primary legal or economic factors that could cause freight and passenger railroads to consider suspending or reducing service. I understand that railroads are considering a broad array of legal and economic factors in deciding whether to suspend or curtail service if the PTC deadline is not extended. Without commenting on the merits of any particular concern, it would seem that the railroads would be considering how noncompliance would affect them in matters such as: insurance coverage; exposure to tort or other commercial liability; labor-relations issues; and potential civil penalty assessments by the Federal Railroad Administration (FRA)/USDOT. And I assume that railroads are also considering whether a railroad that has not implemented PTC may suspend or curtail service (in the event the PTC deadline is not extended) without violating its common carrier obligation and without incurring liability to its shippers. Additionally, railroads would likely consider competitive and commercial factors, such as relative market share and the likelihood of permanent loss of traffic, revenue, and goodwill.

While many of the legal and economic factors identified above are not directly within the Board's jurisdiction, freight rail carriers do have a common carrier obligation to provide service pursuant to a reasonable request. The common carrier obligation includes service for hazardous materials such as the toxic-by-inhalation commodities that partly motivated RSIA's PTC requirement. At the same time, the common carrier obligation is not absolute, and railroads can lawfully suspend service for various reasons, including safety. Prior agency cases assessing the reasonableness of service embargos have been very fact-specific, examining the reasons for the service suspension, the length of the suspension, and the impacted traffic (among other factors). Sometimes the Board has found that a railroad's actions in initiating and maintaining an embargo were reasonable, but other times the agency has concluded that a carrier acted improperly by refusing to serve. Because prior safety-related curtailment-of-service cases often involved services that complied with comprehensive safety regimes administered by FRA (and the Pipeline and Hazardous Materials Safety Administration), a carrier-initiated curtailment of service due to a failure to comply with RSIA would present a case of first impression before the Board. I cannot predict the outcome of such a case. My expectation is that the views of the FRA, which has primary jurisdiction over rail safety in general and over implementing RSIA in particular, would be a critical consideration.

Third, you ask how the Board plans to proactively monitor and analyze potential service issues that could arise if the current statutory deadline is not extended. As I noted during my confirmation hearings, I will continue to ensure that service quality for all shippers remains a primary focus of the Board. I have been reaching out to railroads and to shippers, and I have directed our Office of Public Assistance, Government Affairs and Compliance (OPAGAC) to continue its outreach to freight and passenger railroads, shippers, and other stakeholders affected by issues related to PTC compliance. OPAGAC has held informal conversations with our stakeholders and will continue to do so in order to keep the Board abreast of developments and informed on the perspectives of the public. Indeed, the rail service problems that occurred in 2013–14 made clear that obtaining timely information is one of the keys to managing service issues. The STB has continued to collect and analyze rail service data, including Amtrak passenger service data, as part of the interim initiative we began in 2014. We also continue to make progress on a permanent data collection rulemaking. My staff speaks regularly with railroads and shippers to hear about any potential service issues in real time. We will continue these efforts with regard to the impact of RSIA and other service issues, using a fair and balanced approach.

I recognize that PTC is an important tool to enhance the safety of the Nation's freight and passenger rail network, and that it needs to be deployed in a timely way. Following up on our success in working closely with your Committee to help resolve the service issues shippers faced in 2013–2014, I look forward to the important dialogue about the issues raised in your letter. Thank you for allowing me the opportunity to express my views. If you have further questions, please do not hesitate to contact me.

Sincerely,

DANIEL R. ELLIOTT III,
Chairman.

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

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

REMEMBERING WALTER DALE MILLER

Mr. THUNE. Mr. President, yesterday South Dakotans were saddened to learn that former South Dakota Gov. Walter Dale Miller passed away on Monday evening.

Governor Miller served as South Dakota Governor for just 20 months—from April 1993 to January 1995—but during his brief tenure, he steered South Dakota through a number of challenges and provided a sense of stability and calm during a period of upheaval.

In the wake of Governor Mickelson's tragic death, Governor Miller led the State in grieving and secured funding for a memorial to the Governor and the seven other South Dakotans who died when their plane crashed as it was returning to our State.

When inmates at the State penitentiary rioted less than a month into his tenure, Governor Miller succeeded in ending the standoff without loss of life.

When the Great Flood of 1993 struck the Midwest, he led South Dakota's response and worked tirelessly to help those who were affected.

And when a Supreme Court decision shut down South Dakota's video lottery, resulting in a sudden revenue loss, Governor Miller ensured that South Dakota's most important needs were met.

In all, Governor Miller spent nearly 30 years serving South Dakota in State government—first in the State legislature, then as Lieutenant Governor, and finally as Governor. In every office he held, he served with a commitment and integrity that were recognized by South Dakotans of all political persuasions.

I always felt a particular kinship with Governor Miller since we both hailed from western South Dakota, which we in our State like to call West River. The Governor was from Meade County, and I grew up in a little town called Murdo.

I think for many South Dakotans, Governor Miller embodied the West River cowboy: independent, self-reliant, and courageous, with a deep and abiding love of the wide open spaces that still characterize South Dakota's landscape. I know that is how I, along with many other South Dakotans, will remember him.

I want to offer my deepest condolences to Governor Miller's wife Pat and to the Governor's children. You are all in South Dakotans' thoughts and prayers.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I may speak as in morning business for such time as I may consume.

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

The Senator is recognized.

RUSSIA AND THE MIDDLE EAST

Mr. MCCAIN. Mr. President, we now have information that the Russians have now launched airstrikes in Syria, ostensibly against ISIS. In reality, it is not clear. In fact, there is information that some of those strikes were at Homs, and the latest information is that the Syrian Observatory for Human Rights reports that at least 27 people were killed, and that 6 children were among the dead.

These strikes near the city of Homs, which is not under control of ISIS, of the Islamic State—so already we are seeing the true intentions of Vladimir Putin, which are to maintain a strong position in Syria, his foothold in the Middle East, and his propping up of Bashar Assad—Bashar Assad, who has killed at least 250,000 of his own citizens through the horrible process of barrel bombing and has driven millions into refugee status with the full and complete support of Iran and Vladimir Putin.

I say to my colleagues, over the past 6½ years President Obama has sounded retreat across the Middle East. In fact, it was 1 year ago at this time when the President of the United States said: Our strategy is to degrade and destroy ISIS. A report yesterday said some 28,000 Europeans and some Americans have come into the fight on the side of ISIS. Mosul and Ramadi remain in the hands of ISIS. Of course, the continued advances of ISIS in Syria are well known.

In short, a year after the President made that statement, there is no strategy, and there is no success. In fact, we now see the results of this failure, which is a flood of refugees out of Syria and Iraq because they have given up hope of ever returning to their homeland. Our hearts go out to those who are victims and have had to flee their homeland. We see these refugees. It breaks our hearts when we see a little baby's body washed up on the beach.

It did not have to happen. It did not have to happen. Everybody knows that when the President of the United States said that we have drawn a redline in Syria and did not do it, it had a profound effect on the Middle East, including Sunni Arab States, as well as Shia. Everybody knows that when the President turned down the recommendations of his Secretary of Defense, his Secretary of State, which happened to be Secretary Clinton at the time, and his Secretary of Defense, to arm the Free Syrian Army—and he turned it down—that was another seminal moment.

This is a series of decisions or nondecisions which has led to the situation we see today, where Vladimir Putin may have inserted Russia into the Middle East in a way that Russia has not enjoyed since 1973 when Anwar Sadat threw the Russians out of Egypt. He is still on course to repeat this nightmare by withdrawing nearly all U.S. forces from Afghanistan as well.

As we see in the last couple of days, the Taliban is capturing the strategic city of Kunduz. That is terrible in the respect that Kunduz is in the northern part of Afghanistan, where it was believed it was fairly stable, showing the ability of the Taliban and the effects of our withdrawal.

But I come back to Syria and the Russian activities today. After 4 years in Syria, the United States has stood by as Bashar Assad with his war on the Syrian people goes on and on and on.

It is this slaughter that has been the single greatest contributor to the rise and continued success of ISIL. Have no doubt, it was Bashar Assad that gave birth to ISIL. The President has said for years—for years—that Assad must go. But he has done nothing that has brought us any closer to achieving that outcome. My friends, it is not that we have done nothing, but we have not done anything that would reverse the trend and in any way further the goal that the President articulated a year ago—that we would degrade and destroy ISIL.

In short, this administration has confused our friends, encouraged our enemies, mistaken an excess of caution for prudence, and replaced the risks of action with the perils of inaction. Into the wreckage—into the wreckage of this administration's Middle East policy—has now stepped Vladimir Putin. As in Ukraine, as elsewhere, he perceives the administration's inaction and caution as weakness, and he is taking full advantage.

Over the past few weeks, Vladimir Putin has been engaged in a significant military buildup in western Syria, deploying strike aircraft—by the way, he is also deploying aircraft that are air-to-air, not air-to-ground; my friends, ISIS has no air force—significant buildup of bombers, tanks, artillery, Russian military personnel.

Meanwhile, our Secretary of State calls Lavrov frantically and asks him what is going on—not once, not twice, three times. My friends, it is obvious what Vladimir Putin is doing. These airstrikes are a logical follow-on to his ambition, which he is realizing to, one, play a major role in Syria, preserve the port of Latakia, prop up Bashar Assad, and play a major role in the Middle East.

All of this is not lost on countries in the region. Today Vladimir Putin escalated his involvement as Russian pilots carried out their first airstrikes in

Syria. Initial reports, as I mentioned, are that they are hitting targets that are not controlled by ISIL. That should fool no one because Vladimir Putin's primary authority and responsibility and ambition are to prop up Bashar Assad against all of his enemies.

The White House has said: ''It's unclear exactly what Russia's intentions are.'' My friends, I am not making that up. The White House has said: ''It's unclear exactly what Russia's intentions are.'' If the White House is confused about Putin's intentions and plans in Syria, then the United States is in even worse trouble than many fear because it is not hard to discern what Vladimir Putin wants.

In fact, from Russia's military buildup in Syria to its recently announced military and intelligence coalition with Syria, Iran, and Iraq—remember, Iraq is the country where we lost thousands of American lives. Now, the Iraqi Government announces sharing intelligence with Syria and Iran—amazing, amazing. Putin's ambitions are blindingly obvious, my friends. He wants to prop up Assad, play kingmaker in any transition, undermine U.S. policy and operations, and ultimately expand Russian power in the Middle East to a degree, as I mentioned, unseen since 1973.

This week at the United Nations, President Obama said: ''The United States is prepared to work with any nation, including Russia and Iran,'' to resolve the Syrian conflict. It requires self-delusion of tremendous scale to believe that Russia and Iran have any interest in resolving the Syrian conflict. They seek only to keep the murderous Assad regime in power. Russia's intervention in Syria will prolong and complicate this horrific war. The main beneficiary will be ISIL, which has fed off the ethnic and sectarian divisions fostered by the Assad regime.

It is tragic. It is tragic, my fellow Americans, that we have reached this point. It is a Syrian conflict that has killed more than 200,000 people, created the worst refugee crisis in Europe since World War II, spawned a terrorist army of tens of thousands, and now created a platform for a Russian autocrat to join with an Iranian theocrat to prop up a Syrian dictator. It did not have to be this way. But this is the inevitable consequence of hollow words, redlines crossed, tarnished moral influence, leading from behind, and a total lack of American leadership.

My friends, today in the Washington Post there is an article by David Ignatius, who quotes Ryan Crocker, one of the greatest diplomats I have ever had the honor and privilege to know.

The article says:

> ''Russia has played a horrible hand brilliantly. We folded what could have been a pretty good hand,'' argues Ryan Crocker, a retired U.S. diplomat who has served in nearly every hot spot in the Middle East and is among the nation's wisest analysts of the region. ''The Russians were able to turn a defensive position into an offensive one because we were so completely absent.''

Ryan Crocker is right.

I would also remind my friends that because of American inaction, the countries in the region are making their own accommodations. Saudi Arabia, UAE, and Qatar have all been to Russia for arms deals. The Saudi Arabians have bought $17 billion worth of weapons from Russia; UAE, $7 billion; Qatar, $5 billion. Would that have ever happened 10 years ago? Of course not. But they see America leaving, and they are accommodating. And we have, of course, refused in many respects to give the kinds of weapons particularly that the Kurds need.

I won't go on too much longer. I will summarize by saying that this is a very sad day for America and the world. The world is watching. It is not confined to the Middle East. We see Vladimir Putin continue to dismember Ukraine, and now some phony separatist elections are going to be held in the area he now controls. The Chinese leader made some nice comments about how they would stop the hacking that allowed them to compromise our most important industrial, military, and other secrets. We will see if that happens, but they are also continuing their expansion in the islands in the South China Sea.

An absence of American leadership is very visible and very understood by nations throughout the world.

Today we see Vladimir Putin attacking with his airplanes not just ISIS but others who are enemies of Bashar al-Assad. I would like to add that these airstrikes are indiscriminate in nature, and there has been no attempt whatsoever to stop the horrible barrel bombing, as GEN David Petraeus recommended before the Armed Services Committee just a few days ago.

So this is a bad day, and it is time for American leadership. It is time that President Obama woke up to the realities in the world and reassert American leadership. That does not mean we are going to send thousands of ground troops back into Iraq or Syria, but it does mean that we develop a policy.

I am told that these bombings—that the American Government had said that American planes should not fly and that we have somehow approved of these airstrikes. I do not know if that is true. I hope that is not true. What we should be saying to Vladimir Putin is ''You fly, but we fly anywhere we want to when and how we want to, and you had better stay out of the way.'' That is the message that should be sent to Vladimir Putin.

So I hope the American people understand how serious this is and that this rogue dictator named Vladimir Putin, who is a thug and a bully, can only understand a steadfast and strong American policy that brings America's strength back to bear. We are still the strongest Nation in the world. Now it is time for us to act like it.

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

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

GOVERNMENT FUNDING AND ABORTION

Mr. CORNYN. Mr. President, the Senate has now passed a continuing resolution to keep the lights on, to keep the government employees paid, to pay our military and make sure our veterans get the benefits they are entitled to from now until December 11.

I think it is important to reflect on why it is we had to do this in this way, with all of the attendant drama and the suggestion that we were going to somehow shut down the government, which was never a likelihood. The main reason we find ourselves in this posture is because for the first time since 2009, the Senate has actually passed a budget. This new majority that was elected last November saw that one of the most important things we could do in terms of the basic fundamentals of good governance was to pass a budget—something that hadn't happened since 2009.

There are many benefits, of course, of passing a budget, but one of the benefits was to allow the Appropriations Committee to begin to go to work and take up and pass 12 different appropriations bills that would keep the whole of the Federal Government funded.

As the Presiding Officer knows, there is a lot of policy written in those Appropriations Committees. You can make a decision not to fund something because it is not working or maybe it is obsolete or outdated or perhaps to fund something else; say perhaps we need to reform the way this particular service is delivered and consolidate it in a way that it is cost-effective and more efficient.

So it is important to pass a budget and to pass appropriations bills. Unfortunately, our Democratic colleagues are trying to use the appropriations process to hold it hostage in order to force us to increase government spending. The way they try to do that is to filibuster the appropriations bills and to say: We are not even going to take up a defense appropriations bill, the one that actually pays our troops and takes care of their families. Well, they are going to have a chance to vote on a veterans appropriations bill very soon, and we will see whether they keep up this tactic of holding hostage our appropriations process, creating all this unnecessary drama associated with whether there is going to be a shutdown here or a shutdown there. It is very important that we get back to work and we do the basic work of governance—passing a budget, passing appropriations bills. I know the Presiding Officer agrees with that.

I think lost in all of this debate over government shutdowns and over appropriations bills has been the shocking

videos we saw of Planned Parenthood, these Planned Parenthood videos that showed Planned Parenthood executives speaking callously about the unborn. These are late-term abortions. These are unborn babies who could well be viable outside of the womb, because after 20 weeks, give or take 2 weeks, it is amazing what neonatologists and what medical science can do. I know we have all seen babies as small as 1 pound or less who actually grow into thriving adults later on, and it is amazing what can be done even with these young babies as young as 20 weeks or more. But of course these videos I think have served one important role; that is, to be a wake-up call, to try to wake up the moral conscience of our Nation. Somehow we have trivialized this whole process and talked about choice and talked about the convenience of adults, when in fact there is another competing interest involved; that is, the potential life of a human being that is being overlooked.

At different times in our Nation's history I think we have seen that somehow we became so desensitized, we became so self-focused on ourselves that we forgot the fact that this speaks about our humanity and who we are as a people. So I think these sorts of wake-up calls that these videos have provided have been useful if we make the most of them.

I know that as we have talked about the continuing resolution and the so-called shutdown scenario—which is not going to happen—there has been concern that this might be the only way that we stop this horrific practice of late-term abortions and harvesting of fetal body parts for sale that were depicted in these videos. But I am thankful there are a number of pro-life groups in Texas and nationally who understand that we need to make sure this is a long-term agenda and not just a one-vote situation. As I mentioned yesterday, earlier this week two groups involved in the pro-life mission in my home State announced their support for efforts in Congress to hold Planned Parenthood accountable and to work toward long-term, meaningful change on the pro-life agenda. One of those groups, the Texas Alliance for Life, released a statement that affirmed actions taken last week—a vote to defund Planned Parenthood and to redirect funding to other providers of women's health services that are not involved in the abortion industry. If we are truly concerned about women's access to health care—and we all are—then why can't we take the money that goes to pay the No. 1 abortion provider in America and redirect it to community health centers that actually do provide women's health services?

The statement of the Texas Alliance for Life went on to say that the group was ''not asking for a government shutdown over the issue'' and that ''better options exist for achieving success.''

I want to spend a moment or two focusing on ''better options [than a shutdown] exist for achieving success'' because the Senate continues to work on several measures, including key pieces of legislation that would advance the culture of life in this country—legislation such as the Pain-Capable Unborn Child Protection Act. This would do what Texas has already done, which is to say there can be no elective abortions after 5 months of gestation. It is at this stage in development—just 20 weeks—that many experts believe an unborn child can feel pain. I am still unclear why our Democratic friends across the aisle would block such a simple, moral imperative like protecting these young lives as they did last week, but I would like to also remind our friends across the aisle that this legislation is not going away, and we will not stop raising the visibility of this issue and making the point that a child at 5 months—a child with fingerprints and taste buds—deserves protection under the law.

Our country also needs another piece of legislation that I cosponsored and that actually passed in the House. This is called the Born-Alive Survivors Protection Act, which the Presiding Officer is the lead sponsor of. Quite simply, this bill would mandate that doctors provide infant care to newborns who survive an abortion procedure. This is different, I think, in kind from the defund Planned Parenthood debate. This is about the delivery of a born child and whether a physician or the abortion provider has any duty—which they should—to make sure that child gets the care they need so they can survive or whether they can, at their option, simply end that life as part of an abortion practice. It is a sad commentary on the conscience of America when we need a law like this to spell out the fact that doctors should care for babies once they are born.

This legislation was introduced last week, and I hope we are successful—as I said, the Presiding Officer is the lead cosponsor—in getting broad support of cosponsors on this bill. Then we can go to Senator MCCONNELL, the Senate majority leader, and ask him to schedule this legislation for a vote.

So this bill, along with the pain-capable bill, will not only save thousands of unborn lives a year, but if enacted would be the biggest step forward for the pro-life movement since the Partial Birth Abortion Ban Act was signed into law a decade ago.

Both of these bills are part of a long-term, proactive strategy to fight for the lives of the unborn and to make this country one that truly prizes the life of the unborn as a young life with limitless potential. It took time for the enactment of the Partial-Birth Abortion Ban Act. I was in the Senate when we passed that legislation. It is incredible to me it took as long as it did for that to pass, but it also took a commitment from leaders to stand up, time and time again, not to just have one vote and then call it quits, to say we tried and we were unsuccessful, but to stay after it until we actually achieved passage of the Partial-Birth Abortion Ban Act. I believe, with the same sort of long-term commitment on the Pain-Capable bill and on the Born-Alive bill, we can continue to make progress in this House, as well as the House of Representatives, and to be able to tell our constituents back home we have changed the culture of Washington, DC, and on a national level and shown the respect for unborn life it deserves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SEA LEVEL RISE IN SOUTH FLORIDA

Mr. NELSON. Mr. President, I want to talk about what is happening to our environment in South Florida as a result of sea level rise. We can put this into political terms of climate change, but that seems to be an issue some want to deny. So I want to talk about what you can't deny, and that is that the sea is rising, particularly as shown in South Florida.

A year and a half ago, I brought the commerce committee to Miami Beach and brought a whole series of witnesses, one of whom was a NASA scientist who testified that measurements—now, this is not a forecast and this is not a projection; these are measurements of the level of the sea over the course of the last four decades—that the sea has risen in South Florida between 5 and 8 inches.

The reason I am bringing this to the attention of the Senate today is that I just returned from Miami, where the latter part of September, the first part of October is the seasonal high tide, and the streets of Miami Beach are flooded. As a matter of fact, 2 years ago the mayor of Miami Beach, when he was campaigning for that position, did a campaign commercial in a kayak on Alton Road, which is on the westerly side of the barrier island, away from the ocean, and it was flooded. In the intervening 2 years, the city of Miami Beach, in cooperation with the local governments of all of the southeast Florida governments, has spent millions of dollars on big pumps so that when the tides come, they can get the water out of the streets.

A year ago, Senator SHELDON WHITEHOUSE and I went down there at this time of year—the seasonal high tide—and lo and behold the pumps worked and the pumps got the water back into Biscayne Bay so that the roads stayed dry.

But look what happened 2 days ago, as shown in this picture. This is downtown Miami Beach. Do you see the fellow? It is above his ankles, and he is up on the curb. Right here is the curb. He steps down, and it comes up to just

below his knees. You see the cars. You see the water. That is downtown Miami Beach. This is not just the phenomenon of the full Moon; this is the phenomenon of sea level rise.

Let's take another view. Here is a lady who is trying to keep her feet dry, up on a wall. You can see that here is the sidewalk. Here is the curb. Here is the street. As you can see, this is a middle part of the barrier island of Miami Beach. This isn't right next to the beach. This isn't right next to Biscayne Bay, on either side, the east and the west, of the barrier island. This is in the middle where you have all of these—in this case, it is condominiums where people live.

What is causing this? What is causing it is that planet Earth is heating up. The measurements are there. Why is it heating up? It is simply this: As the Sun's rays come in and hit the Earth, they reflect off of the Earth, and that heat radiates back out into space.

It is the same principle, for example, on the space shuttle. When I participated in the space program 30 years ago, when we were in orbit—in the early part of the space shuttle program, on the space shuttle *Columbia*, once we got in orbit, we opened those payload bay doors—and they served as radiators of all the heat that is generated onboard the spacecraft. We radiated it back out into space so that the spacecraft does not overheat. So, too, planet Earth.

The natural phenomenon is that the Sun's rays hit the Earth and reflect back out. Some of the heat is retained, but most of that heat is radiated back out into space, until you start to create the effect of a ceiling high in the atmosphere of the greenhouse gases, such as carbon dioxide and sulfur dioxide. Those gases start to create a ceiling effect, so that as the heat is radiating back towards space, it is trapped, and therefore the whole planet starts to heat up. What is most of the Earth covered with? The oceans. That is where most of that additional heat is absorbed. Ninety percent of the heat that is trapped in the Earth's greenhouse effect is absorbed into the oceans of the planet. As a result, when water is heated, water expands, and thus one of the phenomena of seeing the seas begin to rise. The melting of the glaciers, the melting of the polar ice caps, adding more—instead of frozen glaciers, that is going into the sea, displacing water. And those glaciers are melting. That adds to it as well, but it is the trapping of the heat that is causing this phenomenon.

We have made projections as to what the heat is that we are trapping, but now we have an instrument out in space that can precisely measure because there is a spacecraft that was launched earlier this year, *Discover*, that has several instruments on it. One of the instruments, by the way—you can go to the NASA Web site and you can see in real time, every hour and a half, another picture of the entire Earth on the daylight side of the Earth. The spacecraft is placed 1 million miles away from planet Earth, between the Earth and the Sun. So the spacecraft, looking back at Earth, is always looking at the daylight side of the Earth as it revolves about its axis 365 days a year, as it revolves around the Sun. That is one instrument.

There is another instrument, and that is the instrument which measures the amount of the Sun's heat that goes into the Earth and the amount of heat that is radiated back out. If you subtract the amount radiated back out into space from the amount of heat that goes into the Earth, you get a precise measurement of how much of the heat sent by the Sun is trapped in the Earth's atmosphere. Now we have a precise instrument that will tell us exactly what that is instead of the scientific projections that we have used, and that is as a result of this new satellite spacecraft called *Discover* that we just put up earlier this year.

We can't keep denying what in fact is happening. The proof is in the pudding. The proof is right here. There is no other way you can explain this seasonal high tide when for the last two centuries this barrier island has basically been dry during the seasonal high tide but now we are seeing this.

The consequences of this are quite severe. First of all, 75 percent of Florida's population is along the coast. Florida is now the third largest State. We have surpassed New York. We have 20 million people now, and 75 percent of that population is along the coast. As the sea level rises and people have to start dealing with this, what do you think is going to happen to the value of their property? What about their freshwater? Florida sits on a honeycomb of limestone that is filled with freshwater. Saltwater is heavier than freshwater. As the sea level rises, it starts to penetrate that honeycomb of freshwater. That is the substructure of the peninsula of Florida. That then causes saltwater intrusion into our drinking water, into the water we have to use to sustain life.

There are no good results as a consequence of sea level rise.

I once again bring up to the Senate that we have some who say this is not real. In fact, here is the proof. The proof is in the pudding. There is something we can do about it. What we can do about it is start adopting policies that will put less carbon dioxide into the atmosphere, and that means we have to be diligent in making sure we enact policies to do it.

There are several different ways you can do that. One, of course, is the regulatory way, which is going on right now, which a lot of our colleagues don't like. You regulate smokestacks. You regulate the amount of pollutants that can be put out and so forth. There is another way, and that is to use the private marketplace of supply and demand by putting a price or a fee on the use of carbon, and therefore the market will dictate whether a person puts more CO_2 into the air as a result of burning carbon. That will drive the marketplace to find alternative fuels that are a lot cleaner so that we can show the rest of the world what we are going to have to do.

I think it was rather prophetic that last week the Pope continuously talked about climate change in all of his speeches. I think it was also prophetic that the Chinese President, in his visit to the United States—apparently they are so choked because of the pollutants in the air in major cities in China that they are finally coming to the altar, so to speak, and realizing that they have to do something about it. Otherwise, they are threatening the complete health of their people in China.

With this newfound attention to this problem, let's do something about it by building bipartisan support for a solution. That is the right thing to do. And this is just another reminder that what is happening in Miami Beach right now is the wave of the future unless we change our policies.

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

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

Mr. DAINES. Mr. President, I ask unanimous consent to enter into a colloquy with Senators AYOTTE, ALEXANDER, BURR, COLLINS, and GARDNER.

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

LAND AND WATER CONSERVATION FUND

Mr. DAINES. Mr. President, Montana's national forests and public lands have been a pleasure and a part of our State's heritage for generations.

As a fifth-generation Montanan and as someone who loves the outdoors, I recognize how valuable our public lands are and the importance of ensuring access for generations to come to hunting, backpacking and fishing—traditions that I, like many Montanans, have been thankful to pass along to my kids. I know firsthand the important role that the Land and Water Conservation Fund holds in protecting and increasing Montanans' access to our public lands.

That is why since coming to Congress I have been actively working to secure funding for the Land and Water Conservation Fund every year. In fact, through the appropriations process this summer, Senator SUSAN COLLINS and I successfully passed an amendment to increase the funding for the LWCF program by nearly $14 million. This brought the overall funding for LWCF to $306 million and ensured that LWCF did not lose out on work for permanent authorization.

In Montana and throughout the country, the Land and Water Conservation

Fund plays a critical role in achieving the goal of increased access. Despite the tireless efforts and the work of Senators BURR, COLLINS, AYOTTE, ALEXANDER, and GARDNER to move reauthorization forward, yet again today, the authorization for LWCF will expire tonight. The Continuing Resolution did not include a reauthorization for LWCF.

Because LWCF is funded through royalties generated from offshore energy development, it is a fundamental tool to help preserve and protect Montanans' opportunity to enjoy hunting, fishing, and outdoor recreation. In fact, during the August recess while I was back home in Montana, this is where I was: On the public lands of Montana. This is the Beartooth Wilderness area. This is my wife Cindy and our dog Ruby. I have my fly rod on my back. This is, in fact, up near Granite Peak, Montana's highest peak. That is over 10,000 feet where that picture was taken. It was a chance to enjoy our public lands—something that is an absolute treasure for the people of Montana and the people of our great country.

LWCF keeps family ranches in the family and working. It is a fundamental tool that preserves and protects our opportunities to enjoy hunting, fishing, and outdoor recreation. It keeps forests in productive use through the Forest Legacy Program, as in the Haskill Basin where my good friend Chuck Roady of Stoltz Land and Lumber works.

That is why it is so disappointing that reauthorization was not included in the CR we voted on today.

Under the current CR, LWCF will be funded, as will the rest of the Federal Government, through December 11. LWCF will be funded at fiscal year 2015 levels and all projects will continue as planned. However, any new deposits into the fund will stop tomorrow, on October 1.

I have heard from many Montana businesses, outfitters, and guides who love the outdoors and are very concerned about the program's lapse in authorization. These small businesses rely on it for public access to Montana's treasured public lands for outdoor recreation which supports millions of dollars of revenue and hundreds of jobs for our State.

Like Eric Grove of Great Divide Cyclery in Helena who has built his mountain bike business around the South Hills Trail System outside of Helena which was facilitated by LWCF. There are many other small businesses such as Eric's in Montana.

Before being elected to the Senate, before coming to Congress, I spent more than 12 years growing a technology company in Bozeman. We were able to attract quality employees not only because we offered good-paying salaries, but also because of Montana's unparalleled quality of life. In fact, our slogan was ''work where you also like to play.'' The LWCF is a critical tool that facilitates recreation on our public lands, allowing Montana businesses to attract world class employees. We can't let it slip away.

I remind the Members of the Senate, we passed the reauthorization of LWCF. We have that in the bipartisan energy bill that passed the Energy and Natural Resources Committee this year. I hope for cooperation from our friends across the aisle to bring that to the floor for a vote and move it forward in regular order, which is the way the Senate should operate.

Now I wish to pause and yield to my distinguished colleague from the great State of New Hampshire, Senator KELLY AYOTTE, who is also a big supporter of LWCF. I am glad she has come to the floor today and is joining me in our fight to make sure we keep LWCF reauthorized.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank the Senator from Montana for his incredible support for the Land and Water Conservation Fund. I love the picture showing the Senator from Montana and his wife because, just like Montana, in my home State of New Hampshire, there are so many beautiful places to hike. We have the White Mountain National Forest and places where the Land and Water Conservation Fund has made such a difference in giving anyone an opportunity to ensure the use of our public lands. In fact, having been born in New Hampshire and having grown up there, I have so many fond memories of my childhood of hikes in our beautiful forests in New Hampshire.

Without the Land and Water Conservation Fund, we would not have been able to do—at this point there have been 650 individual acquisition projects in the State of New Hampshire that have been supported by this incredible fund. In fact, one of my favorite things to do—as we think about the important work that the Land and Water Conservation Fund does, it is in our forests such as the White Mountain National Forest, but it is also in our cities. I live in Nashua, NH. It is our second largest city. We have Mines Falls Park, which is a real jewel right in the middle of the city. In the mornings, when I am in New Hampshire, my favorite thing to do is get up early and go for a run through these parks that are beautiful with forested areas in the middle of the city that so many people in Nashua enjoy every single day, including myself and my children. As I am running along, I see so many Granite Staters who are taking a beautiful walk in the morning in the beautiful woods in the second largest city in New Hampshire.

So as Senator DAINES has said, I am very disappointed that we did not include the reauthorization of the Land and Water Conservation Fund in the continuing resolution. Within hours, the authorization for LWCF expires, so I believe we should act immediately to reauthorize this program. We should be permanently reauthorizing this program. That is what I have supported in legislation so that we are not in this position and in this situation again in the future.

It is important to understand that the funds that go to LWCF under the law were supposed to be there from leasing revenues from oil and gas leasing that were supposed to be specially dedicated for this purpose of giving the American people more access to public lands and preserving our natural beauty. Yet, historically, unfortunately, this money has been diverted, and not all of it has gone to the purpose for which it was collected, which is a classic Washington move. That is why I would like to see the funds go to where they were designated. I would like to see reauthorization of this important program because there is bipartisan support for reauthorizing it and for preserving our great outdoors for everyone to enjoy.

There have been thousands and thousands of acres in New Hampshire that have been preserved and protected for people to be able to use for all kinds of outdoor recreation in our State. In New Hampshire, as in Montana, the outdoor industry is important to the economy and to who we are in the ''live free or die'' State. In fact, if we look at what the outdoor recreation industry generates, it is $4.2 billion in consumer spending in our State annually, which directly supports 49,000 New Hampshire jobs. In addition to that, the Outdoor Industry Association estimates that at least 76 percent of Granite Staters participate in outdoor recreation each year, but that doesn't surprise me. Having been born in New Hampshire, having grown up there, I love our State, and the great outdoors is such an important part of our State. People in New Hampshire love to go hiking, fishing, hunting, and use all types of recreation in enjoying the beauty of our great State.

Protecting our outdoor spaces is not a partisan issue. We need to work together to ensure the preservation of our environment for future generations to enjoy. As the mother of a second grader and a fifth grader, a big part of my kids' life too is enjoying the beauty of New Hampshire. I know that if we reauthorize the Land and Water Conservation Fund, not only in New Hampshire but across this country, we will continue to preserve the beauty of our country and the open spaces so that everyone can enjoy them and get the exercise and be healthy and enjoy the clean, fresh air they have an opportunity to breathe, as well as our beautiful forests and beautiful lands in this country.

LWCF also has funds granted to the Forest Legacy Program, which has helped conserve New Hampshire's forests, supporting our forest products industry, and aiding wildlife preservation, to make sure we have healthy, working forests, which is so important to our forest industry.

I call on my colleagues to act immediately to reauthorize this essential program, which has helped preserve the beauty of New Hampshire and our Nation. This is one that I hope, with pending legislation we bring to the floor, we will include a vote on reauthorizing the Land and Water Conservation Fund. Our country is beautiful, and this money was specially designated for this purpose. We should stop diverting it. We should continue to use it for this very purpose so that everyone can enjoy the great outdoors and the beauty of the United States of America.

Thank you, Mr. President.

I yield the floor.

Mr. DAINES. Mr. President, I wish to thank Senator AYOTTE for her great comments and for speaking as well about her heritage that has been passed down in New Hampshire.

In this picture, this is not a selfie that was taken with a selfie stick. The reason we happened to have this picture is that we had our son along. Our son took that picture of my wife Cindy, our dog Ruby, and me.

These are lands that I hiked in when I was a little boy, when my parents introduced me to the public lands of Montana wilderness areas. Outdoor heritage is an important part of who we are as Americans, as is the importance of preserving and protecting our clean water and our clean air.

I know our States' Governors don't want this program to lapse either. In fact, in a letter sent yesterday from the National Governors Association, they stated that a lapse in authorization would create uncertainties for our States.

We can still do the right thing. We can still reauthorize this important program.

There was an appropriations bill that was passed which gave us funding at the same level we had from last year, at $306 million. It is short of where I would like to have it, and I know it is short of where Senator AYOTTE would like to see it funded, but at least we held our funding consistent with where we were at last year.

The energy committee, through the Energy Modernization Act, had the reauthorization provisions in it. That would permanently reauthorize the program.

So there are a lot of options on the table to get this done. We can still do the right thing. We need to double down our efforts and reauthorize this most important program. I am a proud cosponsor of the multiple-piece legislation to make the LWCF permanent and the fight to reauthorize this program. In fact, I am the only Republican member on the Senate Energy and Natural Resources Committee to cosponsor S. 338, Senator BURR's legislation, that will secure a permanent solution for LWCF.

Permanent reauthorization of LWCF is also included in the Senate Energy Policy Modernization Act that we just talked about. It passed the committee on a large bipartisan vote. In the coming days I think the momentum behind reauthorization is only going to grow stronger. We have that evidenced here today as I am joined by a number of my colleagues who support the LWCF, and we are not going to let this conversation die. We are going to continue to fight for the permanent reauthorization of LWCF. It is a tool for public access. It is a tool to ensure that Montanans and the American people can have access to the public lands.

I am hopeful the momentum will lead the House to prioritize reauthorization in the near future. It is vital that we permanently reauthorize the Land and Water Conservation Fund and not allow reauthorization to lapse. We need to get this reauthorization passed and on the President's desk.

I see that another supporter of LWCF, the Senator from Tennessee, Mr. LAMAR ALEXANDER, has joined us in this colloquy. I am glad to have Senator ALEXANDER here and look forward to his comments on LWCF.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I salute Senator DAINES. Since his arrival in the Senate, he has been a strong fighter for the great American outdoors, which he enjoys so much in the beautiful State of Montana.

He and I were talking not long ago about his next hunting trip. One thing that unites us on both sides of the aisle and unites Americans is the great American outdoors. I often say that Egypt has its pyramids and Italy has its art; England has its history and we have the great American outdoors.

One of the best ideas we have had in the government to support, protect, and conserve the great American outdoors for the benefit of all Americans is the Land and Water Conservation Fund. It was first proposed in the 1960s by the Commission headed by Laurance Rockefeller. The Commission recommended a number of conservation issues. The idea was very simple. It was to say that when we have an environmental burden, we should have an environmental benefit. If we are going to drill for oil offshore, for example, that is an environmental burden. Let's take some of those revenues and use it for an environmental benefit. So we have, since that time in the 1960s, money for the Federal Government and for State and local governments to conserve important parts of America.

I know in our State of Tennessee we celebrated just in the last few weeks the final acquisition of the Rocky Fork tract, about 10,000 acres in Unicoi and Greene Counties, which was a national priority of the Forest Service. It provides great opportunities for Tennesseans to go hiking, to go hunting, and to go fishing. Those are the kinds of things we like to do in our State. We don't have a lot of protected land like they do in the Western States, and this was something the Land and Water Conservation Fund helped us to do.

In the 1980s President Reagan asked me to chair the President's Commission on Americans Outdoors. I worked with Gil Grosvenor, Chairman of the National Geographic Society; Patrick Noonan, the founder of The Conservation Fund; and others. Our recommendation included full funding of the Land and Water Conservation Fund, and continuing to tie it to some of the proceeds from offshore oil drilling.

In the Energy bill 9 years ago, when Senator Domenici was chairman of the Energy and Natural Resources Committee, we actually made mandatory a little bit of funding from the offshore drilling in the Gulf of Mexico into the State side of the Land and Water Conservation Fund. But, we need to recognize the broad support for the Land and Water Conservation Fund, pass Senator BURR's bill, the Senator from North Carolina who has fought tirelessly to permanently reauthorize the Land and Water Conservation Fund, and then we need to appropriate $900 million for the Land and Water Conservation Fund and gradually set aside those special areas of our country that deserve to be protected.

I am here to say that even though it expires today, I am very hopeful we can take some action very quickly to extend it at least temporarily and that soon we will have a chance to do what Senator BURR and Senator DAINES proposed and something I proposed—and have supported during my entire adult life.

I see the Senator from Maine. I know of her interest in conservation and the outdoors. We need to get this done. The American people expect us to do it, and I fully support it.

I thank the Presiding Officer, and I yield the floor.

Mr. DAINES. I want to thank the Senator from Tennessee for his leadership and unwavering commitment to the LWCF through the many years.

We are also joined by the Senator from Maine, Ms. COLLINS. Senator COLLINS comes from the beautiful State of Maine and shares a passion for the outdoors. I am grateful to have Senator COLLINS speak on behalf of the LWCF.

Senator COLLINS.

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

Ms. COLLINS. Thank you, Mr. President.

It is such a pleasure to join my colleagues in supporting legislation that would provide a short-term extension for the Land and Water Conservation Fund, and I think you can see by the breadth of the number of Senators on the floor on the Republican side of the aisle supporting this extension that this program has widespread support from Montana to North Carolina, to Tennessee, to New Hampshire, to the great State of Maine. All of us have come together to urge the Senate not to allow this important conservation and recreational program to expire.

It was 50 years ago that the Land and Water Conservation Fund Act established America's most successful conservation and recreation program. The fund was designed to assure that outdoor recreation lands would be secured on a pay-as-you-go basis for future generations. As we mark this anniversary, it is inconceivable to me that we would allow this successful and valuable program to expire.

The Land and Water Conservation Fund is arguably our most important and successful program of this type. There is nothing else like it, and it has widespread bipartisan support. While the funding for this program could continue to be appropriated beyond the September 30 expiration date, the authority to collect new revenue into the fund would expire. So we must act quickly today to reauthorize the LWCF so we do not lose the important connection between the funding stores for this conservation program and the program itself.

Investments in this landmark conservation program expand assets to the outdoors to all Americans. We are living in a time where so many children and so many teenagers are spending all of their time inside before computer screens and tablets and iPhones. This is the program that helps ensure that they have access to recreational activities outside—the great American outdoors. The Land and Water Conservation Fund has created numerous outdoor recreational opportunities in every single State in the Nation and 98 percent of the counties across our great country. It is funding that will open key areas for hunting, fishing, and other recreational access to support our working forests and ranches, to acquire inholdings and protect critical lands in national parks, national wildlife refuges, national forests, Civil War battlefields, and other Federal areas that are so special to our heritage, and to support State and local projects from ball parks to recreational trails.

If you have a bike trail, a ball park or a hiking path in your community, it may well have been constructed with funds from the Land and Water Conservation Program. I support the permanent reauthorization of the program that has been introduced by Senator BURR and believe that Congress has an obligation to make good on the promise that was made to the American people back in 1964 to take the proceeds from natural resource development and invest a portion in conservation and outdoor recreation.

The Senate Energy and Natural Resources Committee has favorably reported a bipartisan bill that would permanently extend the program. A short-term extension is needed now to provide the time over the next few weeks for us to work together to achieve that permanent authorization and consistent funding for this program and to help ensure that the fund plays the strongest possible role in helping to revitalize local communities for another 50 years.

I remain committed to working with Senator DAINES, Senator BURR, and the other leaders in this area, along with the bipartisan coalition that truly spans the country to support creating a more stable long-term plan for the LWCF that allows landowners, States, local communities, and conservation partners to plan for the future recreational and conservation opportunities for our country. I strongly urge my colleagues to support this 60-day extension.

Thank you, Mr. President. Again, I thank the Senator from Montana for organizing this colloquy and the Senator from North Carolina for his leadership in this area.

Mr. DAINES. I thank the Senator from Maine for those great remarks.

It is important to get our young people outside—outdoors. In fact, this picture was taken about 5 weeks ago by my son with his smartphone. The good news is that the smartphone wasn't working because it was so far away from cell phone towers, but the camera did work, so he took the picture.

It is important to get out and pass it on to the next generation to get our children out on the public lands. The LWCF has an important role in ensuring that access and preserving it for generations to come.

We heard from the Senator from New Hampshire, Ms. AYOTTE; from the Senator from Tennessee, Mr. ALEXANDER; and the Senator from Maine, Ms. COLLINS. I spoke from Montana. You can see the geographic diversity across our entire country to support this program.

It is only fitting that the Senator from North Carolina is here now, Mr. BURR. He has been the leader in permanent reauthorization for LWCF. That is why both Senator COLLINS and I are proud cosponsors of S. 338, which would permanently reauthorize the LWCF. I thank the Senator from North Carolina, Mr. BURR, for his leadership and what he is doing to remove this uncertainty we have today in the LWCF and get it permanently reauthorized.

Mr. BURR. Mr. President, I thank Senator DAINES and my colleagues who have come to the floor and spoken.

It was my intention to come and ask unanimous consent for the Senate to consider a 60-day extension of the Land and Water Conservation Fund in terms of its configuration. I will not be doing that. I think we are making progress toward unanimous consent in the Senate, which is the best way to get things done. So I will refrain from asking for that UC at this time.

If we don't act now, this program which has been successful for over 50 years will expire today—tonight at midnight. This program has delivered on its promise to conserve and enhance our natural landscape.

LWCF was set up for three reasons; No. 1, to protect areas within our national parks' and national forests' existing boundaries. Let me emphasize that—the existing boundaries. There are some who claim the Land and Water Conservation Fund is only to create new national parks or to expand our current national parks. In many cases we have in-parcels that have been owned by individuals and we have waited for generational change for the opportunity to complete that footprint of our historic treasures. The Land and Water Conservation Fund is that seed money to go in and match it with private dollars to get that in-parcel and buy it from a generation that also believes it should be protected.

No. 2, it provides the buffers for national trails and parkways, wildlife refuges and military battlefield parks—and I would also add military bases, such as Fort Bragg.

Fort Bragg—I call it the ''Pentagon of the Army''—in Fayetteville, NC, actually received conservation awards for the last several years for how they have treated the buffer zone around active military bases. Everybody is in conservation to some degree. It also was designed to provide matching grants to States and local governments for working forests, State and local parks, as well as recreation projects, what Senator COLLINS talked about.

A lot of my colleagues on the other side of the Capitol have said: We don't want to reauthorize this because it does not do anything. This ought to all go to State and local. Boy, I don't know how to do it any fairer than to let those who are really involved in conservation every day decide where the most valuable leverage of those dollars can go. As you notice, I am tongue-twisted because we always have a tendency here to say Federal dollars. These are not Federal dollars. These are dollars that were designed as royalties of the exploration of the Outer Continental Shelf. They should come to about $900 million a year. But the Land and Water Conservation Fund, when they go through this gauntlet of appropriations in Washington, seems to only get somewhere between $300 and $400 million a year.

On a continual basis, they have been cheated from what the American people embraced and said: We want you to have this. Imagine, what they could have done if they had the money. But that gets thrown into the general fund and dissipates. Some have said: You don't need to reauthorize this today. There is $20 billion in the Land and Water Conservation Fund. No, I hate to tell you, America. It is sort of like Social Security. We have used that money for something else. There is an IOU in there, but it has been designated for general funding reasons.

So, it is important that we not decouple the funding mechanism, which is the royalty, from the authorized program. Now, some have said: This is a land grab. Let me suggest to my colleagues that this is a land solution. This is actually one of the Federal Government programs that I can honestly say works. LWCF has supported

41,000 projects across the country in its life.

In my State alone, the Land and Water Conservation Fund has protected over 900 sites, from the Great Dismal Swamp National Wildlife Refuge to Mount Mitchell State Park, the Blue Ridge Parkway, the Pisgah National Forest. In North Carolina, outdoor recreation contributes $7.5 billion to our State's economy and supports 95,000 jobs. This is not just about conservation. It is about the economy.

It is hard for me to say to somebody from the West that the most visited national park in America is the Great Smokies, in Tennessee and North Carolina, where most Americans would think it is out where you are. The most traveled national treasure, the Blue Ridge Parkway, is the entry point to North Carolinas from Virginia. More Americans travel that road than any road in our Federal park system.

Now, let me just suggest that Senator DAINES is not the only one that has pictures. This is from the Pisgah National Forest, where we have many spectacular sites. But without the LWCF, we would not have protected this piece—an unbelievable environmental component. Now, they get better. This is a recent one—Catawba Falls. It is an LWCF success story. It was acquired in 2010 through LWCF money. It made this fall open to the public. So for my detractors who say LWCF shuts it down, it becomes part of the Federal Government, and nobody can use it, no, LWCF's mission is to open up treasures such as this for the use of the American people.

In the case that we put it to States, hopefully States convert that to access for hunters and to recreational use. As to the last one, I don't think Senator DAINES has one that looks like this—Chimney Rock. How do you not protect something like this? Chimney Rock is in North Carolina. The site is a good example of a project that will be suspended if LWCF is not renewed. It is probably one of North Carolina's most loved monuments, but expansion of the site will halt eventually if LWCF does not receive support.

You see, the Land and Water Conservation Fund is dollar-for-dollar the most effective government program that has ever existed. It is hard for me to believe, with as much support on both sides of the aisle as this fund has, that it would be so difficult to get a unanimous consent request. But I am committed to work with my colleagues who still have reservations for some reasons to try to work through those reservations and then to shorten our differences with our brethren on the House side who might not see this in the same light as I do.

But I think when most Americans see a picture like this, they see something to save, something to protect, something that is enjoyed not by Federal bureaucrats but by average folks who travel there over the Blue Ridge Parkway and end up at Chimney Rock, who go on the Blue Ridge Parkway and end up at the Great Smokies. They were not acquired because of the Land and Water Conservation Fund, but they are protected, in many ways, because of the Land and Water Conservation Fund.

So I urge my colleagues, let's have a unanimous consent request. Let's pass this and send it to the House, and let's at some point in the not-too-distant future talk about a permanent reauthorization of the Land and Water Conservation Fund. This should not be an exercise that we have every predetermined number of years. It should last as long as the revenue source, which is our ability to explore our natural resources. Those natural resources fund the preservation of these historic and significant landmarks of America.

I thank the Senator for his time.

I yield the floor.

Mr. DAINES. I want to thank the Senator from North Carolina, Mr. BURR. I thank you for your leadership on the LWCF. Senator BURR has been truly out in front, working first to get the temporary reauthorization here as a bridge until we get the permanent reauthorization. I appreciate the comments. See, this is not about a land grab. This is about a land solution, as Senator BURR said. It allows us, in many cases, to provide access to public lands that we currently do not have access to because they might be landlocked through private holdings.

So thank you, Senator BURR. In conclusion, I am hopeful that the momentum that we are seeing here in the Senate will lead the House to prioritize the LWCF reauthorization in the near future. It is vital that we permanently reauthorize the Land and Water Conservation Fund and do not allow authorization to lapse. We have less than 11 hours and this program will lapse. We need to get reauthorization passed, and get it on the President's desk, and get this signed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I wish to join several Senators who have come to the floor to talk about the Land and Water Conservation Fund. I know Senator BURR and Senator DAINES have spoken, and I think there were several others who spoke about this very worthwhile program that has been on the books for a very long time. I come to the floor to say I support their effort. I support the idea that we should be able to get a unanimous consent request so that we can extend the Land and Water Conservation Fund.

I thought I would talk first a little bit about the history because my father, Stewart Udall, was one of the people who actually worked with Congress to create the Land and Water Conservation Fund in the 1960s. He worked with Wilbur Mills in the House of Representatives and a number of other Members of Congress. The idea at the time was, here we had this resource—offshore oil—and we were taking a resource that was irreplaceable—the idea that once you use it, it is gone—and we were saying: Why don't we dedicate some of those resources to the permanent protection of land, of parks, for the American people? So that was the idea behind it, and it was endorsed by a nationwide commission of very distinguished Americans who said: We aren't keeping up with the amount of parks and other public lands that our growing population needs. We all knew that the American people loved their parks, and the same is true today.

So this outdoor commission recommended something along this line of, how do we make sure we are able to create these great national parks and create parks at the State and the city level? So the fund was designed in such a way that there was a State-fund side of the program, and on the State-fund side of the program, you could take dollars that were dedicated to the State program, which would be Federal dollars, and match them at the State and local level and create a Federal park. So in most of your communities today, if you drive around and you see a beautiful park, if you go and look at the plaque, most of the time that plaque will say: Done in cooperation with the Land and Water Conservation Fund.

What local people have told me many times is that in the planning they do to try to create a new park—they have an area that is growing or they have a housing development that has gone in—they say: How do we get the money? Well, if they know there is going to be a Federal match and they are able to get the Federal money, they can do the planning. They can go to their local taxpayers, raise some funds, and then pool the money together and get a city park or a State park, that kind of thing.

As everybody knows well, the Land and Water Conservation Fund has funded Federal purchases of land, from our national parks, to national wildlife refuges, to many other public lands. For example, in my home State of New Mexico, we have 14 national parks. We have a brandnew national park that was just put into place within the last year called the Valles Caldera National Preserve, which is one of the newest parks in the country. Here you have about 89,000 acres which is a collapsed volcano that has been used in many different ways in the past but now is available for hunting, fishing, camping, and all sorts of outdoor recreation. So this is something the people of New Mexico know.

I think the crucial point to make here is the economic one. We don't have any doubt that investments in parks, wildlife refuges, and other Federal lands create many jobs outside those parks. They create jobs in the gateway communities, but they also create jobs in the outdoor industry. We have seen, with two new national

monuments that were just created in New Mexico, big economic growth 6 months and a year after the creation of those monuments. So this is about the economic integrity of our communities.

In less than 11 hours right now on the clock, the Land and Water Conservation Fund could expire. It has been in place for decades, and we could let it expire because of the gridlock here. Well, we aren't going to do that. And why aren't we going to do that? Because we have Members on both sides of the aisle who care about this.

I would like to say a word about Senator BURR. I have worked with him very well. He is a member of the International Conservation Caucus in the Senate, and he has taken a real interest in conservation around the world and has been a real leader. Senator BURR has been out front on this land and water conservation issue. He has led a letter to various officials that 53 Senators signed that said: We want the Land and Water Conservation Fund reauthorized before it expires. He has shown real leadership to make sure that as we approach this deadline, this doesn't happen.

Senator BURR was on the floor just a few minutes ago. I want to say to him and the other Senators who worked with him that I think it is very important that we continue to work in these last 11 hours to make sure the Land and Water Conservation Fund is continued. Obviously, what we are trying to do right now is a 60-day period, but, as Senator BURR mentioned, the important thing is permanent reauthorization of the Land and Water Conservation Fund. Then the big task we need to get these Presidential candidates to face is we have to have the funding for it. It always had a funding level that was reasonable and rational and supported, but unfortunately we don't ever meet the funding level. The money is there. The money is in the fund. It comes out every year from the offshore oil resources into the fund; it is just taken for other purposes. So we have to make sure we get a permanent Land and Water Conservation Fund reauthorization and the funds in that are going to really make a difference.

Mr. President, I see my good friend Senator CASEY from Pennsylvania. I know he is waiting in line, and I am sure you are going to hear some wise words from him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, the American people have gotten used to hearing bad news about their health care ever since the Democrats passed ObamaCare. It seems that each and every day there is another headline about another way that the health care law is hurting people. Last Wednesday there was a remarkable amount of bad news in just 1 day. The Wall Street Journal on Wednesday, September 23, had this headline: ''Health Insurers Defend Deals.''

If you flip the page over, the bottom half of that page has ''Cost of a family health plan tops $17,000'' with a chart of rising costs. The annual cost of an employer family health coverage, the portion paid by workers, continues to go up—1 day, one page. The top article is about a wave of health insurance company mergers which we have been seeing recently.

Now, the President said that his health care law would actually increase competition among insurance companies. But just like a lot of the other predictions that President Obama made, this one has not come true. You know, back in June, the insurance company Aetna announced plans to buy Humana. Then the company Anthem decided to buy Cigna.

Now, if these mergers are approved and continue to go through, it means that the five largest insurance companies in the United States will now be down to three. The President said there would be more competition. Well, Americans are about to have much less competition. It is not only because of the giant insurance company mergers. You know, ObamaCare also set up health co-ops in 24 States. Now, these co-ops were supposed to add competition to help keep prices down.

Taxpayers put up almost $2.5 billion to help these companies get started. Over the past few months, what has happened? These co-ops have been dropping like flies. Just the other day, regulators in New York shut down the largest ObamaCare co-op in the country. Why? Because it lost so much money. Now 215,000 New Yorkers have fewer options for where they can go to buy Washington-mandated insurance. This is the fourth co-op to fail in the past few months. Another one failed right before it. It had not even enrolled a single person. Think of that: Government loans set up a co-op that doesn't enroll anyone and closes shop. There is only one co-op of the original 24 that is actually making any money so it can stay in business.

Look, the American people know they are not getting the increased competition the President has promised. They also know they are not getting the lower prices the President has promised.

Another article came out last Wednesday that talked about how much more Americans are paying for their health care. This was a September 23 New York Times headline: ''Health insurance deductibles rising faster than wages.'' ''Health insurance deductibles rising faster than wages.'' Here it is—unaffordable care. This is from 2010 to 2015. Wages are up 10 percent, premiums up 24 percent, deductibles up 67 percent. The article describes a recent study by the Kaiser Family Foundation. According to Kaiser, health insurance premiums for a single person have gone up more than twice as fast as people's earnings since ObamaCare became law.

We are talking about all of the people that get their health insurance through work, which is about 150 million Americans. This is not just a small group of people. This is all of the people that get their insurance through work. Deductibles have gone up almost seven times as much as earnings. It is an enormous hit to the finances of American families. The article talked about how these high deductibles are hurting a woman named Beth Landrum. She is 52. She is a teacher.

The articles says that about 2 years ago, ''Beth saw the deductible on her family's plan increase to $3,300 a year.'' She is a teacher. She is 52—$3,300 a year for the deductible under Obama's health care law.

So a couple years ago was when a lot of these ObamaCare mandates were really starting to bite. The woman survived a brain tumor 10 years ago. So here she is. She has insurance. She had a brain tumor 10 years ago, successfully treated, but she is putting off having the MRI that has been recommended by her doctor. She says: ''My doctor's mad at me because I haven't had the MRI.''

They want to see if there is any recurrence of the tumor. She said that she and her husband need to save up money to pay for the test, to pay for the deductible—the $3,300 deductible. She has health insurance under ObamaCare, and she can no longer afford to get care—coverage without care. The President continues to ignore this fact about his unaffordable health care law. You cannot afford to get care, not under ObamaCare.

Now, President Obama promised that people would save $2,500 per family per year under the health care law. But average premiums are up nearly $4,000 since the law passed. Does the President really believe it is affordable? The new study by Kaiser only looked at insurance that people get, as I say, through their jobs. It did not look at the deductibles people are paying when they buy their own insurance through the ObamaCare exchanges.

President Obama said that these plans would be cheaper than a cell phone bill. That is what he said—cheaper than a cell phone—easier to use than Amazon for shopping on the web and cheaper than a cell phone. Well, let's take a look at the article in the New York Times. That is not how it has worked out for Rebecca Bullard.

Now, Rebecca is 27. She purchased her plan through her State exchange for $129 a month. To get that plan, she had to accept a deductible of $6,000. But she has ObamaCare. Oh yeah, the President can say: I did her a favor—a $6,000 deductible.

The article says that when she was worried that she had a cracked rib—do you know how she chose to take care of it? She chose to ask friends on social media about what to do rather than go to a doctor because of the ObamaCare that was actually not worth very much to her. That is how concerned she was

about paying the out-of-pocket costs that ObamaCare brought her. She said, ''Now I don't even want to go to the doctor.''

Is that what the President promised the American people—deductibles so high that people don't even want to go to their doctor?

People may have coverage, but they cannot afford care. It is unaffordable under the President's plan and mandates. People are paying more and they are getting less. So it is not surprising that this administration is starting to worry. They have to figure out how to convince people that it is worth signing up for this outrageously expensive ObamaCare insurance. That is what the Wall Street Journal said in another article on September 23. There is a picture of the Secretary of Health and Human Services, Sylvia Burwell. There is a picture of her right here on this page. It says: ''Insuring More People Seen as Tough.'' According to this article, the Secretary of Health and Human Services says that ''this open enrollment is going to be tougher than last year.''

We know it is going to be tough for families who are getting hit with higher premiums and other costs. Now, the Obama administration isn't worried about these people; what the Obama administration is now worried about is how tough it is going to be to sign up enough customers for this awful law. You know, by now they were supposed to have 21 million people signed up for ObamaCare by next year. Right now they have fewer than 10 million. They are not even halfway to where they need to be and where they said they would be. What this means is if they don't get more young, healthy customers to sign up, this whole system is likely to collapse. That is why the Obama administration is worried. They are worried about the impacts of their ability to sustain this law.

There is a reason that people haven't signed up. The people who haven't signed up yet know this insurance is not a good deal for them. It is not good for them personally; it is not worth it. About half of the people who still don't have insurance have less than $100 in savings. How is someone with less than $100 in savings supposed to pay a $6,000 deductible?

Why won't the President answer these questions? Why won't the Democrats come to this floor and answer these questions? I haven't seen a Democrat come to address these issues or any of these headlines.

Look, President Obama promised the American people that his health care law would produce lower costs and produce more choice. Instead, he has given people fewer choices, more powerful insurance companies, higher deductibles, and higher premiums.

We have had too many of these alarming headlines—and that is in just 1 day alone—and too much bad news about ObamaCare. The American people get it. It is a bad deal for them personally.

President Obama is a lameduck. He forced a terrible program through Congress. It is time for Democrats in Congress to sit down with Republicans and start talking about the kinds of health care reforms that the American people need, that the American people want, and that the American people deserve.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FEDERAL PERKINS LOAN PROGRAM

Mr. CASEY. Mr. President, I rise to speak today about the Perkins Loan Program, which we spent some time on yesterday and over the last couple of weeks. Senator BALDWIN from Wisconsin, who is with us now on the floor, has worked so hard on this, as have many others. We have more than a quarter of the Senate working together to try and get an extension of the Perkins Loan Program.

Many Americans are familiar with this program. It is one of the best ways to guarantee access to higher education for young people across the country. We have always said, and I have always said—and we will say it again—if young people can learn more now, they will earn more later. It is not just a rhyme. There is a direct connection between learning and earning in the context of early education as well as higher education.

We need to make sure all students, regardless of their income or the circumstances of their birth, have a fair shot to go to college and have the opportunity to reach their full potential. Perkins allows those students to do just that. These are fixed-rate, low-interest loans meant for students with exceptional financial needs. Because these loans are part of a revolving fund, as one student pays them off, another student can use the dollars to receive a loan.

By way of example in one State, in Pennsylvania, in the academic year 2013–2014, some 40,000 students at some 100 colleges and universities were able to go to school because of these loans. That 40,000 student number in Pennsylvania is a much bigger number nationwide, of course—almost 540,000. The actual number is 539,000 students.

So for many students this is the choice between going to college and not going at all. It is that stark. For example, the Coalition of Higher Education Assistance Organizations tells us that one quarter of all loan recipients are from families with incomes less than $30,000 a year. Unfortunately, because of inaction here in the Congress, these students will be left high and dry if we don't take action.

I shared a story yesterday of Nikki Ezzolo, who is going to school and is a recent graduate of Edinboro University in Northwestern Pennsylvania. I mentioned yesterday also Kayla McBride—she is from Temple—and I will refer back to her story in a moment. But when we consider Nikki's story or Kayla's or so many other young people in Pennsylvania or across the country, we have to focus on what our priorities are here in the Senate.

We do have a bipartisan opportunity here. Democrats and Republicans are coming together to extend the Perkins Loan Program. By way of example, when you consider those students in Pennsylvania, here is what it breaks down to when you go institution by institution. This will not be a full recitation of all the institutions in Pennsylvania, but here are a few. In Pennsylvania, this is what this program could mean for individual students and schools: At Temple University, 6,200-some students; at Penn State, 3,100; at the University of Pittsburgh, 2,800; and at West Chester University, 1,000. So those are the kind of numbers just to give a few examples of the impact.

We know Perkins has been part of our law and part of the life of our colleges and universities for decades. Some 30 million Americans have benefited. We have to consider what this means for those students, what this means for our States and, of course, what it means for the rest of the country.

I know we are going to be having more of a discussion here and offering a consent request, so at this time I will yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, while it appears we will avert a government shutdown, another serious deadline with serious consequences looms over this body. Tonight, unless the Senate acts by midnight, the Federal Perkins Loan Program will expire, impacting the education of over one-half million students across America. I am here now to call on all of my colleagues to join me in supporting the extension of this critical investment in our Nation's students.

I am not alone in my desire to see us take action instead of creating what I would consider another manufactured crisis—a crisis of our own making. In fact, we have already seen strong bipartisan support for this investment in our future. Senators PORTMAN, COLLINS, KIRK, AYOTTE, and THUNE have joined with more than 20 Senate Democrats on a resolution urging the continuation of the Federal Perkins Loan Program supporting low-income students in their pursuit of a higher education.

Yesterday Senators COLLINS, PORTMAN, and AYOTTE joined me and Senator CASEY and Senator MURRAY here on the Senate floor in support of saving this program. I am pleased the junior Senator from New Hampshire and Senator CASEY are here with me now, once again calling to protect this incredibly important investment.

On Monday, our colleagues in the House of Representatives unanimously passed a measure that would extend this student loan program for 1 year, and I am here to call on my colleagues in the Senate to do the same.

While I look forward to a much broader conversation about improving Federal support for students as we look to reauthorize the Higher Education Act, we can't sit idly by and watch it expire as America's students are left with such uncertainty.

UNANIMOUS CONSENT REQUEST—H.R. 3594

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3594, which is at the desk; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, rather than making a statement, I hope it will be suitable to the Senator from Wisconsin for me to make my explanation of why I am objecting after I object. And I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the goal here is to help students. The goal here is to find ways to help college students find easier ways to apply to a college and to avoid overborrowing. The goal would be to give them a year-round Pell grant. The goal would be to simplify the application form they have to complete. The goal would be to keep the interest rates as low as we can. The goal would be to make it easier to repay student loans. That is our goal.

Our education committee, in which the Senator from Wisconsin and the Senator from Pennsylvania are very valuable members, is completing work on the reauthorization of the Higher Education Act with just those goals. We have had eight hearings. We are considering a number of bipartisan proposals to, as I said, simplify the grants and loans for college, to provide for year-round Pell Grants, to make it easier to repay student loans and to discourage overborrowing, which is weighing down these students.

One of the most important of those proposals, which was recommended to us by witnesses, is that we should simplify the process so there is one grant and one loan. That would be a Pell grant and a loan. In the last reauthorization of the Higher Education Act in 2008, Congress agreed to sunset the Perkins Loan Program, and that is what is happening now. I support sunsetting this program, although students who currently receive a Perkins loan would continue to do so.

As I said, our committee is hopefully finishing by the end of the year our work on reviewing our student loan programs, including Perkins loans. The Perkins loan has a higher interest rate than other undergraduate loans. It does not give students the advantage of participating in income-based repayment programs—this is available in the law for all students receiving Direct Loans which are not affected by this discussion—which allow students to pay back their student loans at no more than 10 to 15 percent of their disposable income every year, and if after 20 to 25 years it is not repaid, it is forgiven. You can't get that with a Perkins loan.

According to the Congressional Budget Office, reauthorizing the Perkins loan will cost nearly $5 billion over 10 years. Many witnesses before our committee have said that $5 billion would be better spent paying for more Pell grants, which will be necessary for simplifying the student aid application, from authorizing a year-round Pell grant and from simplifying the repayment process.

So the question is, Do you spend the $5 billion for that or do you spend it for a program with a higher interest rate and without an income based repayment program, and which many of our witnesses said it is time for this program to expire? I am one of a bipartisan group of Senators who propose we replace the Perkins Loan program with student loans that are simpler, have a lower interest rate and more generous repayment opportunities.

We will finish our review of higher education by the end of the year. It will be ready for the full Senate. We can look at all the various loan programs. We loan more than $100 billion a year. The Perkins Loan program is a very small part of that. All those other loan programs are still available at a lower rate with a better income based repayment program. In the meantime, as I said, students who currently have Perkins loans will continue to have them while we continue our work.

So our goal is to simplify the system, make it easier for students to apply for grants and loans, allow them to have year-round Pell grants, allow them to not overborrow so much, and to allow them to repay their loans back easier. The Perkins loan is not as effective a loan in meeting those goals as the other loans that we have.

So I object at least until we have a chance to further continue our review in the Senate education committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am very disappointed that my offer to extend the Federal Perkins Loan Program was just blocked by my Republican colleague from Tennessee. While I understand and, frankly, I share his desire to have a broader conversation about Federal student aid as part of the Higher Education Act's reauthorization effort, I do not think it is right or fair to end this program today with nothing to replace it to the detriment of thousands of students in need.

I want to mention briefly the issue of the cost of its reauthorization because when the decision was made to sunset the program, a clawback provision was included that basically collects the loan funds back from the institutions that loan it out. It is actually a revolving fund—which I will return to later—which makes it such a fiscally responsible loan program.

When I travel around my home State of Wisconsin, one of the things I hear the most about these days from my constituents is their frustration that Congress isn't doing enough to make higher education more affordable and more accessible. Yet, today, the fact that we just saw a single Senator stand up and reject a bipartisan and commonsense measure to do just that is, frankly, a perfect example of why my constituents and the American people are so upset with Washington.

Since 1958 the Federal Perkins Loan Program has been successful in helping Americans access affordable higher education with low-interest loans for students who cannot borrow or afford more expensive private student loans. In Wisconsin, the program provides more than 20,000 low-income students with more than $41 million in aid. But the impacts of this program aren't just isolated to the Badger State. In fact, the Federal Perkins Loan Program aids over half a million students with financial need each year, and it does that across 1,500 institutions of higher education.

Schools originate, service, and collect the fixed-interest-rate loans. And what is more, institutions maintain loans available for future students because it is managed within a revolving fund. Since the program's creation, institutions have invested millions of their own dollars, their own funds, into the program. And in addition to making higher education accessible for low-income students, the program serves as an incentive for people who wish to go into public service by offering targeted loan cancellations for specific professions in areas of national need, such as teaching, nursing, and law enforcement.

As a Member of the Senate Health, Education, Labor and Pensions Committee and as a Senator representing a State with such a rich history of higher education, it is one of my top priorities to fight to ensure that the Federal Perkins Loan Program continues for generations to come. But, unfortunately, as we just saw, a single Senator stood up today and said no to students across America who ask for nothing more than an opportunity to pursue their dreams—students such as Benjamin Wooten, a 2004 UW-Madison graduate and small business owner from Genoa City. His family fell on really hard times when he was attending school. Ben told me:

> The fact that I didn't have to pay interest while I was in school was a huge help to me.
>
> I was attending school full time, working and trying to live on a meager budget. . . . I am a grateful and successful small business owner.

I paid my loan off in full about a year ago with pride and excitement.

I know that when I repaid my loan it was returned to a revolving fund and will be lent back out to other students in need.

Today this body has stood up and said no to students such as Brittany McAdams, a medical school student with a passion for pediatrics and a passion for helping the most vulnerable among us—something that doesn't always yield a significant paycheck. Brittany said to me:

I want to be able to treat patients from all socioeconomic levels, despite their ability to pay.

In other words, I want to do important work for less money than most other physicians. . . . The Perkins Loan is so valuable because it does not collect interest while we are in school.

To me, that says the government believes that what I am doing with my life is important.

That our country needs more doctors willing to tackle primary care.

That while we need to pay for our graduate degrees, that they are going to do their part to make it just a bit easier.

The Perkins Loan makes me feel valued and respected and even more passionate about my work.

Finally, I am disappointed that, because of this body's inaction here today, we are letting down students such as Nayeli Spahr. Nayeli was raised by a single immigrant mother who worked two full-time jobs. She attended ten different schools in three different States before she finished high school. Without the Federal Perkins Loan Program, Nayeli said her opportunity to get a college education would have been ''an illusionary dream.'' Today Nayeli is the first in her family to finish college and is now in her last year of medical school and is planning to work with those in underserved urban communities. She finished by telling me:

The Perkins loan program helped me reach this point.

And, its existence is essential to provide that opportunity for other young adults wanting to believe in themselves and to empower their communities to be better.

Please save it!

We don't have to look very far to find the very significant impact this investment has on American students. There are thousands of stories like the few I just shared, representing thousands of students who are still benefiting from the opportunities provided to them by this hugely successful program.

I am disappointed that the bipartisan effort I have led has been obstructed. I will continue to fight to extend this support for America's students, and I hope the senior Senator from Tennessee will change his mind so we can find a way to show the half million students who depend on the Federal Perkins Loans that we stand with them and are committed to helping them build a stronger future for themselves and our country.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I come today to the floor first to thank the Senator from Tennessee for taking my call last night as we discussed his objection to extending this, which, from my standpoint, for the many reasons my college from Wisconsin stated, I think is a reasonable proposal to extend the Perkins Loan Program for a 1-year time period. But I certainly understand some of the concerns my colleague from Tennessee has with this particular loan program—and, quite honestly, all the loan programs—often in terms of the affordability of college loans.

But as the Senator from Tennessee stated, we share the same goal here. Everyone in this body really does want every American to have the opportunity to get a good education, to get the tools so they can lead a productive life and build a good life for themselves and their families. That is a goal we all share, and we understand the importance of education and the affordability of it—making it accessible to every American. But that is the point I want to make here.

We held a pretty interesting hearing in our Senate Committee on Homeland Security and Governmental Affairs, and we really took a look at these student loan programs and the potential effect on the affordability of college. In testimony today, we certainly found out that the student loan program has exploded over the last 20 years, from a level of about $100 billion in 1994 to now $1.3 trillion. On average, students graduating with a 4-year degree are about $29,000 in debt. That is a concern. One of the reasons we are concerned about affordability is that the cost of college—again, in testimony—has increased somewhere between 2.5 and 2.8 times the rate of inflation over the last few number of decades. I think it is a legitimate question to ask: Why? What is so different about what colleges and universities spend their money on that the cost would increase 2.5 to 2.8 times the rate of inflation?

We had some explanation provided to our committee today, and it does involve Federal Government involvement, for example, in the accreditation process. We had one witness state that the supply of colleges since the mid-1970s has increased about 14 percent, and yet, because we want to have more access for college, the demand for college education has increased 111 percent. Part of the problem, in terms of the increasing cost of college, is the fact that we are creating barriers to entry through the accreditation process. So I think we have to take a very serious look at that.

Another thing that was quite troubling during our hearing is that there have been a number of studies, including one from the Federal Reserve Bank in New York, one from Northeastern University, that show that 40 to 50 percent of recent college graduates are either unemployed or underemployed, which means they are getting these college degrees and are not being able to put them to good use. That is something we should really be taking a look at.

Again, I think it was a reasonable proposal to extend the Perkins Loan Program for another year for many of the reasons my colleague from Wisconsin stated. A lot of people are counting on these. But I fully respect what the Senator from Tennessee is trying to do—to consolidate these programs, to make them more streamlined, to address the affordability issue—which really is something that we are really ignoring far too often in this body as we take the Federal Government and we involve it more and more in higher education. We really have to take a serious look at what the Federal Government's involvement has actually been in terms of the unintended consequence of making college less accessible because we have made it so much more unaffordable.

Again, I thank the Senator from Tennessee for taking my phone call and listening to my viewpoint. And I certainly appreciate his dedication to trying to achieve that same goal that we all share—providing the accessibility for every American to have a good quality education so they can build a good life for themselves and their family.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I have great respect for the senior Senator from Tennessee, but I disagree with him on his objection to extending the Perkins Loan Program for 1 year. This is why I disagree. I very much appreciate the work he has laid out and the goals he has laid out in reauthorizing the Higher Education Act. Certainly, I think we all want to make sure it is easier for students to repay their loans, and I share the goal of also making college more affordable and more accessible for everyone.

But as I look at this timeframe of where we are with the work that will be done by the HELP Committee, which the Senator from Tennessee chairs, by the end of the year, this is, unfortunately, what happens too often in Washington. With the Perkins Loan Program, 5,000 of our students in New Hampshire receive a loan from this program. So it is important to 5,000 Granite Staters.

If we wait until the end of the year and let it lapse, and then the Committee does its work, there are so many other pressing things that need to be addressed in the Senate—this is pressing too—and if we don't get to it, we are in the position where the Perkins loans lapse.

I appreciate the work done by the HELP Committee—which I hope is bipartisan—to address this important issue of making it easier for students. But I don't think we should let this program lapse in the interim. I think there is a very reasonable position here

to say, let's extend this program and not leave people hanging out there.

Apparently, the House of Representatives agreed unanimously to extend it a year, to give that breathing room, and send over here earlier this week the Higher Education Extension Act of 2015, to do that for the students who are including the Perkins loan as part of their student aid package and, as I understand it, for those for whom this loan makes sense—low-income students, vulnerable students, the ones we want to fight for here—to make sure they have access to the American dream. That is about $2,000 for students who are some of the most financially in need.

I understand there are other loans available. But when you look at a student aid package, it is usually a combination of loans, especially if you are someone who comes from a background where you aren't able to pay for college yourself. I think the reasonable position here would be this: Let's extend this; let's provide that certainty while the HELP Committee is doing the work that I think we all agree on needs to be done to address higher costs, to make it easier for students, to give more transparency in this system for students and for parents, and to make it easier for students to repay these loans.

I am here fighting for the 5,000 students in New Hampshire and for others like them. I don't want them to be a victim of Washington uncertainty or those who come after them for whom the Perkins loans make sense. Until we get to this broader discussion, which is an important discussion, let's not let this lapse on behalf of those students. I think there is a reasonable position that allows the important work of the HELP Committee to go forward, but it extends this important loan program.

With all the respect I have for the senior Senator from Tennessee, this is something on which I agree with my colleague from Wisconsin and others who have said: Let's not leave them hanging on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from New Hampshire is always eloquent as she is fighting for students in New Hampshire. I want to assure her and any of those 5,000 New Hampshire students who already have a Perkins loan are not affected by this. In fact, almost no students across the country who have a student loan are affected by this. There are about $8 billion worth of outstanding Perkins loans out of $1.3 trillion in student loans. We are talking about less than 1 percent of all student loans. We are talking about students that might be awarded loans a year from now. No one who currently has a Perkins loan is affected by this.

What is our goal here? Our goal is to help students afford college. How do you help students afford college, No. 1, by continuing a program that has a higher interest rate than the loan they could get in a regular student loan? No, the Perkins loan rate is higher than the interest rate on a Direct Loan that every single undergraduate student who applies for federal aid is entitled to. No. 2, by continuing the Perkins loan which does not have the income-based repayment program offered in the Direct Loan program?

What is that income-based repayment plan? It says that you can pay your loan back over 20 to 25 years, not paying more than 10 percent to 15 percent of your disposable income each year. If you are a teacher or a firefighter or if you have a lower-income position, you are not treated the same as someone with a higher income. You pay back less because you earn less. If you get to the end of the 20 years and you haven't paid it back, your loan is forgiven. That is the law today. That is a loan that is available to every single student going to college. A low-income student can take advantage of that.

What we are seeking to do in our discussions—and they are indeed bipartisan as are the proposals to change the structure of the loan programs—is to say that instead of a combination of student loans, which is where you have a whole stack of confusing student loans and you pay one to this part of the Federal Government and another to this part, you will have one student loan at the lowest possible rate. Under our proposal, you will make only one payment to the Federal Government, and you will have the advantage of a 20-year repayment. If you haven't paid it off, it is forgiven.

We will simplify your application for that loan from a 108-question form, which I can't hold up according to the Senate rules, to 2 questions, and we will simplify the process for paying it back. That is how we are proposing to replace the Perkins Loan program, but we haven't made a decision about that.

We have had eight hearings. I am working with Senator MURRAY, the senior Democrat on the education committee, and other members of the committee to make sure that we come to a conclusion. I am not sure what conclusion we will come to. But the argument I am making is the same argument that so many witnesses before our committee said: Simplify the student aid process. You are discouraging low-income kids whose parents may never have gone to college. Those parents may say: Ok, you can go to college and we will help you, but in your senior year of high school you need to fill out this 108-question form requiring information about your taxes before you file your tax return. And sorry, you can't use your Pell grant year-round.

After completing college, there is a complex repayment form. The program is generous, but it is so complex that you will never use it. We are losing millions of students, most of them lower income, most of them are the first in their families to go to college, because of the complexity of our student aid system. We have bipartisan proposals to simplify it, and this is part of that. Instead of getting three Federal loans, you get one. You will be able to potentially borrow more, but you will get a loan with the lowest rate and a generous income based repayment program. Why wouldn't that be a better deal for the students we are trying to help? Why would we extend something with a higher rate and no generous repayment program? That is the argument here.

I see no need to rush through the House and the Senate a subject that we are considering in our committee—and debating it fully in a bipartisan way. We plan to mark up and have ready for the full Senate our proposal by the end of the year. I see no need to rush that through so fast. Every student with a Perkins loan today still has one tomorrow. Those who might apply for one next year will have time to do that if for some reason the program is reinstated. They will also be able to apply for a Federal loan that now exists with a lower interest rate and a better repayment plan. That is my reason for standing here today because we are trying to help students afford college by simplifying the process of applications and the process of paying their loan back. You don't make it easier with a loan with a high interest rate, no income based repayment program and a confusing bunch of loans.

You could come back and say: But this is an additional loan, and that would be true. We haven't decided yet exactly how much a full-time student may borrow from the Federal Government in our new reauthorization. This is a third loan on top of the other two federal loans. How many Senators have stood up on this floor and complained about the overborrowing of students, about how we have $1 trillion-plus of loans outstanding, and about how students can't pay back their loans? What we are saying to students is that we don't want to encourage you to overborrow. We don't want you borrowing more than you can afford. What we want to offer you is a plain, clear, simple opportunity to borrow an amount of money at a low interest rate with a generous repayment plan, and we want to give the university you are attending more latitude in explaining to you whether you can pay that back or not. Now they are handcuffed. Who is putting them in handcuffs? The federal government is. We have Federal laws that make it hard for universities to counsel students about how much to borrow. I don't think we are doing students any favor by extending this loan. We are not cutting anybody out of a loan who already has one. In fact, we are offering all students a low-interest-rate loan.

The last point I want to make is that it is a revolving fund. It is true that the Federal Government has contributed about two-thirds of the revolving fund and the universities themselves contribute the rest. I heard from university presidents that they find this

loan useful as they put together their financial aid package. I have heard all of that. But for the last number of years, the Federal Government hasn't been contributing to the Perkins fund. For the last number of years, Congress has said that it is time to sunset the Perkins Loan program. Both President Bush and President Obama at one time or another have recommended that we sunset the Perkins Loan program. Many of the witnesses before our committee said the same thing. They said: You are overwhelming these students and their families. Give them something simple. Give them something direct. Give them one grant. Give them one loan.

That is our proposal—one grant, one loan, and the loan will be at the lowest possible rate—which is currently lower than a Perkins loan—with the most generous repayment terms that are responsible. The Perkins loan doesn't have those repayment plans. Make it available to every single student at an amount that we would agree upon and then allow the universities, colleges, and technical schools to be able to counsel these students. Don't borrow too much, because a loan is not a grant. You can keep a grant. You are going to have to pay back a loan.

There has even been some talk—and I support the concept—of saying to the universities and schools that you are going to have to have some skin in the game. If you are one of those schools or universities with too great a default rate on your student loans, you will have to pay some of the amount borrowed because we want you to take some responsibility for it.

I, actually, am not one of those Americans who is so concerned about the amount of student loans outstanding today. I think it is a pretty healthy indication in many ways. We have $1.2 trillion or $1.3 trillion in outstanding student loans. We have about $900 billion in outstanding car loans. The average student loan for a 4-year graduate is about $29,000. The average car loan is about $27,000. Your car will depreciate. Your degree will appreciate. Some say it will earn you a million dollars more in your lifetime than you would otherwise.

The unemployment rate in America today for Americans with a 4-year degree is 3 percent. The average income for those Americans is in the mid-40s. I think it is a pretty good investment if we can say to Americans: Go on to the community colleges where the average tuition is $3,300—and the average Pell grant is about $3,300—if you are low-income. For all intents and purposes, it is free today for most low-income students. Go on and earn that degree and improve your skills. That is the way you make it up the ladder in this country. In order to help, we will loan you some money at a lower rate with a generous repayment term on top of that if you need it. But we are going to take steps to make sure we don't loan you more than you can pay back.

I think that is a pretty good picture of the American dream—the unemployment rate of 3 percent, the average income that is almost twice what the average total student loan debt of an individual, a chance for 2 years of community college or any 2-year school if you are low-income, with the taxpayer paying the average tuition of $3,300. That is a pretty good system. We are trying to make it better. But the right way to do this is to take all of this discussion that we have had in a bipartisan way—all of these things I have talked about have been proposed by Democratic Senators and Republican Senators—and finish our work in the committee, which is the way our Senate is supposed to work, and then recommend to the full Senate what the student loan program ought to be. If some Senators want to say that we want to take $5 billion and for the next 10 years authorize extending the Perkins Loan Program—that is what it costs, according to the Congressional Budget Office—I am probably going to stand up and say: Let's take that $5 billion and instead give a year-round Pell grant for students. Let's pay for the Pell grants for all those students who are persuaded to go to college because we have simplified their application form and their repayment form. We are going to have a lot more Pell grants, a lot more students getting degrees. If we do, we will have a lot more Americans joining the middle class.

We are all for helping students. We want you to succeed. But my argument is that so far I am not persuaded that you succeed more with a Perkins loan that has a higher rate and no repayment program than you do with a student loan that I have described that is already available to you with a lower rate and a generous repayment program. This is a healthy debate. It is one we are having in our committee. Actually, I am glad it has gotten the attention of enough Senators. We are hearing from college presidents all over the country. Soon we will have this debate in our full committee and then on the Senate floor. I look forward to it, and I think the students of America will benefit from the work we are doing in a bipartisan way.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

WASTEFUL SPENDING

Mr. COATS. Mr. President, as many of my colleagues know, I have been coming to the floor for 22 weeks now—every time the Senate has been in session during this cycle—to address another waste of the week, and that is what I am doing here this afternoon.

The amount of money we would be able to save that has been designated as waste, fraud, and abuse has an estimated total of nearly $116 billion, and though people continue to say we can't cut a dime because every dime of taxpayer money is used for an essential function, that is simply not true.

While we have not been able to come forward with what I believe is absolutely necessary to stop this continued deficit spending and plunge into debt—the larger issues that we will be dealing with later in this session—we can at least hopefully stand together and support those documented spending waste, fraud, and abuse issues that have been presented to us by the various nonpartisan agencies that audit and look at how we control our spending.

Today I will add some more money to that amount by discussing an agency called the National Technical Information Service, NTIS. This is an agency within the Department of Commerce. It was created during the Truman administration to keep all the reports produced by the Federal Government in a central location and make them available to the American public through sale. The idea here was that various research papers, and other studies which were conducted by various agencies in the government, would be centrally located in one place and that the American people would have access to that research and information. They had to pay for the receipt of that, and it was a modest pay-for, but the money they paid for that was to be used to pay for the administrative costs of storing this information and providing it and making it available for people. Frankly, it was a good idea. It was the only way we could truly access that. It had important information that the government could access as well.

Times have changed. Obviously, the way we store information and the way we make information available to people is entirely different than it was back during the Truman administration some 70 years ago. Today the American people access and conduct research using a variety of tools and methods, largely online and largely for free. The abundance of free information has obviously greatly decreased the need for the NTIS.

In fact, last year, the Government Accountability Office, GAO, found that three-quarters of the documents added to the NTIS collection in the past 20 years can be found elsewhere, and 95 percent of it can be found for free by using a basic search on Google.

When testifying before the Senate, the Government Accountability Office said ''the legislation that established NTIS requires it to be financially self-sustaining to the fullest extent feasible. However, the increasing availability of the information that NTIS collects and disseminates—primarily through the Web—has called the service's basic statutory function into question.''

Well, that is a mild way of saying: Look, this is an outdated, antiquated way of providing benefits to the American people to get these scientific papers and research. They no longer have to go through NTIS to get this information. It is available for free.

The irony here is that if you do dial up NTIS on their Web site, a large message comes up—first thing on the screen—saying ''Before purchasing from NTIS, you may want to check for free access from'' and then they list those Web sites. NTIS says you can use their Web site to get this information for free. They list the U.S. Government Publishing Office's Digital System Web site, the Federal Government Internet portal, usa.gov, or a Web search conducted by a commercial search firm, such as Google.

In fact, one of my colleagues, who retired from the Senate just last year, actually introduced a bill called Just Google It Act, a clear indication that we no longer need this agency and it no longer serves its function. That has been introduced again by Senator KIRK this year, and I have cosponsored it. This is an agency that is saying: Don't use us anymore. You can get it for free, and we will even show you how to get it for free. Why are we covering the cost of NTIS at a rate of $880 million over 10 years when that savings could be applied to reducing our deficit, giving money back, and not requiring that amount of money to come from taxpayers—or better used for another essential purpose of the Federal Government.

What we are putting up and adding to our ''Waste of the Week'' this week is another $880 million, bringing our total to nearly $117 billion of savings that has been declared through nonpartisan government agencies that oversee our spending as waste, fraud, and abuse. So Members cannot come down here and simply say: Where are we going to get the money to cover this or do that? They can't come down here and say: It is impossible to cut any more spending. We have done all that we can do, and now we need more revenue. That is simply not the case.

Each week I will continue to bring up examples that are documented by nonpartisan agencies to be totally unnecessary. This is a small step in the direction of trying to deal with a much larger problem. That much larger problem is something I have been dealing with since I came back to the Senate after the election of 2010, and I am going to continue to talk about it even though it is not foremost on many people's minds right now, given all of the dysfunction and other problems we are dealing with. We must not ignore the fact that we are continuing to act on a deficit-spending basis, meaning we spend more than we take in each year, and we have to borrow the money to cover the difference.

Our national debt has moved to a staggering level of nearly $19 trillion, and almost $9 trillion of that amount accumulated in less than a decade. It was more than 200 years before we first reached the $1 trillion mark. We have been on a spending binge ever since then, and it has to stop or we will pay a huge price. The debt collector will be at the door.

We need to make a major effort, and hopefully we will make an effort this year. I have already announced that I will not support any spending effort to continue funding for this government unless we put some policy changes in to start us down the path to fiscal responsibility. We are working hard on that, and I will outline a number of ways in which we can do that.

In the meantime, I am saying: If you can't go big, let's at least start small. Let's at least take those things that we already know have been declared waste, fraud, and abuse by nonpartisan agencies. At least we are taking steps in the right direction.

Mr. President, with that, I yield back my time.

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

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

BIPARTISAN DIALOGUE IN THE SENATE

Mr. MERKLEY. Mr. President, I rise today with my friend and colleague, TOM UDALL, the Senator from New Mexico, to talk about how to come together to fix our broken Senate and specifically to invite our colleagues from both sides of the aisle to engage in a dialogue together to address the dysfunction that we see so evident on the floor of the Senate day after day. What we have come to understand in the course of 2015 is that the frustration with a broken Senate is a bipartisan, equal opportunity frustration.

In 2013 and 2014, Democrats were in the majority and Republicans were in the minority. The majority was frustrated and couldn't get onto bills to start debate, and when we did get on the bills, we couldn't start the process of having amendments; the time on the floor was being wasted. Now here we are in 2015 and the roles are reversed. Republicans are in control, and Republicans are frustrated that we can't get to bills and have them on the floor and that the amendment process is broken. And on amendments, it affects the minority and the majority. So here we have Democrats and Republicans with something deeply in common: a common interest in fixing this broken Senate.

The perspective I bring to this goes back to when I first came to this Chamber in the summer of 1976. I was an intern for Senator Hatfield. I was assigned to work on a bill called the Tax Reform Act of 1976 that came up on the floor of the Senate. I was assigned to follow the debate because, of course, we didn't have television coverage at that point and we didn't have emails at that point. I would meet Senator Hatfield out at the elevators, just outside these beautiful double doors, and brief him on the amendment, and he would go in and vote. Then, an hour later, we would do it all over again. Debate was largely on amendments that were relevant to the main underlying bill. There was no delaying, no wasted time between amendments. There was no agreement that had to be negotiated between the Democratic and the Republican leaders; it was simply whoever got the attention of the Presiding Officer after the preceding amendment was completed. In a lot of ways, it represented how the Senate had operated since our founding.

But today we are in a very different place. Today we are in a place where multiple aspects of the Senate are broken. We all wrestle with getting bills to the floor. We wrestle with wasting time and not being able to bring our amendments forward. We wrestle with the responsibility of the Senate to execute advice and consent responsibility on nominations in a responsible fashion. So I wish to speak a little bit about these three areas, and, again, at the core of my message is an invitation to a bipartisan dialogue to try to address these issues.

Let's talk first about the motions to proceed to the floor. These motions used to be routine. This is a chart which shows when there was a necessity of doing a cloture motion—a motion to close debate on a motion to get to a bill. This chart goes back to about 1915. From 1915 through 1960, no one ever contested a vote on whether to bring a bill to the floor. It just was not done. It was a social contract. It was voted either up or down; let's go to the bill or not go to the bill.

Starting in 1962—and we see the accelerating number of red bars—it became more and more routine, through times when Democrats were in the majority and through times when Republicans were in the majority, to contest and obstruct the effort to even start debate on a bill. So this is an area we can work together to address.

Let's talk about the frustration of actually being able to debate amendments. I thought one way of contrasting this would be to look at the number of amendments the Senate has considered in different years. Back in the 1993 through 1995 session, 2000, roughly, or 1,961 amendments were debated and voted on here in the Senate. The following 2-year period, 1995 through 1997, 2,540 amendments were voted on. How does that contrast with the two previous Congresses? In 2011 through 2013, we were under 1,000—974; from 2013 to 2015, just over 500 amendments, or roughly one-fifth of the number that were considered 20 years earlier. So those are the numbers.

But what it really looks like here on the floor is we get onto a bill, and then nothing happens because the tree has been filled—filled by the Democratic leader when the Democrats have been in the majority, filled by the Republican leader when the Republicans have been in the majority—so no one can introduce an amendment unless they have unanimous consent, and there is

always someone willing to object. Therefore, we are paralyzed. This is an area we can address.

Virtually every Senate legislature has worked out a system where they can come to the floor on a bill and immediately start considering amendments. There are many different ways we can solve this problem, but we won't solve it unless we come together as Democrats and Republicans and work together to figure it out—figure out a way that will work for both sides.

Let's turn to nominations. Here again we see that before 1960—this chart goes back to about 1915—we never had cloture votes on nominations. The nomination was proposed, debated, and then there was an up-or-down vote. That was the social contract. There could have been an objection to closing debate, but there wasn't. People understood that the time is short and if a nominee has majority support, then that nominee for a judicial position, for an executive position, should be in that position; that we shouldn't allow one branch of government—the legislative branch—to systematically undermine and attack the other branches of government.

Now, it is true that we haven't quite reversed roles at this point in time the way we did in terms of being here on the floor of the Senate simply because both last session and this session we still have the same President—we still have a Democratic President. But let's turn our minds to the next election in November of 2016, which is not that far away—a year and a month a way—and then January 2017, when that new President is going to take office. At this point, we have no idea whether that will be a Democratic President or a Republican President and we have no idea whether control of this Chamber will be in Democratic hands or Republican hands. But I do know that my Republican colleagues across the aisle—if there is a Republican President, they don't want this Chamber to systematically obstruct the ability of that Republican President to be able to put capable people into the necessary positions to operate the government. Our role is to screen out terrible nominees, not to systematically undermine the ability of an administration to function.

So as we look forward to 2017, not knowing who will be in charge, maybe this is a window of opportunity where we can come together and work out a plan to expedite nominations so that we can return to the traditions of the Senate and serve our role of advice and consent without conducting a war on the judicial branch or a war on the executive branch.

This concept of a supermajority was not the vision of the Founding Fathers. In fact, they worried about this. Madison spoke to it. So did Hamilton. Madison talked about the danger of a supermajority. He said:

> It would be no longer the majority that would rule: The power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.

He continues to address supermajority rule and says: ''The fundamental principle of free government would be reversed.''

Let me translate that. What he is saying is that in a principled democracy, there is wisdom in the majority; that if the majority says this is the right decision, that is the decision we should make. But if we systematically go in the direction in which the minority says we should go, then we have chosen the less wise option. Those decisions build up over time and undermine the success of the Nation, and that would be a huge mistake.

Hamilton addressed this as well. He said—and this is Federalist Paper No. 22, and he was speaking from painful experience as a New York Representative in Congress that was created under the Articles of Confederation. He said that supermajority rule results in ''tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.''

I think a lot of Americans, when they think about the way Congress is operating now, would say: That is what we see. We see contemptible compromises of the common good. We don't see 100 Members of the Senate working together for the public. Instead, we see a lot of special interest deals, contemptible compromises, really abuse of minority role in blocking.

They have seen both the Democrats in the minority this year, Republicans in the minority before, so it is an equal opportunity critique, if you will, toward both parties. Of course, our national rating is very low.

Again, as we look toward the future and have no idea whether the next President will be a Democrat or Republican, and we don't know whether the next majority leader will be a Democrat or a Republican, we have a chance, an opportunity, an incentive to work together to establish new rules—rules that will make this place work again, rules that will restore the Senate.

Senator UDALL and I have laid out ideas on how we might address these things, but those ideas—there is no one wisdom, no silver bullet. So let's come together in a dialogue.

There are ideas that I absolutely love. I love the idea of a talking filibuster. That is, let's get rid of the filibuster on motions to proceed. That is in sync with the way the Senate used to operate. Let's get rid of it on conference committees. That is the way the Senate used to operate. And on final passage, if 41 Senators want to continue debate, then let's insist that one of them be on the floor speaking. That makes it both a commitment of time and energy, which is not required now under the supermajority requirement, and it makes it visible and transparent to the American public. So I love that idea, but perhaps that is not an idea on which we can build a bipartisan bridge. I don't know, and I won't know unless we can come together in a bipartisan way to discuss it.

I love the idea of coming to the floor with a protocol for amendments, since we have been so paralyzed, so that immediately five amendments from the minority and five from the majority that are relevant to the bill and that are in order could be offered. That would be terrific. It would be a simple majority passage. I think if that was done, then the majority and minority Members would hear from their leaders and say: Let's do five more on each side. But we wouldn't come to the floor and play music on C–SPAN because we can't even start debate on an amendment. Let's use the valuable time we have on this floor to do the people's work, not to sit here in deep-freeze paralysis.

I love the idea of establishing a rule that creates a specific way to discuss and debate rule changes. We don't have that right now. When we start every 2-year Congress, we wrestle with how can we create a conversation over rules. There is no systematic way in our rules to do that. I love the idea of us working together to lay out a way to do that. I think it would serve this body well.

We need to work together to restore this body. It has often been referred to by the nickname ''the world's greatest deliberative body.'' That certainly is not an accurate description today, but together we can restore that. We have a responsibility to the citizens of the United States to restore that vision.

Let's make deliberation work and characterize this body, not deep freeze. Let's engage in respectful dialogue, not rigid partisanship. Let's take this moment, as we plan toward January 2017, and build a vision together, dialogue together, a vision of how to make the Senate work for Americans.

Thank you, Mr. President.

It is my privilege to introduce my colleague from New Mexico, who has wrestled with this issue even before he came to the Senate and has been engaged in it from day one and has brought so much insight and wisdom to bear on this challenge.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I have said many times. The Senate is too often a graveyard for good ideas. And the shovel is the broken filibuster. I want to thank Senator MERKLEY for his remarks about the need to reform the Senate rules. And I want to say a few words myself, because this issue continues to prevent this body from working for the American people.

That is why we pushed for reform in the 112th Congress and in the 113th Congress. Some said it was just a power grab by the majority—a partisan push—nothing could be further from the truth. Now that the shoe is on the

other foot, I think many Republicans are realizing the modern filibuster may need reform.

Some of the same people who voted for, or supported, record numbers of filibusters in recent years are now complaining about the filibuster when Democratic Senators use it.

Conservative commentators, House Members, and Republican Presidential candidates all are now talking about the filibuster.

Several years ago, a number of senior Republican Senators said Senator MERKLEY and I would step back once we were in the minority. They said we would not try again, but we renewed our fight at the beginning of this Congress. We are in the minority today. We hope that does not last long, but we support filibuster reform—regardless of who is the majority leader. The American people want a government that works. Majorities will change, but the need for responsive government does not—at least it should not. So we will keep pushing for reform that is fair, that reins in abuse, and protects the minority. That was our goal before and that is our goal now.

The heart of our proposal is the ''talking filibuster.'' It is simple, it is reasonable, and it makes sense. If you oppose a bill, then go to the floor and explain why. The filibuster was once used sparingly. It allowed the minority to be heard. But under the current rules, it is used too much and too easily. One Senator just needs to notify the floor staff of his or her objection. The American people deserve a real debate, not one Senator picking up a phone.

This is not news to our Republican colleagues, who are now in the majority. In the last Congress, we voted on cloture 218 times. To put that in perspective, the Senate voted on cloture only 38 times in the 50 years after the rule was adopted in 1917. Filibuster reform will allow a majority to pass more legislation in the Senate. But as everyone who has served here knows, floor time is a precious commodity. The ability to come to the floor and delay action by debating forces compromise, and most importantly, filibuster reform would apply to both parties equally going forward.

If legislation is passed more easily under a reform scenario, it can also be reformed, amended, or repealed more easily. Demanding one party to give up its rights under the rules will never succeed. The solution is to change the rules for both parties going forward on a permanent basis.

We made some progress in the last Congress by allowing for simple majority votes for qualified nominees for judicial and Executive appointments, and the Senate is working better. By changing the rules, we confirmed 96 judges—more judges than any modern Congress since 1980.

We also confirmed 293 Executive nominations in 2014—the most since 2010. That was an important change. It was bold. It was necessary. And the unprecedented mass obstruction by the new majority of this President's nominees only underscores that we did the right thing last year. But, we still need broader filibuster reform.

We said it before, and we will say it again: We can do this with respect for the minority, with respect for differing points of view, and with respect for this Chamber, but most of all with respect for the people who send us here. The right to change the rules at the beginning of a new Congress is supported by history and by the Constitution. Article I, section 5 is very clear. The Senate can adopt and amend its rules at the beginning of a new Congress by a simple majority vote. This is known as the Constitutional Option. It is well named. It has been used numerous times—often with bipartisan support—since the cloture provision was adopted in 1917.

We opened the door, as we said we would, at the beginning of this Congress. Our reform proposal remains on the table. The majority leader can bring it up at any time. This is not just about rules. It is about the norms and traditions of the Senate.

I support any Senator's right to oppose bad legislation. The filibuster has a role to play. The abuse of the filibuster does not.

Our constituents are waiting. There is a lot of work to be done. We need to make sure we get it done, and get it done right. These are commonsense reforms to restore the best traditions of the Senate. Neither side is 100 percent pure. Both sides have used the rules for obstruction. And no doubt they had their reasons. But most Americans don't care about that. They don't want a history lesson or a lesson in parliamentary procedure. They want a government that is fair, reasonable, and works no matter which party is in the majority.

We changed the process for nominations, and that was a good start, but, it was the beginning, not the end. We still have a lot of work to do.

Mr. President, I ask unanimous consent to carry on a short colloquy with Senator MERKLEY or maybe other Senators who could join us and also for as much time as we may consume.

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

Mr. UDALL. Thank you, Mr. President.

Senator MERKLEY, I have listened very carefully, and I think you and I have worked diligently since we got into the Senate to try to make sure the Senate functions properly. What we want to see more than anything is bipartisanship, working together.

Whenever we have worked on the rules, I know one of our principles—which was a good one—was to draft rules so that they apply to either the majority or minority. That is something I think we have done on a regular basis, is to look at the rules and say: If we do the right set of rules, then if we are in the minority, we will feel good about it, and if we are in the majority, they will work for us that way also.

I am wondering. I see calls of reform all around the Senate right now. You see the Presidential candidates who look at our Senate rules and say there ought to be reforms. There ought to be filibuster reform. You see Republicans over in the House almost every week raising the issue that there should be filibuster reform. We need democracy to work.

Many of the outside scholars—people such as Thomas Mann, Norm Ornstein, and scholars like them—write books over and over again, and always a big part of the reform package goes to the Senate rules.

So I would ask the Senator, do you think that we are really talking about there being fertile ground right now for us to come together; that this is a time, when enough people are speaking about this, that we should be able to come together? And what we are urging—are we urging them to join us in some kind of format on the floor, off the floor, to have a meeting with various Senators who have worked on this in the past? Is this a good time to do this?

Mr. MERKLEY. I think Senator UDALL is absolutely accurate that this is the perfect moment to do it.

When we first engaged in this dialogue, we reached out to our Republican colleagues. We held one-on-one meetings. We sought to champion this. What we found was that the view of reform was polarized on whether you were in the majority or the minority.

We said that we were going to have this test for what we put forward: that what we put forward when we were in the majority is what we put forward when we are in the minority. If we don't think it would work for us in the minority, then it is not an honest or fair appraisal of making the Senate work.

So now we have come to that test because here we are now in the minority and we are proposing the same set of ideas. This Senator absolutely believes these ideas would make this place work better. It would enable more bills to be debated, which is—to have that value when you are in the minority, to actually put your amendments forward and have that debate, is a gift.

Certainly it says that if you really believe—the idea that we put forward, a talking filibuster—if you really believe you want to block something, you have to stand on this floor and debate it. I think that is a way to keep the theory of the filibuster and return it to the social contract of the past where people understood that it was a simple-majority body, as envisioned in the Constitution, as envisioned by Hamilton, as envisioned by Madison; that they had the experience of the supermajority and knew that caused deep damage, but that if you really believe in something so deeply, then you are willing to spend the time and energy.

So I think the things we crafted in the majority still hold up. But the bigger point is this: Now that we have had a reversal, many of our colleagues are experiencing firsthand the frustrations the minority can inflict on the majority. I think that opens a window of opportunity.

I have a list of 20 quotes. The Senator referred to people in the House—he is a former Member of the House—saying to their Senate Republican colleagues: Why don't you do something to fix the Senate? And now we are standing here saying: Join with us in a dialogue to fix the Senate.

Mr. UDALL. I say to Senator MERKLEY, I couldn't think of this being a more appropriate time. I think it is fertile ground, and I think it is great that we have come here.

The important thing to remember is a point you and I both made in the past, and it has to do with the old movie everybody knows called ''Mr. Smith Goes to Washington.'' People always thought the filibuster was as it is portrayed in that movie. You have Mr. Smith coming to Washington, and he is concerned with a passion about an issue, and he thinks he may be in the minority, but he wants to fight it out. He comes to the floor and he speaks about it, and he rallies people outside.

Now today, as we know, you don't see that very often. Actually, sometimes what people call a filibuster, we are at the early stage of a motion to proceed before we even get onto the bill.

What we are doing is trying to return to ''Mr. Smith Goes to Washington.'' What we want to see happen is a talking filibuster where every Senator gets to talk.

As you and I know—you have been a real scholar and a student of the Senate in terms of its history—before there was this rule in place on the filibuster, the tradition was always that every Senator had an opportunity to speak. That was a fine Senate tradition. It was established. They didn't have to write it down. Everybody said: We are not going to take any action until we let every Senator speak.

The other part of it was just what you talked about in our amendment proposal—allowing Senators to offer amendments. Today we are so far away from that.

We have this motion to proceed. We don't even get onto the bill. That causes so much mischief because you have all these procedural things that happen in advance of even getting on the bill.

You were a leader in the Oregon Legislature, so I would ask you to just reflect a little on that because you have seen that when you get a bill on the floor, you work on it, you get to amend it, to debate it—and most of the time when people are working on it, they want to get to the end game, but we are not able to do that. Was that your experience in working in the Oregon Legislature? If you get on the bill, that is half the work right there. And we are blocked here on the motion to proceed and the filibuster on the motion to proceed.

Mr. MERKLEY. Indeed, my experience in the Oregon State Legislature was dramatically different. In many ways, it was much more similar to the way I thought the Senate was operating when I was here in the 1970s and then working for Congress in the 1980s. Once we got to a bill on the floor of the Oregon House, where I served for 10 years and spent 2 years as speaker, every moment was utilized in debate. There was no paralysis. People only had limited time. We were there to hear each other and to make decisions and certainly in a more expeditious style than is the custom in the Senate. But what we had in common was floor time was well utilized in the Senate in the past and well utilized in Oregon.

As you were speaking about tradition and how the Senate worked, I was thinking about how all this began. When they had the first U.S. Senate, they had in their rule book a motion to force a vote. They had that rule, but they never used it. Why didn't they use it? Imagine if there are 13 States and just 26 Senators and they stand here occupying a quarter of the space we now occupy and they say: Well, we certainly can extend the courtesy of hearing each person's insight or opinion before we vote.

So after a couple of years, when they rewrote the rule book, they decided not to include the rule. They didn't need it because they had the courtesy of hearing each other. So suddenly there is a Senate with no rule on how to close debate and force a vote. And over time that courtesy eroded. It was after World War I that the first time occurred when the Senate said: Well, let's enable a majority—a supermajority of the Senate to close debate if there is too much abuse or paralysis.

The point is that the filibuster is not in the Constitution. Some of my colleagues have said this is the way the Founders designed the Senate—to be a supermajority body. That is wrong, wrong, wrong. It is not in the Constitution, it was not in the early Senate, and it was not a major feature of the Senate in terms of it being a common experience until these recent years.

So if we can recapture the spirit and the courtesy of hearing each other's opinion but enable us to get onto the bill, debate the bill, do amendments, and then if someone finds a moment of great principle, great heartfelt objection, and wants to spend the time and energy to extend debate, they do so in this visibile talking-filibuster fashion, I think that would be a huge improvement and well worth our time.

Mr. UDALL. I say to Senator MERKLEY, what you point out that is so important for people to understand—when we put the original bill back in there in World War I, it was put in so that a minority could not block it. We had Woodrow Wilson as President. He was very concerned. We were talking about national security during a war, and he wanted to arm our merchant ships. He got a bill out of the House of Representatives, and it was rolling toward the Senate. It was near the end of the session, and he took that bill very seriously. He thought it was vital to the national security of the country, and he asked the Senate to act on it. There were about 11 or 12 Senators, I believe, who had decided: We are near the end of the session; let's just run out the clock. There was no procedure to be able to get to the bill before the clock ran out. These 11 Senators took to the floor and they ran out the clock, and Woodrow Wilson said: No way am I going to allow that to happen again. He got a bee in his bonnet on that one.

The next Congress that came in, the President said he wanted a rule so that wouldn't happen again. So they put in a rule which was at the time 67 votes in order to cut off debate, and that rule has really been turned on its head with what is happening in recent times. The rule was originally so that a small minority could cut off debate and could proceed to the issue. Now we have calls to the cloakroom, calls to the leadership. You and I don't know what is going on. We don't know why we don't get on an issue. We go on a motion to proceed, and we have a motion to invoke cloture and all these procedural things nobody understands, until people say: Why can't you get on the bill? Well, because the filibuster rule has been turned on its head. That is something people have to understand. We are not using this filibuster rule the traditional way that we used it in the Senate for the purpose it was originally put in.

As Senator MERKLEY pointed out on the motion to proceed—and I wanted to ask one more question about the motion to proceed. You talked about how in 1962 we increasingly started to see obstruction in terms of the motion to proceed. It would prevent bills from getting to the floor. There wasn't any way to get on these bills. It jammed things up.

I will never forget the Senator whom I succeeded, Senator Pete Dominici, a solid Republican who believed in the Senate. He came out and said we shouldn't have filibusters on a motion to proceed; we should get right on the bill. I remember several Senators who came in in our class and after—Republican Senators—who said the same thing. So I think there is a lot of room here.

I am asking you again, in terms of the motion to proceed and us calling for a bipartisan effort—we should be able, with the people who are here, to either work on a motion to proceed, work on the talking filibuster, or work on a variety of other amendment issues that are crucial. Don't you think this is the time?

I just want to make sure before you leave that we make sure there is an invitation from us to 98 other Senators to sit down in some format, whether it

is a bipartisan conference or something else, and talk about how we make this place work better and how we make it more democratic.

Mr. MERKLEY. There are two former Members of the Senate right now who are working on a book that is coming out in January that will be addressing reform in the Senate, and that is Trent Lott and Tom Daschle. They have already issued a number of ideas about how to reform this.

The point I am making is that when people leave the Senate, they reflect back and say: You know, there is a bipartisan opportunity, a bipartisan responsibility to make this Chamber work.

What we are saying is that this can't be accomplished through folks who have left the Senate; that we must invite bipartisanship here and solve it ourselves; and that any rule changes that are envisioned, any agreements that are forged have to be done here on the floor, and we are extending that invitation, as you put it, to our 98 colleagues to be part of that dialogue.

We can draw on the ideas that our former Members have put forward as a starting point. We can draw on the ideas that you and I have put forward, but these ideas, there is no one way to address this. We are inviting others to brainstorm together in a dialogue to try to gather a vision that perhaps we can commit ourselves to, in a bipartisan fashion, to enact at the start of the next legislature, when we realize we may not be minority or majority, and that becomes a magical way to escape our current status as we are embattled and we are having deep emotional fights over foreign policy, social policy, and how to create jobs in America—but to get some distance on that and say how to make this Chamber work the way it was envisioned, because certainly I think 100 Members can agree the Senate is broken. Would it not be phenomenal if, in a bipartisan effort, we were able to restore the U.S. Senate to being a great deliberative body?

Mr. UDALL. Yes, I say to Senator MERKLEY, you are absolutely right. I am just going to close by saying that the thing we have—and I said this in the beginning. The thing we have worked on and tried to achieve is to make sure that when we crafted changes to the rules—motion to proceed, talking filibuster, how we allow each side to have amendments—we have always said we could live with them if we were in the minority.

We have been in the minority now for almost a year. In a couple of months it will be a year. We came out right at the beginning of the Congress and talked about our rules again. We proposed the same rules in the majority. We want to be fair to both sides, but what is more important isn't that fairness; it is the fairness to the American people to get their democracy back again so it works.

I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Colorado.

AURORA, COLORADO, VETERANS HOSPITAL

Mr. GARDNER. Mr. President, today marks a pivotal day for veterans in Colorado and the Rocky Mountain region. Just minutes ago, the House of Representatives approved the Senate bill to extend several important authorizations to Coloradans, authorizations important to the health care of our country's veterans because the bill includes the authorization to complete the Denver VA replacement medical facility.

After years of persistence, years of passion, years of emotion, we have finally passed a bill to finish the job at the Denver VA replacement facility in Aurora, CO. This bill will allow us to finish the job, allowing the replacement facility that is critical for the care of veterans in Colorado and the Rocky Mountain region to move forward, to fulfill the promise we have made to our veterans.

This bill also turns the page on the gross mismanagement by the VA of this project and will allow the Army Corps of Engineers to take over the management of the project to ensure its completion without further delay.

There is simply no acceptable excuse for how the project ended up in this current state—years delayed, hundreds of millions of dollars over budget. While the bill will turn the page on this day, it will not turn our focus away from reforms at the VA to ensure accountability and to ensure this never happens again. I have worked with a number of my colleagues to initiate these reforms, including an amendment to the Defense authorization bill that will get the VA out of the big construction business.

I come to the floor to say thank you—thank you to my colleagues, specifically Senator ISAKSON, Senator BLUMENTHAL, Senator KIRK, Senator TESTER, the majority leader, their staff, and my colleague MICHAEL BENNET for their leadership on this issue.

Of course, none of this would be possible without the incredible work of MIKE COFFMAN, the Congressman representing the area, ED PERLMUTTER, the entire Colorado delegation who worked so hard to make this happen. They have all provided a great service to veterans in passage of the legislation out of the House today. Years from now, when veterans go to this hospital to receive the care we have promised, they will enter into what will be the crown jewel of the VA infrastructure, the crown jewel of the VA system. It took a lot of hard work to get here.

Today I am excited, with the passage of the House bill, passage in the Senate, that a bill is on its way to the President to finish the job, to complete the hospital, and to fulfill our promise.

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.

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

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

CONDUCT OF THE DIRECTOR OF THE ST. PAUL OFFICE OF THE VBA

Ms. KLOBUCHAR. Mr. President, I rise today to express my concern and disgust at recent revelations of improper and dishonest conduct by senior executives at the Department of Veterans Affairs, including the director of the St. Paul office of the Veterans Benefits Administration.

According to a report released by the VA's Office of the Inspector General this week, two Veterans Benefits Administration executives used their positions to assign themselves to different jobs that involved fewer responsibilities while maintaining their high salaries. One of them has been the director of the VBA St. Paul regional office since October of 2014. The inspector general found that the St. Paul VBA director used her influence as director of the VBA Eastern Area Office to compel the relocation of the previous St. Paul office director. She then proceeded to submit her own name for consideration to fill the vacancy she herself had created.

Taking on the job of directing the St. Paul regional office was actually a step down in responsibility for this administrator. In the inspector general's words, she ''went from being responsible for oversight of 16 [regional offices] to being responsible for only 1 [regional office].'' But she kept her previous senior executive service salary of $173,949 per year. She also received over $129,000 in relocation expenses.

So look at this: She had a responsible job managing 16 regional offices. She created an opening by transferring the person under her. She took that opening and went from supervising 16 regional offices to supervising 1. Then she kept the same salary, going from 16 offices to 1 office, and then took $129,000 in relocation expenses.

This is the kind of action that has created the breach of trust between our veterans and the departments that exist to serve their needs. There are so many people who have such good will who work at the Veterans' Administration, including in Minnesota, and there are so many deserving veterans who deserve their help. But to make this truly work, we have to show that the people at the top are accountable.

What this director did was not responsible, it was not a good use of taxpayer money, and it certainly was not fair to our veterans. This is a senior executive who is supposed to be focused on ensuring that veterans are being served the way they deserve and who instead used her position to push out one of her colleagues and get herself a plum assignment where she would have fewer responsibilities but at the same time keep the same salary. This conduct is unacceptable. It erodes the

public's trust in the VA. It is commendable that the VA inspector general took action by referring these two cases to the U.S. attorney for possible criminal prosecution. The VA needs to do right by our veterans and our taxpayers by holding bad actors accountable and implementing reforms to prevent exploitation such as this from ever happening again.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I want to talk today about the bill we are considering currently—the MILCON-VA bill. I urge the Senate to take up and pass an appropriations bill that does right by our Nation's veterans. I think it is very important. But the MILCON-VA bill before us today—and I might add along with the rest of the appropriations bills—is shackled to an unwise and unrealistic budget that locks in destructive sequestration cuts and vastly underfunds programs vital to this Nation's security and prosperity, and it doesn't deal with the challenges the Veterans' Administration faces. Make no mistake about it, America's veterans would be severely shortchanged by this bill as it is currently drafted.

Coming from the State of Montana, where we have the second highest per capita veterans population, I cannot look in the eyes of our Nation's brave men and women and say to them that this bill will fulfill our promise to you. This bill underfunds our veterans by over $850 million, subjecting the VA to the across-the-board spending caps the majority is desperate to avoid on the Defense bill. That is hypocritical because, let's be honest with ourselves, caring for our veterans is a cost of war.

What we know and what the majority knows is that this bill is severely limiting the VA's ability to fulfill its mission—caring for those who have borne the battle. Need I remind everyone that just a few weeks ago, because of a surge in demand for hepatitis C treatments and a historic increase in non-VA care referrals, the VA medical services account ran out of money. As a result, we had to pass emergency legislation to allow Choice Act funding to be used to shore up the VA and prevent a serious disruption for veterans across this country.

The budget pressures that caused that shortfall are the result of an unprecedented demand for services in terms of both numbers and complexity, and that demand will only continue to grow. At some point during the next year, nearly half the veterans will be 65 years old or older. Many of these folks will be seeking treatment to deal with the effects of toxic exposure—something we are struggling to better understand and treat and something that could have effects on their children and grandchildren.

At the same time, a younger generation of veterans is struggling to cope with the unseen wounds of war. They are fighting to keep their lives and their families together, and for some of them it is a daily struggle to overcome the suicidal thoughts that claim the lives of at least 22 of their peers each and every day. Those are the stakes here. They are that high.

We are also talking about an unprecedented demand for expensive new treatments for diseases, such as hepatitis C, which are shorter in duration and which have fewer side effects and have cure rates approaching 100 percent. That is good news, but we have to have money to do that. We are talking about addressing a chronic shortage of medical professionals, particularly mental health professionals in rural America, which greatly hinders our ability to provide veterans with timely and quality care. We are talking about a growing population of caregivers who have been forced to abandon their jobs and their livelihoods to care for loved ones with debilitating medical conditions, and we are talking about facilities that are literally crumbling in some cases and severely impacting the delivery of care.

I believe we need more transparency and accountability from the VA to ensure it is spending taxpayer dollars in a responsible way. But let's be clear. Today we are asking more and more of the VA, and this bill gives them less than they need. Now is not the time to take a step backward. If we do that, we are never going to catch up.

If we don't enact a commonsense, long-term budget that better reflects our priorities, our values, and provides the tools and resources required to fulfill our promises to veterans and their families, then we should all question just what are we doing here.

Mr. President, there are cases when each of us has looked at a bill or amendment and said: You know, it is not perfect, but it is good enough. Sometimes that is what it takes to get work done around here. But when it comes to our veterans, when it comes to restoring confidence in the VA after the problems they have had in the last 2 years, I don't think that is a path we should take.

I know my chairman, Senator KIRK, did his best in writing this bill to soften the blow of budget constraints that he was forced to meet. I truly appreciate his efforts and his inclusiveness in working with me. But the fact is that he was handed a no-win allocation by his party's budget. You can't patch the holes in the VA budget created by sequestration. You can't shift money from known medical care requirements—treatment for cancer, diabetes, or kidney disease, to name just a few—to plug gaps in emerging requirements, such as lifesaving but costly new hepatitis C treatments.

That is why I offered an amendment in committee to restore $857 million to bring the VA to its requested level. Unfortunately, none of my colleagues on the other side of the aisle joined me, and it failed on a party-line vote. I am at a complete loss as to why we are now being asked to move to a bill that we all know underfunds the VA by almost $1 billion. For what? So that we can send this bill to conference with the House, whose own VA bill underfunds the VA by $1.4 billion—$600 million more than the Senate. That will not improve the quality or the timeliness of veterans health care nor will giving the VA authority to fire more doctors and nurses without due process.

It is time to stop the political games and maneuvering. To serve our veterans, to serve this country, and to serve all Americans, Congress must establish funding levels driven by what the VA actually needs, not by some arbitrary mathematical formula. We need a rational, realistic, bipartisan budget agreement to replace the draconian sequestration funding levels entrenched in the majority's fiscal year 2016 budget.

I have been calling on Senate leaders for months to sit down and hash out a long-term budget agreement. The majority leader's response was to wait until the day before the government was scheduled to shut down and then pass a short-term CR. As early as tomorrow, we expect to vote on an appropriations bill that will drastically underfund the VA for the next fiscal year. This is clearly an attempt to paint those of us who think this bill is insufficient as voting against veterans.

That plan will not work because I am here to tell you that veterans are well aware of the funding shortfall. It is one of the chief problems that is currently plaguing the VA. I will continue to provide adequate funding to support America's veterans.

While I am disappointed the majority wouldn't work with us on a broader budget deal this summer, the CR that we passed today gives us just over 2 months to reach a reasonable budget agreement—an agreement that will support our veterans, an agreement that Members on both sides of the aisle agree we need. That is the job we are elected to do. But make no mistake, if we are having this same conversation on December 10, we have failed—failed our veterans, failed the American people.

I urge my colleagues to oppose the motion to proceed to this bill so that we can finally negotiate a bipartisan budget agreement that will do away with the devastating impacts of sequestration and will instead provide a responsible way forward to fund our government, to protect our national security, and to care for this Nation's veterans.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

LAW OF THE SEA TREATY

Mr. CARDIN. Mr. President, I rise today to speak on climate change's radical alteration of the Earth's marine environments—particularly in the Arctic—and how these epic changes in the environment strengthen the case of U.S. accession to the Law of the Sea Treaty.

Competitors of the United States in the global economy are taking advantage of climate change's environmental impact on the Arctic, particularly how the disappearance of Arctic sea ice is opening new shipping lanes and access to the mineral resources in the Arctic seabed. Our competitors' advances in the Arctic are happening at the expense of U.S. national security, energy development, and maritime transit interests, and it is the failure of the United States to join the treaty that is giving those countries a huge advantage of staking a claim in largely unclaimed territory.

In the 3½ years since a partisan effort thwarted the Senate from providing the necessary advice and consent of the Law of the Sea Treaty, the United States has ceded millions in potential economic opportunity in the Arctic, and we have no recourse to dispute the legality of any of the territorial and economic zone expansions countries like Russia are making in the Arctic waters and sea ice.

While the economic and territorial claims—including mineral, oil, and gas extraction rights—in the Arctic are not the only reason for the United States to accede to the Law of the Sea Treaty, the situation in the Arctic is arguably the most dynamic due to the impact climate change is having on the Arctic Ocean environment. As long as the United States sits on the sidelines by not being a party to this treaty, our global economic competitors will continue to take leaps and bounds ahead of the United States, accessing the opportunities we are squandering.

The Arctic Ocean environment has experienced notable changes that have tracked ahead of the global rise in temperatures. Starting in the mid-1970s, global average temperatures have risen 0.5 degrees Centigrade, with each of the last three decades being successively warmer at the Earth's surface than any preceding decade since 1850. According to the National Oceanic and Atmospheric Administration, NOAA, the 10 hottest years, based on average global surface temperatures, have all occurred since 1998, with 2014 being the hottest year on record. However, many climate scientists are projecting that this year, 2015, will surpass last year as the hottest year on record. Temperature increases at the Poles have been even more significant, and the impacts and consequences are more severe.

I show this photograph here that points out that the data from the National Snow and Ice Data Center shows that over the past 30 years, the Arctic has warmed at a higher rate than any other region on Earth. Arctic warming is causing changes to sea ice, snow cover, and the extent of permafrost in the Arctic.

According to NOAA, in the first half of 2010, air temperatures in the Arctic were 4 degrees Celsius—7 degrees Fahrenheit—warmer than the 1968-to-1996 reference period. Satellite data shows that over the past 30 years, Arctic sea ice cover has declined by 30 percent during the months of September—the month that historically marked the end of the summer melt season.

In this NASA survey photo from April 2012, you can see for miles toward the horizon how thin the ice is over the Arctic Ocean, and you can see open channels in the ice with icebergs in the background. That is a new phenomenon. That didn't exist many years ago.

This image is of the Arctic Ocean in April, 1 month into the spring melt season. It shows just how thin the aerial coverage of Arctic sea is and in some places where the ice has disappeared altogether. While annual variation in ice coverage has always followed the seasons, the melt periods are growing longer annually, meaning that much of the ice is never restored during the colder winter months.

The peak melt periods during the protracted melt seasons have opened up new shipping channels that we must start paying greater attention to.

A 2013 report in the ''Proceedings of the National Academy of Sciences'' entitled ''New Trans-Atlantic shipping routes navigable by mid-century'' shows how declines of ice in the Arctic's rapidly changing environment will have dramatic changes in international freight movement.

Russia is already declaring that the Northern Sea Route through Russian territorial waters will rival the Suez Canal as a faster and more efficient maritime passage between Europe and West Asia and the west coasts of the United States, Canada, and East Asia. Climate, surface temperature, and sea ice data were run through extensive computer modeling at UCLA, and the outcome produced pretty alarming results showing how wide open the Arctic will likely become for trans-hemispheric transit between North America, Europe, and Asia.

Historically, Arctic shipping lanes to Western Europe and the North Atlantic, via the Bering Strait, which connect the ports of the Pacific, including Seattle, San Francisco, Los Angeles, Vancouver, Alaska, and all of East Asia to Western Europe and the North Atlantic, have depended on ice breakers to clear channels and were only open during narrow summer melt seasons. These northerly routes have historically been across the Russian side of the Arctic.

In recent years, the shipping channels have grown shorter in distance as what was once permanent and thick ice located at the Poles has become increasingly thinner with each passing warmer year. Each year, the shipping routes across the Arctic are getting closer and closer to being ''over the top.''

The blue lines I depict on the chart I brought to the floor, this chart—this would not require any ice-breaking ships to assure clear passage during the peak of the summer melt seasons. The red lines are routes that are passable by ships that can either break ice or follow behind ice breakers. As you can see, from 2006 to the present, the ice-breaking routes are very close to traversing directly over the North Pole and all the other routes are in the Russian Kara, Barrents, and Laptev Seas.

The modeling data run through this peer-reviewed study, however, projects that in 30 years the Arctic Ocean will reach near open water status, passable by most ships on either the Canadian or Russian side of the Arctic.

In the simplest of economic terms, climate change's impact on diminished sea ice in the Arctic will be a major boon to foreign ports at the expense of U.S. ports.

The geopolitical consequences of a more open and expansive Arctic Ocean is something we cannot afford to observe from the sidelines. The Arctic's rapidly changing marine environment is influencing the territorial claims our Arctic neighbors Canada, Russia, Denmark, Greenland, Iceland, and Norway are making, and all these countries are making legal advances under the law of the sea—the treaty we have not ratified. The United States is the only Arctic nation not staking any expanded claims in the Arctic, nor are we willing to challenge the actions of neighbors who may be encroaching on waters we may have claims to.

The State Department cannot be blamed for not making claims or challenging our neighbors because it is the U.S. Senate that has failed to give the State Department the ability to rightfully stake claims and challenge the legality of our competitors' claims purely out of unfounded and ideologically partisan opposition to the United States being party to the Law of the Sea Treaty.

The law of the sea establishes international conventions allowing our neighbors to expand the reach of their economic zones, providing a framework for parties to the treaty to stake legal claims to mineral, oil, and gas deposits along the Continental Shelf beyond the

200 miles of a country's conventional territorial seas—they can do that under law of the sea, and we cannot; and to enjoy navigational freedom between parties to the convention, making passage through treaty partners' territorial seas easier—they can; we cannot. We have not ratified the law of the sea. It provides legal certainty to their nations' industries operating in these dangerous yet potentially productive waters—certainty that the United States simply cannot validly claim without being party to the Law of the Sea Treaty. Once again, they can give certainty to their industries; we cannot.

Our Arctic neighbors' exploitation of Arctic resources is happening right now and is as real as climate change's impact on the Arctic ecosystems that is making these foreign economic ventures possible. They couldn't do it before, but now they can do it. The reports our Arctic Coast Guard fleet are making on the dramatic increase of commercial vessel activity in Alaskan waters are testament to this new reality. The Coast Guard has monitored and reported on this growth, all of which has happened in the last decade. Heightened Arctic maritime activity is directly contributing to the declining sea ice.

Both the Washington Times and the New York Times, while covering the President's recent trip to Alaska, reported on the increase of commercial and naval fleet traffic transiting through and across the Arctic.

In the New York Times story, Coast Guard Commandant ADM Paul F. Zukunft stated: ''We [the Coast Guard] have been for some time clamoring about our nation's lack of capacity to sustain any meaningful presence in the Arctic.''

U.S. accession to the Law of the Sea Treaty has been a failure of many Congresses, not just this one. The United States played a critical role in the development of the treaty going back to the 1970s. The United States has the most to gain from being part of this treaty. For example, we shaped the constructs of the treaty to be very favorable to the United States, including giving the United States the only permanent seat on the international council that will oversee and make decisions about seabed mining. Obviously that permanent seat remains vacant and decisions are being made about seabed mining in international waters without U.S. participation.

The estimated area of territorial expansion over which the United States can claim sovereignty under the Continental Shelf expansion conventions of the treaty is estimated to be about 291,000 square miles or roughly one and a half times the size of Texas.

A broad set of stakeholders, ranging from the U.S. Chamber of Commerce, to environmental organizations, our Nation's military brass, industry-specific trade groups representing commercial fishing, freight shipping, and mineral extraction, all support the ratification of the Law of the Sea Treaty.

The combination of changes in the Arctic environment and changes and advancement in the maritime industry technologies is making the benefits this treaty stands to provide the United States greater and greater with each passing year. As long as the United States is outside the convention, our companies are left with two bad choices: Either take their deep sea mining businesses to another country or give up the idea altogether. Meanwhile, China, Russia, and many other countries are already securing their licenses under the convention to begin mining for valuable metals and rare Earth elements.

Accompanying the previously mentioned New York Times story is a map depicting the breadth and scope of the international claims that are being made in the Arctic, the most concerning of the claims are the ones that Russia is making. This map demonstrates the urgency for U.S. action to ensure that these emerging opportunities don't pass us by and go to our competitors.

The Law of the Sea Convention provides the international framework to deal with these new opportunities. We are the only Arctic nation outside the convention. Russia and other Arctic states are advancing their Continental Shelf claims in the Arctic. Some of these claims encroach on waters that we could have a viable claim to if the United States were a party, but we are not a party to the convention. Yet we will willfully remain on the outside looking in, painfully complicit to let foreign businesses better our U.S. industries. If the United States were a party to the convention, the United States would have a much stronger basis to assert our interests throughout the entire Arctic region.

Lastly, the absence of the United States from the treaty weakens our national security. In 2012, Defense Secretary Leon Panetta and Chairman of the Joint Chiefs of Staff GEN Martin Dempsey testified before the Senate Foreign Relations Committee—I was present during that testimony—on how our security interests are intrinsically linked to the freedom of navigation. They testified in favor of the Law of the Sea Treaty ratification.

The United States stands to gain considerably more from the legal certainty and the public order this treaty provides on the oceans than any other country. The U.S. Armed Forces need the navigable rights and freedoms provided under the Law of the Sea Convention, granting global access to the world's oceans to ease and expedite movement to combat areas when necessary and to sustain our engaged deployed forces. In 2012, the former Senate Foreign Relations Committee chairman and ranking member Senator Richard Lugar of Indiana made one of the most cogent set of arguments for U.S. accession to the treaty. In conclusion, let me quote what Senator Lugar told us at that time. I think it is still relevant today. He said:

> The substantial case for Law of the Sea is even stronger today than it was in 2004 when I brought it up as chairman of the committee. . . . Every year that goes by without the United States joining the convention results in deepening our country's submission to ocean laws and practices determined by foreign governments without United States input.
>
> Our Navy and our ocean industries operate every day in a maritime environment that is increasingly dominated by foreign decision-making. In almost any other context, the Senate would be outraged at subjecting Americans to foreign controls without United States input.
>
> What many observers fail to understand about Law of the Sea is that the convention already forms the basis of maritime law regardless of whether the United States is a party or not. International decisions related to resource exploitation, navigation rights, and other matters will be made in the context of the convention whether we join or not.
>
> By not joining the treaty, we are abetting Russian ambitions in the Arctic. We are making the job of our Navy more difficult despite the longstanding and nearly unanimous pleas of Navy leaders that the United States participation in Law of the Sea will help them maintain navigational rights more effectively and with less risk to the men and women they command.
>
> We are turning our backs on the requests of important American industries that use the oceans and must abide by rules established under this convention, and we are diminishing our chances for energy independence by making U.S. oil and gas exploration in international waters less likely. . . . We will feel these costs more keenly in the Arctic.
>
> The decision . . . is whether the Senate should continue to consign the United States to a position of self-imposed weakness in our ability to influence ocean affairs despite the fact that no organization has a greater interest in navigable freedoms, a larger exclusive economic zone, or a more advanced technological capacity to exploit ocean resources.
>
> The Senate should enthusiastically affirm the leadership of the United States in this vital area of international relations by giving advice and consent to the Law of the Sea Convention.

I took the time to give a long explanation as to why I believe it is important for the Senate to exercise its responsibility to give advice and consent to a treaty that is the Law of the Sea. It is critically important that we take this issue up and that we ratify the treaty. As I said earlier, it is supported by the Chamber, it is supported by our military, and it is supported by businesses. Laws are being made that affect the United States without our participation. By ratifying the treaty, we will have a seat at the table, and we will be able to protect our interests—our commercial interests, our security interests or whether it is the interests of our military.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Iowa.

ENERGY

Mr. GRASSLEY. Mr. President, I don't know how many times I have

come to the floor in the last several years or maybe in the last several days to talk about energy. In the process of talking energy, I always say I am for ''all of the above,'' as a lot of my colleagues do; meaning all forms of energy, which would be petroleum, natural gas, alternative energies, including biofuels and wind, conservation as a third one, and nuclear energy as a fourth one. I still believe that. Although I believe some of my colleagues who say they are for ''all of the above'' are for everything that is underground but not much above the ground. So I think there is an inconsistency there.

With that background, I want to talk about something that is going to happen tomorrow morning. The Senate banking committee is scheduled to mark up legislation called the American Crude Oil Export Equality Act. I don't have any fault with that action tomorrow.

This bill would repeal the four-decade ban on the export of domestically produced crude oil. This ban was put in place in response to the Arab oil embargo, which created an energy crisis and led to fears of crude oil shortages. That goes back to the 1970s. The recent technologies of horizontal drilling and fracking of oil shale has resulted in enormous increases in domestic crude oil production and reduced oil and gas prices. This has led to the domestic oil industry's insistence on repealing the export ban.

I am all for fair and free trade. I recognize that Iowa manufacturers and farmers benefit from the export markets. One of every five tractors produced by John Deere is exported. Much of Iowa's agricultural abundance, both commodities and livestock, is exported. I understand, then, the economic benefit and economic impact that vibrant export markets can have on the domestic economy, creating good-paying jobs, and on productivity.

What bothers me is not that Big Oil is on the cusp of achieving their highest priority in getting Congress to pass a bill to repeal the export ban, what bothers me is that Big Oil is pushing Congress to repeal the ban, while at the very same time continuing to attack and undermine domestic renewable fuels. Iowa does not produce any crude oil or natural gas, but Iowa farmers lead the Nation in the production of homegrown, renewable, clean ethanol and biodiesel.

Congress created the renewable fuel standard to guarantee that consumers have a choice to buy clean renewable fuel. Big Oil has fought tirelessly to repeal and undermine the renewable fuel standard law because they are afraid of competition. If Big Oil wants to get the export ban lifted, I would suggest they end their selfish pursuit of the repeal of the renewable fuel standard.

Big Oil should be satisfied with achieving their highest priority, a repeal of the export ban, and drop then their crusade against clean-burning biofuels. It is time for Big Oil to stop acting like pigs at the trough. It is time for Big Oil to lay off the renewable fuel standard.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I understand the pending business is that we are discussing the motion to proceed to the VA-Military Construction bill, and I rise today to urge my colleagues to vote against this motion to proceed. And why? Well, because, quite simply, this is a parliamentary maneuver. This isn't a real deal to get to real benefits and real help for America's veterans or to modernize our military bases. This maneuver, quite simply, is a scam. The Republican leadership knows we do not have enough resources for our veterans. This bill is inadequate. And to bring up an appropriations bill before we have a new budget deal is really just a hollow gesture.

We passed a continuing resolution. I am so pleased we did that so we would not have a government shutdown. We do not need a government shutdown. It is not in our national interest, it is not good for the economy, it is not good for our standing in the world, and most of all it is not good for the way we need to help the American people, whether it is in the area of national security or economic security.

Having passed the CR, it is well known that the leadership on both sides of the aisle and the President want to negotiate a new budget deal. So what does that mean? A new budget deal gives the Committee on Appropriations a top line—something called a 302(a). A 302(a) tells the Committee on Appropriations what it can spend. We can't spend over a 302(a) unless we waive the Budget Act. And the whole purpose of the negotiation for the budget is to lift the cap through responsible, bipartisan, bicameral negotiations and to come up with additional revenue by either cuts or new revenue.

My advice to my colleagues is don't go through trying to pass the bill when we know we are going to be getting a new allocation to truly try to meet America's needs. We all say we love our veterans. Everybody wants to wear yellow ribbons, and we all want to go to Veterans Day observations and so on. But I believe you show your support for veterans by deeds and in this case by putting forth the help we do need for our veterans.

The bill pending now shows we need a new budget agreement. We need to cancel sequester—these across-the-board draconian cuts—so we can keep our promises to our veterans. Cloture on the motion to proceed is Washington-speak in order to filibuster a debate. The real debate here is whether the Senate will move forward with spartan Republican budget levels or whether we will come up with a new deal that will enable us to lift the cap we have and move ahead to getting a real deal. The Senate passed the bill to keep the government open. Now we need a budget deal that lifts the caps to make sure we have a 50–50 split between defense spending and domestic spending, acknowledging that domestic spending also meets national security needs.

This bill is a perfect example. Military construction doesn't come out of DOD. There it is, in a domestic bill, and it is in the same subcommittee as funding our veterans. In terms of funding our veterans, the bill before us has an unacceptable cut of over $850 million from the VA, yet at the same time VA costs are rising.

What am I talking about? Well, let's go to the new hepatitis C drugs that are causing veterans to seek treatment and really get the help they need. This inhibits us from buying the lifesaving drugs we need. Then there is the cost of the caregiver program. Those costs have nearly doubled since the original fiscal 2016 estimates that we received. And who are these caregivers? They are wives, spouses, parents taking care of really sick wounded warriors. You know those pictures we see when we have a concert for a fundraising drive for a veterans charitable organization—those men who are bedridden, many who can't talk, and some who have traumatic brain injury or some causing injury that causes paralysis—your heart goes out to them, and we have families taking care of them. Those families need help. The cost for that care is doubling. Yet this bill doesn't take care of it. We say: Oh, a grateful nation never forgets. Well, we seem to forget when it comes time to voting on the budget.

We have held in the Committee on Appropriations hearing after hearing. The VA's Secretary McDonald testified that the budget request for hepatitis C is too low by as much as $1 billion. In fiscal year 2015 alone, the VA spent close to $700 million just on hepatitis C drugs. I think we need to be able to give veterans the medications they need.

Veterans care should not be held hostage to artificial budget caps, and veterans in the audience watching this should understand this is not a single-year problem. This cap will be in place until 2021. Remember, we are not funding an agency; we are funding help for our veterans. We want to reduce that backlog. We want to make sure our hospitals are fit for duty. We want to make sure there are no waiting lists for veterans. We want to be sure that the way they showed up for America, we are showing up for them. These veterans deserve to know that promises we made will be the promises we keep.

I am asking my colleagues to get serious. Let's get a real budget deal. I

know the Republican leadership has been in contact with the President. We need our Democratic leadership to be a part of that conversation. I am the vice chair of the Committee on Appropriations. This is the committee that puts the money in the Federal checkbook. I want to be complimentary about the chairman, the distinguished gentleman from Mississippi, Senator COCHRAN. We know how to move bills, but what we need are the right allocations given to us so we can make the right decisions.

Now, can we make some trims here, can we make some strategic cuts? Yes, but we need a new budget deal that lifts the caps. So I therefore will vote no on the motion to proceed, which is parliamentary-speak, but by voting no on the parliamentary maneuver I am saying we vote yes in meeting the compelling national needs we have.

Let's get a new budget deal, let's lift the caps, let's do it in a responsible way, and let's help move America forward.

Mr. President, I yield the floor.

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. LEE. 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.

SIGNING AUTHORITY

Mr. LEE. Mr. President, I ask unanimous consent that the junior Senator from Colorado be authorized to sign duly enrolled bills or joint resolutions on Wednesday, September 30.

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

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—S. 2101

Mr. HEINRICH. Mr. President, from coast to coast the Land and Water Conservation Fund is the primary tool that our Nation uses to fund the protection of our natural and our cultural heritage. In my home State of New Mexico, the LWCF has protected some of our most iconic and famous landscapes—places such as the Valles Caldera National Preserve, Ute Mountain, and the Rio Grande del Norte National Monument. These are places families go back to year after year, generation after generation to camp, hunt, hike, and fish.

Our public lands are uniquely American, but the future of our outdoor places—all the places we enjoy as public lands—depends on the Land and Water Conservation Fund. We must permanently authorize and fully fund the LWCF. Permanently and fully funding the Land and Water Conservation Fund will help ensure the outdoor places we all enjoy will be protected for future generations to enjoy as well.

So I ask unanimous consent that the Energy and Natural Resources Committee be discharged from and the Senate proceed to the immediate consideration of S. 2101; I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object.

I wish to point out the Federal Government currently owns over 600 million acres of land throughout the United States. In the opinion of many Americans, that is way too much. Some of my colleagues are pushing a piece of legislation that would reauthorize the Land and Water Conservation Fund—or LWCF—a program that is primarily used for land acquisition, and they want to do this without making a single reform to that same program.

Before taking such a drastic and I believe misguided step, I would ask my colleagues to examine the Federal Government's current landholdings and in particular evaluate the manner in which they are being maintained.

In many Western States, the largest landholder is the Federal Government. In my home State of Utah, the Federal Government owns close to 70 percent of the land within the State. This reality is hard for a lot of my colleagues from States east of the Mississippi River to even comprehend.

Imagine if the Federal Government could tell your constituents where they could live, recreate, hunt and fish, and how they could earn a living. Imagine that the Federal Government used its vast landholdings to block developments of the valuable natural resources. Imagine further that the Land and Water Conservation Fund was used to acquire privately held lands from your constituents.

Given how much land the Federal Government owns, it is not surprising to find out that much of it is rather poorly maintained. Specifically, the Department of the Interior currently has a maintenance backlog on Federal public lands with an estimated cost between $13.5 and $20 billion. Instead of looking to acquire even more land through the LWCF, the Federal Government should focus on properly managing the land it already owns.

Make no mistake, LWCF is a land acquisition program. According to a Congressional Research Service report from October 2014: ''The $16.8 billion appropriated throughout the history of the LWCF program has been unevenly allocated among federal land acquisition (62%), the state grant program (25%), and other purposes (13%).''

Today we are talking about the expiration of the LWCF's ability to accrue additional revenues to the fund—nothing more, nothing beyond that, just that. According to CRS, LWCF currently has an unappropriated balance of around $20 billion that can be appropriated to implement LWCF projects. If we assume the current rate of appropriations, roughly $300 million per year, it would take around 60 years before that Fund was exhausted. At full appropriation, $900 million, it would take about 20 years. When we wake up tomorrow after allowing LWCF's authorization to expire, nothing will have substantively changed. Both the Senate Energy and Natural Resources Committee and the House Natural Resources Committee are working to reform the LWCF to address the numerous issues I have raised. I know I speak for many of my colleagues in the West when I say that LWCF reform, especially with regard to Federal land acquisition, is a necessary condition of reauthorization.

On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I also wish to speak to the issue of the objection on this, the Land and Water Conservation Fund.

Twenty-nine percent of all the land in the United States is already under Federal ownership. Let me clarify. This is not Federal control—Federal ownership, 29 percent of the land. There is $20 billion in deferred maintenance on that land—$20 billion. So there is a significant issue we face where a tremendous amount of land that is owned by the Federal Government is not being managed properly, including over $11 billion of that just in our national parks.

The issue here is, what is this Land and Water Conservation Fund going to be used for? Continuing to acquire new land. It is actually prohibited under the structure of this account, to actually do any of the maintenance. So we are continuing to acquire new land constantly, expanding landholdings, already at 29 percent of the total property in the United States, but we are not doing maintenance on what we already have, and we continue to complain there is not enough money to be able to go around and get this done.

If only this was the only program that actually did land acquisition in Federal control. In the past several years, there have been 130 conservation banks also set up by the Fish and Wildlife Service. These 130 different conservation banks that are scattered around the United States actually take private land and set it aside for what they call perpetual—perpetual—set-aside. This is land that is still in private ownership, but that is under conservation that can never be changed from its current status. Just in the recent decades, 160,000 acres have been moved into what they are calling these conservation banks.

To reiterate, we have a growing amount of land that is being taken in Federal ownership through the Land and Water Conservation Fund, and then we have a separate set of programs—and this is only one of many programs—that is moving other land into Federal control and mitigation, and we have this expanding control of the Federal Government.

We should have National Parks. We should have land that is set aside for public use. That is not the issue, but we are not taking care of what we currently have. The key issue is, what do we do with this program, and how do we reform it. As has already been mentioned, it is the key issue. If the Land and Water Conservation Fund has a reform, there are ways to be able to handle some of our deferred maintenance and the backlog that is there. If it doesn't have any reform at all, we are continuing to purchase new land, but one key thing that is in this as well, as it currently stands right now, the Land and Water Conservation continues to function. Nothing changes about it. The only thing that changes, as of tomorrow, is that we are not adding new dollars into it. Twenty billion dollars is already sitting in that fund, enough money to fund this program at current rates for 65 years'—65 years'—worth of savings that is already built up in this program. I think it is fairly safe at this point. Strangely enough, the Land and Water Conservation Fund is more stable than Social Security is.

So the argument is that there is some urgent emergency here to be able to take care of it, and to continue to add dollars to it without reform I think will not work. We need to reform this program. We need to manage carefully the land we have, and we can do that.

I would highly suggest that the committees continue to do their work to be able to continue to reform this program. With that, I would also join in the objection to extending it as it currently exists today.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, my colleague from Utah purports to speak for westerners. I want to make it clear, he doesn't speak for New Mexico, he doesn't speak for me, he doesn't speak for my constituents, and he certainly doesn't speak for the businesses that write letters to me speaking about how the Land and Water Conservation Fund has benefited their businesses—particularly businesses that rely on tourism and outdoor recreation, that rely on places like the Valles Caldera National Preserve, that rely on places like the Rio Grande National Monument for their livelihood. The reason why, as westerners, I can take my kids out and go hunting on public land and the reason we can go camping and cut firewood to heat our homes is because of the public land the Land and Water Conservation Fund has provided in places like New Mexico.

We had a hearing in the Energy and Natural Resources Committee. If anything, what we heard is that we didn't need to reform this program; that, frankly, it was working better than just about any program in the Federal Government.

LWCF works. It has broad bipartisan support. It creates recreation jobs that are key to Western States. LWCF buys from willing sellers in places that oftentimes reduce how much we spend on maintaining, protecting, and managing our Federal lands. Imagine in-holdings that make it harder for our foresters to manage wildfires and to protect and do the work. We need to do a better job of managing wildfires across the West.

So many of these issues that have been raised, particularly reform, are a red herring for what is truly an ideological opposition to the Land and Water Conservation Fund—a program that has put soccer fields and baseball diamonds in just about every little town across the United States. All of my counties, many of my cities, have benefited from sports fields specifically from this fund for decades now, as well as purchases like the new National Wildlife Refuge in Albuquerque's South Valley, the Valle de Oro National Wildlife Refuge, something the local community has enormous pride in. They had a friends group set up for this wildlife refuge before the refuge even existed.

So it is an indication of just how off base and out of the mainstream some of our conversations in Washington, DC, have become that we have this ideological opposition to the Land and Water Conservation Fund—a program that is actually working as it was designed to work and that has broad bipartisan support from one coast to the other in this Nation.

So I am disappointed in the actions of my colleagues. This issue is not going away. We have a strong coalition. We are going to continue to fight for the reauthorization of the Land and Water Conservation Fund. I would argue that we ought to stop taking money out of the Land and Water Conservation Fund and using it to cover other expenses within the general fund; that we should remain true to the concept of this fund as it was created back in the 1960s, under Secretary Udall, and return to a level of fiscal responsibility, where the money flowing into the Land and Water Conservation Fund actually benefits land and water.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, 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.

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.

FEDERAL PERKINS LOAN PROGRAM

Mr. DURBIN. Mr. President, time is running out for the Senate to act to save the Federal Perkins Loan Program.

If we do nothing, this critical program that makes college affordable for 30,000 students per year in Illinois will expire at the end of the day.

Perkins was first authorized as part of the National Defense Education Act of 1958; and, unlike Federal student loans that we often think about, Perkins is a campus-based loan program.

Participating colleges and universities make low-interest federally subsidized loans to students with exceptional financial need.

The program also offers forgiveness and cancellation options to qualifying borrowers.

The real key to Perkins is the flexibility it offers to schools to provide financial aid to students to make up for gaps in costs that Pell or other financial aid may not cover.

If a student has an unexpected change in the financial situation of their family, say a parent loses a job, Perkins allows a college or university to step in and provide aid to that student to allow them to continue their studies.

The campus-based nature of the program means that students' individual financial needs can be met more effectively, and in my home State of Illinois, more than 150 institutions of higher education provide Perkins loans.

College presidents and financial aid administrators across Illinois have told me that without this key piece to the Federal financial aid puzzle, many students may be left behind, unable to afford a college education.

But it does not have to come to that.

The House sent us a bill passed with overwhelming bipartisan support that would extend this worthy program for another year.

I am disappointed that an attempt to take up and pass this House measure to continue the Perkins program was blocked today on the Senate floor.

Despite today's setback, I hope the Senate will still act to extend the Federal Perkins Loan Program and help keep college in reach for more than half a million students across the country who rely on this program.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while section 302 and 314(a) of the Congressional Budget Act of 1974 allows the chairman of the Budget Committee to establish and make revisions to allocation, aggregates, and levels consistent with those adjustments. Today, the Senate passed