Finally, Senate Republicans are blocking the nomination of the Legal Adviser of the State Department, the person who would be best able to answer their legal questions if he were confirmed. Thanks to the Republicans' failure to govern—now I am not making this up. It has been determined by political scientists in our country that this Congress is the most unproductive Congress in the history of the country. Thanks to the Republicans' failure to govern, we are still far behind recent historic norms in confirming nominees, and innocent public servants are caught in the middle of this do-nothing Congress led by the Republicans. It is not right, and it is not fair. I hope adult voices in the Republican caucus will say enough is enough. Sometimes enough is enough. People have to rise up against these people who are giving Republicans such a name. The brand is not so good. I hope the Presiding Officer understands that. Partisanship should not extend beyond the borders of our Nation. It is time for Republicans to start acting like a governing party and stop playing these games with our national security based on the fact that they don't like the person who is President of the United States and the one who is going to become President of the United States.

Will the Chair announce what our business is today?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CYBERSECURITY INFORMATION SHARING ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 754, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 754) to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

Pending:

Burr/Feinstein amendment No. 2716, in the nature of a substitute.

Burr (for Cotton) modified amendment No. 2581 (to amendment No. 2716), to exempt from the capability and process within the Department of Homeland Security communication between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding cybersecurity threats.

Feinstein (for Coons) modified amendment No. 2552 (to amendment No. 2716), to modify section 5 to require DHS to review all cyber threat indicators and countermeasures in order to remove certain personal information.

Burr (for Flake/Franken) amendment No. 2582 (to amendment No. 2716), to terminate the provisions of the Act after six years.

Feinstein (for Franken) further modified amendment No. 2612 (to amendment No. 2716), to improve the definitions of cybersecurity threat and cyber threat indicator.

Burr (for Heller) modified amendment No. 2548 (to amendment No. 2716), to protect information that is reasonably believed to be personal information or information that identifies a specific person.

Feinstein (for Leahy) modified amendment No. 2587 (to amendment No. 2716), to strike the FOIA exemption.

Burr (for Paul) modified amendment No. 2564 (to amendment No. 2716), to prohibit liability immunity to applying to private entities that break user or privacy agreements with customers.

Feinstein (for Mikulski/Cardin) amendment No. 2557 (to amendment No. 2716), to provide amounts necessary for accelerated cybersecurity in response to data breaches.

Feinstein (for Whitehouse/Graham) modified amendment No. 2626 (to amendment No. 2716), to amend title 18, United States Code, to protect Americans from cybercrime.

Feinstein (for Wyden) modified amendment No. 2621 (to amendment No. 2716), to improve the requirements relating to removal of personal information from cyber threat indicators before sharing.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Nevada.

AMENDMENT NO. 2548, AS MODIFIED

Mr. HELLER. Mr. President, after my years of growing up in Nevada, I appreciate the values that make Nevadans distinct, fiercely independent, and very diverse—in fact, as diverse as the terrain is in Nevada. But what never ceases to amaze me about Nevadans is our passion for protecting America's privacy from the intrusion of the Federal Government. It is a value that is shared across the entire State and one that I have sworn to uphold. But many Americans have lost faith that their government will uphold their civil liberties.

It is Congress's responsibility to ensure that every piece of legislation passed by this body protects the privacy and liberties of all Americans, and I will not accept attempts to diminish these nonnegotiable rights. That is why I am on the floor today to continue protecting Americans' and Nevadans' privacy by pushing for my amendment on the Cybersecurity Information Sharing Act.

To begin with, I wish to commend my colleagues, both Chairman BURR and Ranking Member FEINSTEIN, for recognizing the need to address the serious issue of cyber security. As ranking member of the commerce committee's consumer protection subcommittee in the last Congress, I delved into these issues and understand the impact of data breaches and cyber threats. It is an economic concern as well as a national security concern for our country.

I share the desire to find a path forward on information sharing between the Federal Government and the private sector as another tool in the cyber security toolbox, but these efforts cannot come at the expense of personal privacy. The bill, including the substitute amendment that I see today, does not do enough to ensure that personal, identifiable information is stripped out before being shared, and that is why I have offered this simple fix.

Let's strengthen the standard for stripping out this information. Right now, this legislation says that the Federal Government only has to strip out personal information if they know it is not directly related to cyber threat—that word being ''know.'' My amendment No. 2548, as modified, will ensure that when personal information is being stripped out, it is because the entity reasonably believes it is not related to cyber threat. That is the change—from knowing to reasonably believing. This distinction creates a wider protection for personal information by ensuring that these entities are making an effort to take out personal information that is not necessary.

Frankly, I am proud of the support I have from Senators LEAHY and WYDEN, both great advocates in the Senate for privacy. However, I am disappointed that my amendment was not included in the substitute amendment that we see today.

The supporters of this bill talk about how this legislation upholds privacy but couldn't accept a reasonable amendment that complements those privacy provisions.

Our friends over in the House of Representatives already agree that the private sector should be held to this standard, which is why they included this language in the cyber security bill they passed. I guess the question is, If this is good enough for the private sector, shouldn't it be good enough for the government sector?

Furthermore, DHS has publicly acknowledged the importance of removing personal, identifiable information because it will allow an information sharing regime to function more efficiently.

What this has come down to is our Nation's commitment to balancing the needs for sharing cyber security information with the needs to protect Americans' personal information. Like many in the tech community have already stated, security should not come at the expense of privacy. In fact, that was said a couple hundred years ago by Benjamin Franklin. Security should not come at the expense of privacy. I believe my amendment No. 2548 to hold the Federal Government accountable strikes that balance, and I hope this simple fix can be incorporated into the legislation.

I encourage my colleagues to support this commonsense effort to strengthen this bill and keep our commitment to upholding the rights of all U.S. citizens.

I appreciate Senators BURR and FEINSTEIN's willingness to work with me on this amendment and look forward to continuing this debate.

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague from Nevada and say to him generally that we tried to put everything in the managers' amendment that we could, and the threshold was that we had to have total agreement. I know my colleague understands that it is difficult, but we have done everything we can to protect the rights of every individual Member to bring an amendment to the floor, to debate the amendment, and to have an up-or-down vote—even for the ones that were not germane. It is unfortunate that one amendment on both sides will be kicked out because they have to happen before the cloture vote, and that was not allowed to take place.

MEASURE PLACED ON THE CALENDAR—S. 2193

Mr. President, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2193) to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

Mr. BURR. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. BURR. Mr. President, in just shy of 25 minutes, the Senate will have a procedural vote on the Cybersecurity Information Sharing Act of 2015. The committee worked diligently for most of this year in a bipartisan way to achieve a balance of great policy and reported that bill out on a 14-to-1 vote.

I say to my colleagues: We have reached a very delicate balance. There have been bending and twisting and giving and taking, and we have done it not only within the Senate of the United States and within the committee, we have done it with stakeholders all around the country.

I will remind my colleagues that this bill we are attempting to get through the Senate is a voluntary information sharing bill, and the mere fact that it is voluntary means we have to have in place certain incentives that provide a reason for companies to participate.

I commend Chairman JOHNSON and Ranking Member CARPER. Their committee and staff have worked with us side by side to try to incorporate their thoughts and the thoughts of all the agencies and also worked with stakeholders around the country.

I am pleased to tell my colleagues today that we received this morning a notice from the U.S. Chamber of Commerce, and it says: ''The Chamber urges the United States Senate to pass CISA expeditiously. There is overwhelming support.''

When the vice chair and I ventured into this, we also made a commitment to lock arms because we thought we found the right balance. Although it may be enticing for Members to support amendments that might come up, there is a reason we didn't incorporate them in the managers' amendment. It may have been due to the differences the vice chair and I had or maybe it was because it would have killed the support we had with the stakeholders around the country. We will have one of those amendments today, and it is going to be inviting for people to do it, but let me say to my colleagues, if do you it, information sharing is over with, and the effort is dead. It has been tried for 3 years, yet we continue to see attacks happen, and massive amounts of personal data go out of the system to be used for criminal or espionage reasons.

This is really our last chance. The vice chairman and I have reached what we think is the absolute balance that provides the buy-in of those who will be asked to voluntarily turn over this data and to help minimize the loss of data in our entire economy.

I urge my colleagues to support the cloture motion that will happen at 11 a.m. We will have a short debate, and then we will take up an amendment, and the vice chair and I at that time will ask our colleagues not to support that amendment.

Mr. President, I ask unanimous consent to waive the mandatory quorum calls with respect to the cloture motions on amendment No. 2716 and S. 754.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURR. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the following Senators on the Democratic side be permitted to speak for 5 minutes each on our time: FEINSTEIN 5 minutes, WYDEN 5 minutes, and CARPER 5 minutes.

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

Mrs. FEINSTEIN. Mr. President, after many years of effort, the Senate is about to take its first vote to move forward on important cyber security legislation. As I stated in my remarks yesterday, this substitute makes 20 changes to the underlying bill. It includes 14 amendments offered by other Senators to improve privacy protections and ensure better cyber security for emergency services, the health care industry, and the Federal Government. As the chairman just said, we have been listening and we have tried to incorporate a substantial number of amendments in the managers' package.

This is a good bill. It is a first step. It is not going to prevent all cyber attacks or penetrations, but it will allow companies and the government to share information about the cyber threats they see and the defensive measures to implement in order to protect their networks.

Right now—and this is important—the same cyber intrusions are used again and again to penetrate different targets. That shouldn't happen. If someone sees a particular virus or harmful signature, they should be able to tell others so they can protect themselves. That is what this bill does—it clears away the uncertainty and concern that keep companies from sharing this information. It says that two competitors in a market can share information on cyber threats with each other without facing antitrust lawsuits. It says that companies sharing cyber threat information with the government for cyber security purposes have liability protection.

The bill is completely voluntary. I don't know how to say that over and over more times than I have. If you don't want to participate, don't. If a company wants to take the position that it can defend itself and doesn't want to participate in real-time sharing with the Department of Homeland Security, that is its right.

I thank my colleagues who came to the floor in support of this bill and this managers' amendment yesterday: Senators MCCONNELL, REID, GRASSLEY, NELSON, MCCAIN, KING, THUNE, FLAKE, Senator CARPER in particular, Senator BLUNT, and others. They have all described the need for this bill, and I so appreciate their support.

I urge my colleagues to support cloture on this substitute managers' package so that we can start moving on to other amendments that are pending.

I also thank Senator BURR and his staff. Over the past couple of days, they have been going through comments, proposing technical changes, and perfecting changes to the substitute. It is my understanding that Chairman BURR will ask a unanimous consent agreement on that perfecting amendment shortly.

I also thank Senator COLLINS for agreeing to changes in her provision, section 407, to start to address concerns that were raised by its inclusion.

I also want to thank Senators WHITEHOUSE, LEAHY, and WYDEN for reaching an agreement on text that Senator WHITEHOUSE very much wanted to include, and I am pleased we were able to include it in this unanimous consent package.

So I appreciate the support of my colleagues. I urge a strong ''yes'' vote on the cloture vote to allow us to proceed to this bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise to speak against cloture on the substitute. This substitute would not have stopped the Target hack, the Anthem hack, the Home Depot hack, or the OPM hack. When it comes to real privacy protection for millions of Americans with this substitute, there is simply no ''there'' there.

We see that by looking at page 17 of the substitute. Companies have to remove only personal, unrelated information if they know that it is personal

and unrelated. How would they know under this amendment? Under this amendment, they are required to virtually do no looking. It is the most cursory review. That is why the Nation's leading technology companies have come out overwhelmingly against this legislation. They are not satisfied by this substitute.

The sponsors of the bill have been pretty vociferous about attacking these companies for coming out against the legislation. These companies know a lot about the importance of protecting both cyber security and individual privacy. These tech companies that are being attacked now have to manage that challenge every single day. The challenge gets harder all the time with things such as the EU ruling that I opposed. These companies know that customer confidence is their lifeblood, and the only way to ensure customer confidence is to convince people that if they use their product, their information is going to be protected both from malicious hackers and from unnecessary collection by the government.

The fact is, we have a serious problem with hacking and cyber security threats. The fact is, information sharing can be good, but a cyber security information sharing bill without real and robust privacy protections that this amendment lacks—I would submit millions of Americans are going to look at that, and they are going to say this isn't a cyber security bill, this is yet another surveillance bill.

With this amendment, colleagues, the Senate is again missing another opportunity to do this right and promote both security and liberty. Just because a proposal has the words ''cyber security'' in its title doesn't make it good. But that is, of course, why the leading technology companies in this country—companies that make a living every single day by being sensitive to cyber threats and privacy—have come out overwhelmingly against this bill.

I know my colleagues have tried to improve this issue, and I appreciate that. But the core privacy protections that America deserves in a bill like this are still lacking, and that is why I oppose cloture.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to respond very briefly to what our colleague from Oregon has said.

Senator FEINSTEIN shared with me a copy of the actual text of the managers' amendment. I would maybe make two points. One, if a private company elects to share information—they don't have to, but if they elect to share information, as Senator FEINSTEIN has said, it is their call. But if they do, there is a requirement under the law that they scrub it. The reporting entity which is submitting the indicator—in this case to DHS, the Federal entity—has to scrub it. They have the responsibility, whoever is initiating this, to scrub and remove that personally identifiable information. If for some reason they don't, the way the legislation comes before us today, in order for a company that chooses to submit threat indicators to the Federal Government, in order to get help on the liability protection they are looking for, they have to submit it through the Department of Homeland Security, through the portal of the Department of Homeland Security, which is literally set up to do privacy scrubs. It is literally set up to do privacy scrubs, and then to share information it wants with other relevant Federal agencies. Very, very infrequently—very infrequently—will there be some reason to—the threat indicators coming through the portal at DHS, maybe less than 1 percent of the time, there might be a need to take a closer look at that information and make sure there is nothing that is personally identifiable or problematic. I think with the compromise that has been worked out, the issue that our colleague has raised has been addressed.

Let me just go back in time. Why is this important? We know the situation is grim. When the Secretary of Defense has his emails hacked by an entity, and we know not who, when we have 22 million personal records and background checks hacked by maybe the Chinese or maybe somebody else, that is not good. When companies such as DuPont in my own State and universities all over the country are having their R&D information—their intellectual seed corn upon which our economy is going to grow—stolen, and presumably stolen for bad reasons, so that they can beat us to the bunch in terms of economic opportunity, that is not good.

What are we going to do about it? It turns out we did quite a bit about it in the last Congress. Two Congresses ago, Senator FEINSTEIN proposed comprehensive cyber security legislation, the whole kit and caboodle. We tried very hard, as she knows, for a year or two to get that enacted. We couldn't get it done. Finally, we gave up at the end of I think the 112th Congress. We gave it up, and we started again in 2013.

Tom Coburn was the ranking member on Homeland Security. I was privileged to be chairman. He and I partnered with people on our committee and, frankly, with a lot of folks outside of the committee, to do three things: To strengthen the capability of the Department of Homeland Security to do its job, a much better job of protecting not just the Federal Government but the country as a whole against cyber attacks. We passed three pieces of legislation. They are helpful; they are not the whole package, but they are three very helpful bills to make DHS a better, more effective partner.

This year, the Intel Committee, under the leadership of Senator BURR and Senator FEINSTEIN, came forward with their proposal. The administration, the President, came forward with an information sharing proposal as well. We took it up in a hearing in the committee on homeland security, looking at the President's proposal, trying to figure out what we should retain and what we should change to make it better, and we did. We changed it and we made it better. I introduced it as a standalone bill. The Intel Committee reported out their legislation 14 to 1.

We have been working with Senator BURR and Senator FEINSTEIN and their staffs ever since to try to infuse the elements of the President's proposal, modified by us on homeland security, to make a more perfect—not a more perfect union, but a more perfect bill. Is it perfect? No. Is it better? Sure, it is better. I think it is going to enable us to do a much better job protecting that which needs to be protected.

The last thing I will say is this: On this floor I have said more than a few times I love to ask people that have been married a long time, what is the secret to a long marriage? The best answer I have ever received is the two C's—communicate and compromise. I would add a third C, which is also important for a vibrant democracy. The third C is collaborate.

This legislation is a great example of communicating, talking with own another, with stakeholders on Capitol Hill, off Capitol Hill, across the country and around the world, but at the end of the day to figure out how to compromise and to do so by collaborating.

I think we have come up with a very good piece of legislation. At the end of the day, if an entity or business wants to share information—I hope they would, we need them to do that. If they want to share information with the Federal Government, the idea is to get liability protection and share it through the portal of the Department of Homeland Security; that information is scrubbed—cyber security scrubbed, piracy scrubbed. Share with other Federal agencies as appropriate after it has been dutifully scrubbed, and then we are in a better position to defend against those attacks in the future.

I think when people send us to work on big problems—and this is a big problem for our country—they want us to work together. They want us to get stuff done. We have been talking about this for 3 or 4 years, and now we have an opportunity to get something done. Let's pass this and accept this managers' amendment, and then let's take up some other amendments, and pass this bill and send it to the House. When they have done their work, let's go to conference.

Thank you very much.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise to support the Cybersecurity Information Sharing Act, long overdue and vital legislation designed to reduce our Nation's vulnerability to cyber attacks.

I want to commend the ranking member of my committee, Senator

TOM CARPER, and Senator BURR and Senator FEINSTEIN, for their collaborative effort. This is an example of when we actually seek to find the areas of agreement that unify us versus exploit our divisions, then we can actually accomplish some pretty good things. This bill is one of those examples.

The cyber threat we face today is real and it is growing. Sophisticated nation-state adversaries such as China and North Korea are constantly probing American companies' and Federal agencies' computer networks to steal valuable and sensitive data. International criminal organizations are exploiting our networks to commit financial fraud and health fraud. Cyber crime is so pervasive that the former Director of the National Security Agency described it as the ''greatest transfer of wealth in human history.'' Cyber terrorists are trying to attack cyber-connected critical infrastructure, thereby threatening our very way of life.

We have already experienced the impact of this threat. Within the last year and a half alone, more than 20 top American companies and Federal agencies have experienced major breaches. A breach of the Office of Personnel Management allowed a foreign adversary to steal 19.7 million Federal employees' background checks, over 5 million fingerprint files, and 4 million personnel records. A breach at IRS allowed cyber criminals abroad to access over 330,000 taxpayer financial records. A destructive cyber attack from North Korea on Sony Pictures resulted in the destruction of thousands of computers and theft of the company's most valuable intellectual property. Data breaches at both Anthem and JP Morgan resulted in the theft of 80 million health care subscribers' personal data and 83 million banking customers' personal information. Even the White House is not immune from attack. Six months ago, foreign adversaries breached White House networks, compromising the President's nonpublic schedule.

Federal agencies are neglecting to protect Americans' data and Federal law is preventing companies from defending their networks. Congressional oversight, including hearings held by my committee, the Senate Committee on Homeland Security and Governmental Affairs, has shown agencies are not doing enough to protect their sensitive data. Our committee's oversight hearings of the IRS and OPM data breaches revealed that basic cyber security hygiene and best practices would have stopped attackers in their tracks had they been in place at these agencies. The Department of Homeland Security has not yet fully implemented the cyber security programs we need to protect Federal agencies' networks.

Meanwhile, current law hinders private companies from sharing indicators that can be used to detect and stop attacks against their networks. To be effective, cyber threat indicators must be shared very quickly. The 2015 Verizon data breach investigation report revealed that 75 percent of attacks spread within 24 hours, and 40 percent spread within just 1 hour. Yet our current network of anti-trust and wiretap loss hampers companies from sharing that information quickly, creating a threat of lawsuit and prosecution for sharing that the information companies can use to identify and stop attacks.

There is no easy solution, but there are things Congress can do to improve cyber security that might make cyber attacks more difficult. That is why I am proud to have worked with Senator BURR and Senator FEINSTEIN to create the Cybersecurity Information Sharing Act, which takes a significant first step in addressing both of these issues.

First, it enables information sharing to improve cyber security within private companies.

Second, it improves cyber security at Federal agencies.

I especially appreciate the collaboration of Senator CARPER in working with me to help craft title II of the bill—the Federal Cybersecurity Enhancement Act—which was unanimously reported out of our committee. This bill will put Federal agencies on track to implement commonsense cyber security solutions already in use in many companies, thereby improving the security of Americans' data at the Federal agencies.

The Federal Cybersecurity Enhancement Act will achieve four key goals.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSON. I ask unanimous consent for 1 more minute.

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

Mr. JOHNSON. First, it will mandate deployment and implementation of a government-wide intrusion detection and prevention system for Federal networks.

Second, it will require OMB to develop an intrusion assessment plan so government agencies can hunt down and eradicate attackers already in their networks.

Third, it requires agencies to implement specific cyber security practices, such as multifactor authentication and encryption of sensitive data, which would have stopped previous attacks.

Fourth, and finally, it will give the Secretary of Homeland Security and the Director of the Office of Management and Budget the authority they need to oversee cyber security across the Federal Government.

In short, the Cybersecurity Information Sharing Act, with the inclusion of the Federal Cybersecurity Enhancement Act, will significantly improve our cyber security posture. This bill will not solve all of our cyber security woes, but it is an important step in the right direction, and I am glad to support it.

Thank you, Mr. President, and I yield back.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent for 2 additional minutes before we move to the cloture vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I believe I have a couple of minutes left after the chairman speaks that I would like to use.

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

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reserving the right to object, I am happy to extend the debate for a couple of minutes for each side, but I think it does need, in the interest of fairness for the proponents and opponents, to have equal time for the purposes of wrapping up, if my colleagues want to go further.

Mr. BURR. Mr. President, let me modify my request. I ask unanimous consent for 2 additional minutes on both sides.

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

Mrs. FEINSTEIN. Mr. President, just so the record is clear, I was told I did not utilize my entire 5 minutes, and I want to make a very brief closing statement on my 5 minutes.

Mr. BURR. May I modify my request further? My unanimous consent would grant me 2 additional minutes and would grant the vice chair 2 minutes 45 seconds.

Mr. WYDEN. Mr. President, I don't want to prolong this. Reserving the right to object—do I have any additional time? I wasn't sure I had used my full 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon has 45 seconds remaining in his time from before.

Mr. BURR. Mr. President, I ask unanimous consent that each side be given 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I am about to object. Let's get going here.

Mrs. FEINSTEIN. I withdraw my request for my 5 minutes, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina for 2 additional minutes for each side?

Without objection, it is so ordered.

Mr. BURR. Mr. President, I thank my colleagues for allowing me the time.

Very quickly, it was said that this bill will not prevent and would not have prevented the attacks that took place at American companies. It is, in fact, right. The vice chair and I have never portrayed that this was a prevention bill. We said it is not a prevention bill. It is a bill designed to share information to minimize the loss of data.

As it relates to personal data, my colleague from Oregon forgets that the managers' amendment strengthens by making sure on the government side that they only draw in the fields that

the entire government collaborative group agrees need to be used for forensic purposes over and above what Senator CARPER pointed out are the responsibilities of the private sector companies.

It was said that the vice chair and I have been critical of technology companies that oppose this bill. I don't think we have been critical. We have been confused—confused that the companies that hold the most personal data on the American people in the country want to deprive every other business in America from having the ability to share their information when they are hacked. So I am not critical. I am challenged to figure out why they would take that position, but I have come to the conclusion that there are some questions in life that have no answers, and I have now reached one of those.

Given that we are at the end of this debate, let me once again thank Chairman JOHNSON and Ranking Member CARPER for the unbelievable contribution that both of them individually made in their committee, and on behalf of the vice chair and myself, I would urge our colleagues to support cloture and allow this process to move forward so we could conference with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much.

I just want to urge people to vote yes on cloture. We have been at this for 6 years. This is the third bill. We have been bipartisan. The bill is considered. This is a complicated and difficult arena. The bill is all voluntary. The moaning and groaning of companies, I say, if you don't want to participate, don't participate, but I can give you hundreds and thousands of companies that are desperate to participate to be able to protect themselves without a lawsuit, and this enables that. It is a first-step bill.

I particularly wish to thank the chair and ranking on the Homeland Security Committee. I very much appreciate this support and know that Senator BURR, I, and others will continue to work as we recognize this most serious threat on our economy and the privacy of individuals. To do nothing now is to admit that we cannot come up with a bill, and, in fact, we can. Please vote yes.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Oregon.

Mr. WYDEN. Mr. President, I hope colleagues will vote no. I have three quick points. No. 1, the chairman of the committee—and we work together often—acknowledged that this substitute would not have prevented these major hacks that we are all so concerned about. No. 2, once again we have heard an attack on the country's major technology companies. All of them, all of them, colleagues, are opposed to this legislation. We are talking about Apple and Dropbox and Twitter. The list goes on and on. Why? Because these companies have to be concerned about both cyber security and protecting their employees and their customers privacy. Unfortunately, this legislation does very little to protect cyber security, which has now been acknowledged by the lead sponsor of the legislation and has major problems with respect to protecting the liberty of the American people. I urge colleagues to vote no.

Mr. CARPER. Mr. President, are we out of time on the Democrats' side?

The PRESIDING OFFICER. Twenty seconds remain.

Mr. CARPER. Colleagues, keep in mind, EINSTEIN 1 and EINSTEIN 2 are already effective to detect but not block these intrusions. EINSTEIN 3, authorized by our legislation, puts a new player on the field—a defensive player—to be able to block these intrusions. This is new and requires these agencies to implement that. For no other reason than that, it is a good reason to support this proposal.

Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

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

The 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 amendment No. 2716 to S. 754, a bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

Mitch McConnell, John Cornyn, Johnny Isakson, Richard Burr, John McCain, Shelley Moore Capito, Orrin G. Hatch, John Thune, Chuck Grassley, Pat Roberts, John Barrasso, Jeff Flake, Lamar Alexander, Bill Cassidy, Deb Fischer, Susan M. Collins, Patrick J. Toomey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2716, offered by the Senator from North Carolina, Mr. BURR, to S. 754, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 83, nays 14, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—83

Alexander	Barrasso	Blumenthal
Ayotte	Bennet	Blunt
Boozman	Gillibrand	Nelson
Boxer	Grassley	Perdue
Burr	Hatch	Peters
Cantwell	Heinrich	Portman
Capito	Heitkamp	Reed
Cardin	Heller	Reid
Carper	Hirono	Risch
Casey	Hoeven	Roberts
Cassidy	Inhofe	Rounds
Coats	Isakson	Sasse
Cochran	Johnson	Schatz
Collins	Kaine	Schumer
Corker	King	Scott
Cornyn	Kirk	Sessions
Cotton	Klobuchar	Shaheen
Crapo	Lankford	Shelby
Cruz	Lee	Stabenow
Daines	Manchin	Sullivan
Donnelly	McCain	Tester
Durbin	McCaskill	Thune
Enzi	McConnell	Tillis
Ernst	Mikulski	Toomey
Feinstein	Moran	Warner
Fischer	Murkowski	Whitehouse
Flake	Murphy	Wicker
Gardner	Murray	

NAYS—14

Baldwin	Leahy	Sanders
Booker	Markey	Udall
Brown	Menendez	Warren
Coons	Merkley	Wyden
Franken	Paul	

NOT VOTING—3

Graham	Rubio	Vitter

The PRESIDING OFFICER (Mr. FLAKE). On this vote, the yeas are 83, the nays are 14.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 2564, AS MODIFIED

There will now be 10 minutes of debate equally divided prior to a vote in relation to amendment No. 2564, offered by the Senator from North Carolina, Mr. BURR, for Mr. PAUL.

The Senator from North Carolina.

Mr. BURR. Mr. President, I wish to say to my colleagues that there is 10 minutes of debate in between these votes, so those Members who have conversations, I wish they would take them off the floor. If they are not going to have conversations, stay and listen to the debate.

Mr. President, from the floor, I have said to my colleagues that the information sharing bill is a very delicately balanced piece of legislation.

What we have attempted to do is to create a voluntary program that companies around this country can choose to participate in or not. Some have already expressed their opposition to it, and I would say that is very easy—pass the bill, and they just won't participate.

There are going to be amendments, though, that change the balance. I don't want to get into the details of every amendment. Let me just say to my colleagues that if we change the balance we have reached not just on both sides of the aisle but with the comfort level of businesses across this country to where they believe they can no longer participate in it, then we won't have a successful information sharing bill.

I think every Member of this body and every American knows that cyber attacks are not going to go away. They are going to continue, they are going

to become more numerous, and we are going to be on the floor debating something that is probably much more specific in the future. I wish we could prevent it, but right now our only tool is legislation that voluntarily asks companies to participate to minimize the loss of data.

I encourage my colleagues, as the vice chair and I have—we are going to oppose all the amendments that come up. We have gone through all the amendments, and those which we could accept and which we felt embraced the balance we had achieved and could still hold together the support across the country—we incorporated those in the managers' amendment, and that managers' amendment will be voted on when we come back on Monday or Tuesday.

With that, I yield the floor to my vice chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask the Senate to vote no on this amendment, and I would like to explain why. This amendment would create an exemption to the bill's narrowly tailored liability protections for companies that take responsible actions to look for cyber threats and share information about them if a company ''breaks a user or privacy agreement with a customer, regardless of how trivial it may be.''

The underlying cyber bill has been carefully drafted to ensure that it is totally voluntary and that activities can only be conducted on a customer's behalf with express authorization.

Let me read the language in the bill. The bill reads:

> Nothing in this title shall be construed—
>
> (1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any entities, or between any entity and a Federal entity.

There is tremendous objection to the Paul amendment that is coming in from the chamber of commerce, various companies, and the health industry. They understand what is in our bill. This amendment would actually fatally disturb what is in the bill, which is clear and concise.

I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, this cyber security bill attempts to enhance security for transactions on the Internet but I think actually weakens privacy in the process. The bill would grant legal immunity to companies that, in sharing information, actually violate your privacy.

Most companies have a privacy agreement. You see it when you get on the Internet. It is supposed to guarantee that your information, individual choices, and consumer choices on the Internet are not revealed to anyone. This bill says that if the company violates it in sharing your information, there will be legal immunity for that company. I think that weakens privacy. It makes the privacy agreement not really worth the paper it is written on.

I think privacy is of great concern to Americans. The government doesn't have a very good record with privacy. In the news today, a teenager is now reading the email of the CIA Director. It doesn't sound as though the government is very good at protecting privacy. I am not really excited about letting them have more information.

The government revealed 20 million individual records of their employees, private records of their employees. This is the same government that now says: Trust us, and let's give everybody involved immunity so the consumer has no recourse if their privacy is breached. This is the same government that allowed the ObamaCare Web site to be hacked and looked at. This is a government that doesn't have a lot of concern or ability to protect privacy. We are now asked to entrust this government with volumes and volumes of personal information sent across the vastness of the Internet. There is good reason that many of our largest technological companies oppose this legislation.

My amendment will give companies and Internet users clarity on what information is shared with the government, and it will protect the privacy agreement.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to respond to that because we have been told that for the industries that support this bill, this amendment is a bill killer, and the opposition to it has come in far and wide. We have 52 industrial associations in business, finance, banking, petroleum, waterworks, railroads, public power, real estate, and retail—52 associations that are on your desk—supporting it. In particular, the health industry has weighed in against this amendment.

We accomplished the purpose in our bill in a way that is acceptable. Please vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, let us be clear that most of the high-tech companies that have anything to do with the Internet and anything to do with information sharing oppose this bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I think everybody would like to vote, but I will say one last thing to my colleagues.

Any company in America—any company in America—that chooses not to participate, doesn't have to. If for some reason they find there is something in this piece of legislation they are uncomfortable with or they are concerned about with regard to the transfer of any personal data, it is very simple: They do not have to participate. But to deny everybody who would like to participate is wrong.

I would encourage my colleagues to defeat the amendment and support moving on.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2564, as modified.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—32

Baldwin	Daines	Merkley
Barrasso	Durbin	Murkowski
Bennet	Enzi	Murray
Booker	Franken	Paul
Boxer	Gillibrand	Sanders
Brown	Heinrich	Schumer
Cantwell	Heller	Sullivan
Cardin	Leahy	Udall
Coons	Lee	Warren
Crapo	Markey	Wyden
Cruz	Menendez	

NAYS—65

Alexander	Grassley	Peters
Ayotte	Hatch	Portman
Blumenthal	Heitkamp	Reed
Blunt	Hirono	Reid
Boozman	Hoeven	Risch
Burr	Inhofe	Roberts
Capito	Isakson	Rounds
Carper	Johnson	Sasse
Casey	Kaine	Schatz
Cassidy	King	Scott
Coats	Kirk	Sessions
Cochran	Klobuchar	Shaheen
Collins	Lankford	Shelby
Corker	Manchin	Stabenow
Cornyn	McCain	Tester
Cotton	McCaskill	Thune
Donnelly	McConnell	Tillis
Ernst	Mikulski	Toomey
Feinstein	Moran	Warner
Fischer	Murphy	Whitehouse
Flake	Nelson	Wicker
Gardner	Perdue	

NOT VOTING—3

Graham	Rubio	Vitter

The amendment (No. 2564), as modified, was rejected.

Ms. COLLINS. Madam President, I ask unanimous consent to speak as in morning business for not longer than 10 minutes.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2194 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DEBT CEILING

Mr. MERKLEY. Madam President, I rise to give voice to concerns about the pending battle over what is referred to as the debt ceiling. We have been told that the ability of the United States to pay its bills on time and its interest on bonds will expire on November 3, which is only about a dozen days from now—less than 2 weeks.

This is of grave concern to Americans. In fact, if it hasn't been a concern to someone, it should be because it touches almost every American household. This is all about the question of whether we are going to pay a bill that is due for previous spending on time or not. This is all about whether we are going to pay the interest that will be due on Treasury bills on time or not.

Great Nations don't pay their bills late. They are expected to be organized and competent and have their act together, but there is also a tremendous incentive to pay on time because when you pay late, the interest rate on your debt goes up because you become less creditworthy. Many folks in this Chamber say we should operate like a family and think about family values when it comes to finance. Here is the connection with how families operate: They know if they don't pay their mortgage or insurance or their Target bill on time, then their cost of credit is going to go up and their credit score will go down.

Sometimes families simply don't have any possible way of paying a bill when it comes up, and they struggle to get the funds together, knowing the more cases that fail, the worse it is for their credit score, which means if they borrow money to buy a car, a house, or for any reason, the interest rate is going to be much higher, and they will have to pay a lot more and will not get anything more than they would have gotten before.

Families understand they have to pay their bills on time. That is fiscal responsibility. But some may have forgotten that this lesson is not just anchored in theory, this is in practice. In 2011, when we dillydallied over paying our bills on time, the United States credit rating was taken down a notch, which meant that we had to pay a higher interest.

How about 2013—just 2 years ago—when we failed to act responsibly and the government shut down and it cost us not only 120,000 jobs, but it also cost us, by our best estimates, about $70 million more in interest that we wouldn't have otherwise had to pay because interest rates went up. Not paying your bills on time is fiscally irresponsible and, to put it more directly, it is a ''Dumb and Dumber'' tax on every American family. I am not sure why it is that advocates in the House and Senate are advocating for a ''Dumb and Dumber'' tax. The worst tax is when it costs money and you buy nothing, but that is what happens when you don't pay your bills on time.

We know the cost of paying more on Treasury bonds doesn't just affect the U.S. Government. We also know that the Treasury bond rate is used as an index for items, such as home mortgages and car loans. So our families have to pay more because of the irresponsibility of the Republican ''Dumb and Dumber'' tax on America. It is irresponsible, and it is damaging to our country and to our families.

It is not often that I turn to Ronald Reagan for insight, but in this case he had it absolutely right. Ronald Reagan said that fiscal responsibility is paying your bills on time. There were a number of times when he spoke to Congress and said, don't do a ''Dumb and Dumber'' tax.

To put it in his own words when he was at a radio address in 1987, he said:

> This brinksmanship threatens the holders of government bonds and those who rely on Social Security and veterans' benefits. Interest markets would skyrocket. Instability would occur in financial markets, and the federal deficit would soar.

He continued and said, ''The United States has a special responsibility to itself and the world to meet its obligations.''

At another time he wrote a letter to the majority leader of the Senate and said:

> The full consequences of a default—or even the serious prospect of default—by the United States are impossible to predict and awesome to contemplate.

He continued:

> Denigration of the full faith and credit of the United States would have substantial effects on the domestic financial markets and the value of the dollar in exchange markets. The Nation can ill afford to allow such a result. The risks, the costs, the disruptions, and the incalculable damage lead me to but one conclusion: the Senate must pass this legislation before Congress adjourns.

Let us listen to the voice of reason on fiscal responsibility to pay our debts on time. Let us not adopt the Republican ''Dumb and Dumber'' tax of failing to pay our bills that extracts huge costs, as President Reagan recognized, both on our Nation and on our families.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Colorado.

PIONEER SPIRIT OF COLORADO AND 100TH ANNIVERSARY OF FARMERS IMPLEMENT COMPANY

Mr. GARDNER. Madam President, in the 1800s, Colorado found itself at the center of a nation—gold rushes and silver rushes, cattle barons and sheep barons, range wars pitting the rancher against the sod farmer. It is a State that, as it does today, had a little bit of something for everyone—a whole lot of space, breathtaking vistas, and pioneer dreams abound.

The 1860s ushered in the land rush across the country, extending to Colorado a few years later by the 1880s. People from the east looking for that relief valve of western expansion were drawn to the high plains of Colorado with its fertile valleys, peaks and plateaus, places where the rain followed the plow, and the landsmen knew no limit to the sale of aridity.

It was in the 1880s that one Raimond von Harrom Schramm, a wealthy baron, was moving his belongings from east to west when the train he was riding on derailed in a small eastern Colorado town. Detecting Divine providence at work—or most likely scared to get back on the train—he decided to stay put, declaring the site of the derailment was where God intended him to be.

He went on to build the first multistory brick buildings in that town before the town's fathers decided against naming him the mayor. That the town council would subject such a man of possession to the humility of an election was too much for Baron Schramm, promptly causing him to move his brick buildings to a more aptly named town—you guessed it—Schramm, just down the road. It is 100 years later, and there are no brick buildings in his namesake town, just a nice feedlot bearing the name Schramm.

In the town he left behind, hardscrabble businesses continued, squeezing just enough moisture out of the ground to provide pastures for the cows. Soon enough fortune and luck built up to break the sod on the eastern plains to begin Colorado's long romance with high-plains farming. It surely wasn't easy. Families crammed into tar paper houses, staking their claim on a patch of ground that knows only shades of brown and green.

It was around 1915 when three men came together to start an implement business—Roy Chilcoat, Jack Tribbett, and another partner—selling farm equipment. Steel-studded wheatland machinery, cream separators, and corn shellers tilled sandhills whose only previous disruptions were antelope, buffalo, and the crossing paths of the plains Indians.

It was no easy feat to be a pioneer in agriculture. There was an old saying at the coffee shop in that small town: How do you make a small fortune in agriculture? You start with a large one. The people there lived in sod houses, getting ice from ponds in the winter to store over the summer—if there was enough moisture for the pond. They endured sandstorms and dust bowls that were described in books and movies for generations to come.

These hardy men and women didn't leave when the hard times continued because they had made this their home. To survive was to succeed and to succeed was something that every American aspired to. Their wealth was measured in friends, family, and in the miles of prairie and the consistency of the windmills turning the lifeblood of the plains, their water. Perhaps nothing else has changed the face of Colorado or Western States more than the

application of water to dry land. They are what make Colorado today—boundless spirits of pioneers driven to succeed.

During the Great Depression, it was devastating for everyone. Neighbors saw neighbors' soil drive unrelentingly across the darkened country sky, carried by the wind borne atop the rain-deprived lands. People like Chilcoat and Tribbet knew they had to survive for themselves, their families, and their small, struggling community. They had to survive so that others in the community could survive too.

So they found ways to do it—diversifying the business; trading wheat for tractors; giving a price for the wheat that was at two or three times the money the wheat was actually worth just to keep families on their farms; storing the wheat, hoping that it would someday be worth more than the loss they had incurred. They gave tractors to poor farmers knowing they couldn't pay for them but knowing that without them, those family farms wouldn't make it; knowing that someday—or holding hope above fear—their neighbor would make good on it and pay what they could.

Businesses in these small towns scraped through the Depression, on to World War II when its sons and daughters left to fight for freedom in lands many had never heard of before, rationing, sacrificing, and dedicating new faces to the workforce, forever changing the landscape of small and big towns alike.

Eventually, businesses like Roy's and Jack's and their partners would pass on to a new generation—Howard Crowley and a new partner—and then again to a new generation still. That business still stands today as Farmers Implement Company. Chilcoat and Tribbet were joined by my great-grandfather, known as Daddy Bill, who would eventually sell their interests to my grandfather, Paul Gardner, and my father, John Gardner.

I spent years working there, trying to learn values, the business, but learning more about relationships—people and a way of life—than selling parts. In fact, based on how many wrong parts I sold, I am pretty sure that was one of the least of things I learned about. But I watched as generations of customers came through the door. I watched my grandfather refuse to sell something they could make money on in the dealership, but he knew the person who wanted it couldn't afford to buy it. Why did he do it? Because he wanted them to survive—a new generation of survivors continuing their fight to make a living on the windswept plains of eastern Colorado.

Tomorrow, Farmers Implement will celebrate its 100th anniversary as a family-owned farm implement business. I am proud of the values that dealership represents and honored to be a part of a great rural family heritage and our little town of Yuma. Congratulations.

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.

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

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

HIGHWAY BILL

Mrs. FISCHER. Madam President, last Friday the House Transportation and Infrastructure Committee released the bipartisan 6-year highway bill proposal. If everything goes as expected, the House transportation committee will mark up its legislation this week. From what I understand, House leadership is committed to taking up this crucial legislation in the coming weeks.

As many of you know, passing a long-term transportation bill has been one of my goals as a Member of this body. In fact, since my time in the Nebraska unicameral, I have made transportation infrastructure funding a top priority. Two of my signature accomplishments in the unicameral led to increased investment for Nebraska's infrastructure and helped local communities move forward with starting and completing vital transportation projects.

This August I welcomed our U.S. Transportation Secretary, Anthony Foxx, to Lincoln, NE, where we convened a roundtable at the University of Nebraska-Lincoln's Transportation Research Center. We were joined by local transportation stakeholders representing railroad, highway construction, trucking, passenger automobiles, and the aviation industry. At this important meeting, as well as at my listening sessions this summer throughout the State, the message from Nebraskans was loud and clear: Our businesses, consumers, workers, and families want a long-term highway bill.

Throughout the process of developing this bill, I worked with local stakeholders in Nebraska, including our State department of roads, highway builders and project managers, and transportation and community leaders.

Infrastructure is a wise investment. It keeps our country competitive in today's global marketplace. The safety of our traveling public depends on robust and reliable transportation infrastructure. That is why we passed a bipartisan multiyear highway bill here in the Senate. The DRIVE Act provides States and communities with 6 years of certainty for that highway funding without raising taxes on middle-class families.

As an active member of the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee, I am proud of the work we have accomplished together. Our bill enhances safety, proposes much needed regulatory reforms, and it increases investment in our Nation's infrastructure.

The DRIVE Act also includes significant reforms to accelerate highway project construction. The bill does so by advancing key provisions that ensure that local infrastructure projects in Nebraska and all across this country will move forward with a better and a more defined process from the very onset.

The meaningful changes that I championed will provide better coordination between the Federal Highway Administration and States by streamlining environmental permitting and reviews, as well as programmatic agreement templates when initiating new infrastructure projects.

Specifically, the bill will establish new procedures based on a template developed by the Secretary of the Department of Transportation. This will allow our States, in addition to the Federal Government, to determine which State or Federal agencies must be consulted prior to beginning that infrastructure project.

In addition, the bill provides technical assistance to States that want to assume responsibility for the reviews of categorical exclusion projects, which are a category of projects that don't have a significant impact on the environment, triggering a less arduous level of environmental review. Rather than wasting time and taxpayer dollars waiting on the Federal Government to provide an assessment, my provisions would help States provide their own categorical certification regarding the appropriate level of environmental review of certain projects.

Given Nebraska's challenges with starting and completing infrastructure projects, these elements of the DRIVE Act offer a major step forward for transportation projects in my State.

The DRIVE Act also includes major components of a bill that I introduced earlier this year called the TRUCK Safety Reform Act. The legislation offers serious regulatory reforms to the Federal Motor Carrier Safety Administration. Additionally, the bill encourages stronger regulatory analysis, more transparency, and wider public participation in the regulatory process.

The bill also provides regulatory relief to agricultural producers in Nebraska, reforms research at the Department of Transportation to reduce duplication across the modal administrations, and addresses the challenges of the Compliance Safety and Accountability truck scoring program.

I am pleased that the DRIVE Act establishes a new freight program that will prioritize, increase efficiency, and lower the costs for moving freight imports and exports throughout our Nation. The DRIVE Act's freight program will designate a national freight system and provide guaranteed dollars to Nebraska to enhance freight movement throughout our State on our railways and highways. The freight program will also help America's transportation system continue to facilitate expanding

U.S. trade flows. The freight program is crucial to our Nation's economic competitiveness, especially as international trade continues to increase.

The DRIVE Act further incorporates performance-based regulations into our Nation's transportation system. Performance-based measures will offer States more flexibility in meeting the goals of infrastructure-related regulations, something that I have strongly advocated as chairman of the surface transportation subcommittee.

In totality, I believe the Senate produced a thoughtful, comprehensive, and well-drafted highway bill. I greatly appreciate the House moving forward with a long-term highway bill, and I am eager to seek passage of this vital legislation so we can move to a joint conference committee.

I am also pleased to see that the House bill offers several critical provisions, including regulatory reform of the FMCSA and the CSA Program, hair testing for commercial drivers, a freight program, and streamlined permitting to initiate local highway projects at a faster pace. Ultimately, the House's legislative activity this week surrounding the highway bill is a strong step toward achieving a multiyear highway bill—one that will move our economy forward, create jobs, and strengthen safety on our roads, highways, and bridges all across America.

In the coming weeks I look forward to working with Chairman INHOFE, Chairman THUNE, Senator BOXER, and Chairman SHUSTER to produce a reform-oriented compromise that enhances the efficiency, reliability, and safety of our Nation's transportation system.

Thank you, Madam 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. CRUZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. RES. 224

Mr. CRUZ. Madam President, on October 15, 2015, Senators DIANNE FEINSTEIN and PATRICK LEAHY released the following statement marking the 5-year anniversary of the arrest of Liu Xia, the wife of Chinese democracy activist and Nobel Peace Prize laureate Liu Xiaobo:

This week marks the five-year anniversary that Liu Xia was placed under house arrest in China. She has never been charged with a crime and remains confined to her apartment because her husband, respected democracy activist Liu Xiaobo, won the Nobel Peace Prize in 2010.

Over the past five years, Liu Xia's health has sharply deteriorated. She suffers from anxiety, depression, severe back pain and had a heart attack last year. Her repeated requests to leave the country for medical treatment have been denied.

We urgently request the Chinese government allow Liu Xia to seek medical treatment abroad and release Liu Xiaobo, the world's only jailed Nobel Peace Prize laureate. Such action would be a welcome humanitarian gesture.

I could not agree more with the very wise sentiments expressed by Senator FEINSTEIN and Senator LEAHY. That is exactly right. The United States should speak with one voice in support of human rights and against the disgrace that China has jailed this Nobel Peace Prize laureate.

My resolution, following in the tradition of legislation that renamed the street in front of the Soviet Embassy in honor of the heroic Russian dissident and Nobel laureate Andrei Sakharov in 1984, would do the same, it would rename the street in front of the People's Republic of China Embassy to be ''Liu Xiaobo Plaza'' after the equally heroic Chinese dissident and Nobel laureate who had been brutally imprisoned by the PRC since 2009 for peacefully advocating for basic political freedom.

I would note that the original legislation naming the street in front of the Soviet Embassy in honor of Mr. Sakharov was introduced by my colleague the senior Senator from Iowa who is on the floor with me today to support me in this request.

As I noted when I first asked unanimous consent for this legislation on September 24 on the eve of President Xi's visit to Washington, I, for one, think as Americans we should not be troubled by embarrassing Communist oppressors, and this issue is not abstract to me.

My family, like Dr. Liu, has been imprisoned by repressive regimes. My father as a teenager was imprisoned and tortured in Cuba. He had his nose broken. He had his teeth shattered. He lay in the blood and grime of a prison cell.

In Cuba, my aunt—my Tia Sonia—was a few years later imprisoned and tortured by Castro—my father by Batista, my aunt by Castro—imprisoned and tortured by an oppressive Communist regime.

The United States has a long history of standing with dissidents and speaking out for human rights. When this body acted to rename the street in front of the Soviet Embassy ''Sakharov Plaza,'' that was a powerful statement that helped bring condemnation of the world on the Soviet Union's repressive human rights record. We should show the same bipartisan unanimity with regard to Communist China, standing together with a wrongfully imprisoned Nobel Peace Prize laureate. We should say to the wrongfully imprisoned dissidents across the world: America hears you and we stand with you.

Some years ago I visited with Natan Sharansky in Jerusalem. He described how the prisoners in the Soviet gulag would pass notes from cell to cell: Did you hear what President Reagan said? Evil empire, ash heap of history, tear down this wall.

What this body does makes a difference. What this country does makes a difference, and we should not forget our core values.

Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 224; I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Madam President, reserving the right to object, I wish to make a couple of remarks as to why.

Senator CRUZ, believe it or not, I have actually played a role—particularly in the 1990s—in helping dissidents be released by the Government of China and had some success. We did that by talking to the government.

I think to do this in this way will set back the cause and actually be deleterious to the release of these people, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CRUZ. Madam President, I intend to continue pressing this resolution because I believe we have a moral imperative to speak for freedom. It is one thing to put out press releases, it is another thing to act. I agree with every word in the press release that was issued by Senator FEINSTEIN and Senator LEAHY, and my request is simply to put action to those words.

I tell you, when I visit with Chinese Americans in my State of Texas, I don't want to have to look them in the eyes and tell them I stood with the Chinese Communist Government, the oppressors, instead of standing with Dr. Liu, instead of standing with a Nobel Peace Prize laureate, for fear of embarrassing their oppressors.

There are few things more powerful than embarrassment, than public sunshine. When Ronald Reagan stood before the Brandenburg Gate and said ''Tear down this wall,'' he didn't listen to the voice of timidity say: Now that is going to embarrass the Soviets.

I would note in the White House that the staffers repeatedly crossed out that line of his speech. They said: No, no, no, no, no. That will upset the Soviets. That will set us back diplomatically—the exact same argument, sadly, the senior Senator from California just presented. And each time President Reagan wrote that line back in with his own hand, explaining to those staffers: You don't understand, that is the entire point of giving the speech. That is why I am there because when we speak the truth, the truth has power.

This body—Democratic Senators in this body and Republican Senators in this body—should not be aiding and abetting the oppression of the Chinese Government. We should be standing

and speaking for truth and for freedom, and we should be following the pattern that was successfully demonstrated by Senator GRASSLEY in introducing the resolution naming ''Sakharov Plaza'' in front of the Soviet Embassy.

With that, I yield to my colleague, the senior Senator from Iowa.

Mr. GRASSLEY. Madam President, I appreciate my colleague bringing up the history of Andrei Sakharov Plaza. A lot of people wonder whether this makes much of a difference, what the Senator is attempting to do in the case of the Chinese Embassy. I can tell you it made a big difference. All you have to do is measure the opposition as we were considering the one I introduced several years ago. When the State Department fights hard not to embarrass the Russians, when the city of Washington, DC, fights very hard not to rename a street, then you know you are on the right track, when you have those sorts of people in opposition to you.

The PRESIDING OFFICER. The Senate has an order to proceed to executive session.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Julie Furuta-Toy, of Wyoming, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea; Dennis B. Hankins, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea; Harry K. Thomas, Jr., of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe; and Robert Porter Jackson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

VOTE ON FURUTA-TOY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Furuta-Toy nomination?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) is necessarily absent.

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—93

Alexander	Ernst	Murphy
Ayotte	Feinstein	Murray
Baldwin	Fischer	Nelson
Barrasso	Franken	Paul
Bennet	Gardner	Perdue
Blumenthal	Gillibrand	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Reid
Boxer	Heitkamp	Risch
Brown	Heller	Roberts
Burr	Hirono	Rounds
Cantwell	Hoeven	Sanders
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	King	Scott
Cassidy	Kirk	Sessions
Coats	Klobuchar	Shaheen
Cochran	Lankford	Shelby
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Corker	Manchin	Tester
Cornyn	Markey	Tillis
Cotton	McCain	Toomey
Crapo	McCaskill	Udall
Cruz	McConnell	Warner
Daines	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Enzi	Murkowski	Wyden

NOT VOTING—7

Flake	Moran	Vitter
Graham	Rubio	
Kaine	Thune	

The nomination was confirmed.

VOTE ON HANKINS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Hankins nomination?

The nomination was confirmed.

VOTE ON THOMAS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Thomas nomination?

The nomination was confirmed.

VOTE ON JACKSON NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Jackson nomination?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CYBERSECURITY INFORMATION SHARING ACT OF 2015—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 11 a.m. on Tuesday, October 27, the postcloture time be considered expired on amendment No. 2716 and the Senate vote in relation to the following amendments in the order listed: Wyden, No. 2621, as modified; Heller, No. 2548, as modified; Leahy, No. 2587, as modified; Flake, No. 2582; Franken, No. 2612, as further modified; that following the disposition of the Franken amendment, the Senate recess until 2:15 p.m. for the weekly conference meetings; that the time from 2:15 p.m. until 4 p.m. be equally divided in the usual form; and that at 4 p.m. on Tuesday, the Senate vote in relation to the following amendments in the order listed: Coons, No. 2552, as modified; Cotton, No. 2581, as modified; Burr-Feinstein, substitute No. 2716, as amended, if amended; further, that if cloture is invoked on S. 754, all postcloture time be yielded back, the bill be read a third time, and the Senate vote on passage of S. 754, as amended, if amended, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROTECTING OUR INFANTS ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 246, S. 799.

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

The bill clerk read as follows:

A bill (S. 799) to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome.

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

S. 799

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Our Infants Act of 2015''.

SEC. 2. ADDRESSING PROBLEMS RELATED TO PRENATAL OPIOID USE.

(a) REVIEW OF PROGRAMS.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall conduct a review of planning and coordination related to prenatal opioid use, including neonatal abstinence syndrome, within the agencies of the Department of Health and Human Services.

(b) STRATEGY.—In carrying out subsection (a), the Secretary shall develop a strategy to address gaps in research and gaps, overlap, and duplication among Federal programs, including those identified in findings made by reports of the Government Accountability Office. Such strategy shall address—

(1) gaps in research, including with respect to—

(A) the most appropriate treatment of pregnant women with opioid use disorders;