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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You have withheld nothing we need. Today, meet the needs of our lawmakers. Give them so much more than they expect or deserve that they will sing praises for Your goodness. In these days of unprecedented challenges and opportunities, empower them with faith, courage, and good will to make the world a better place. Lord, use them as Your servants to bring healing to our Nation and world.

Today we also pray for the ill, the bereaved, the infirmed, the discouraged, and the lonely. Keep them as the apple of Your eye; hide them in the shadow of Your wings.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

PROTECTING FAMILIES AFFECTED BY SUBSTANCE ABUSE ACT

Mr. MCCONNELL. Mr. President, by now, many know the numbers. Overdose deaths in Kentucky were responsible for more than 1,000 deaths in 2014 alone. This is a devastatingly high number, among the highest rates in the Nation, but it is even more heartbreaking when you consider the real-world toll substance abuse can take on friends and family members, not to mention their children.

The trickle-down effects of opioid and heroin abuse are palpable and widespread, lasting and cyclical, but there are steps we can take today to help families impacted by drug abuse and keep more families from ever going through it to begin with. That is why I am proud to join my colleague, the senior Senator from Iowa, in introducing the Protecting Families Affected by Substance Abuse Act, which would reauthorize grants to help children in foster care or at risk of being placed there because of their parents' drug habits. This is what one Kentucky group said about their experience with these grants:

> The Regional Partnership Grants have been integral to the implementation of Kentucky-START, which has helped more than 800 Kentucky families and more than 1,600 Kentucky children. It's programs like these, which focus on better outcomes for children and safely reuniting families, that are helping combat the negative effects of the opioid, heroin, and other drug epidemics facing the Commonwealth.

I am also proud of the work that is being done in the Commonwealth to address the opioid crisis, particularly in rural communities. For instance, the Appalachia High Intensity Drug Trafficking Areas Program, HIDTA, was recently recognized by Director Botticelli and the Office of National Drug Control Policy as the top program of its type for 2015. I recognize all they have done in the fight against drug trafficking and illegal drug use. I have no doubt that without their efforts and those of the other leaders in the Commonwealth, the toll of the epidemic would be much greater than it already is.

So whether it is working to support the local HIDTAs or working together with the senior Senator from Iowa and me to pass our legislation to reauthorize grants for local communities, there are many opportunities for Senators to help ensure we respond to the drug epidemic wreaking havoc on our communities at home. For example, there are a number of other important pieces of related legislation in the Senate.

This week Senators discussed one of these bills in the Finance Committee. It would allow Medicare Advantage and Part D plans to implement a prescription drug abuse prevention tool similar to what is already available and used in Kentucky in the Medicaid Program and in private plans. I was proud to join the junior Senator from Pennsylvania as a cosponsor of that bill as well.

Of course, there is the Comprehensive Addiction and Recovery Act, CARA. The junior Senators from Ohio and New Hampshire have been leading the charge on that effort, and I thank the chairman of the Judiciary Committee, Senator GRASSLEY, and the chairman of the HELP Committee, Senator ALEXANDER, for working together to have the bill reported out of Judiciary, and it came out of the Judiciary Committee on a voice vote.

In the coming days we will be working to move that important bipartisan bill forward. It has garnered a great deal of support from both sides of the aisle because of its provisions to expand prevention and educational efforts, strengthen prescription drug-monitoring programs, improve treatment programs, and give law enforcement officials more of the tools it needs to address this awful epidemic.

With bipartisan support, we can pass legislation such as CARA and the others I have discussed today in order to promote healthier families and a healthier country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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CONFIRMATION OF ROBERT CALIFF

Mr. MCCONNELL. Mr. President, in the meantime, we took a step forward yesterday by confirming the new FDA Commissioner, Dr. Robert Califf. In a recent meeting with Dr. Califf, I expressed my concerns regarding the epidemic at hand and the need for more action by the FDA.

I was encouraged by Dr. Califf's recognition that the opioid epidemic is a serious problem and the FDA must do a better job of addressing it. Dr. Califf received broad bipartisan support yesterday in the Senate, and we look forward to working with him. I will continue to hold him accountable to lead the FDA in a new direction to help prevent dependence and abuse of prescription opioids.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

OPIOID ADDICTION

Mr. REID. Mr. President, I join the Republican leader on the need to address the scourge of opioid addiction. It is a scourge. That is why it is more important than ever that we back our words with real solutions, real resources.

That is why the amendment by Senator SHAHEEN to the opioid bill will be important. I hope it gets every consideration, and I hope it passes.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, I start with a statement the Republican leader made on the Senate floor in 2007: ''I will never agree to retreat from our responsibility to confirm qualified judicial nominees.''

I wish to repeat: ''I will never agree to retreat from our responsibility to confirm qualified judicial nominees.''

My Republican counterpart said that. They are his own words.

Fast forward 9 years to today, now. Not only is the senior Senator from Kentucky abandoning his responsibility to confirm a Supreme Court Justice, he is leading the entire Republican caucus to retreat from their constitutional obligation. This is unfortunate because the Republican leader was right 9 years ago. As Senators, we have a responsibility to uphold a number of things, but one certainly is the Constitution. That responsibility is clearly outlined in the oath we take before we are sworn into office—right there. Every one of them has done it. What are we asked to confirm, to swear to? We swear to ''support and defend the Constitution of the United States.'' We swear to ''bear true faith and allegiance to the same.'' We swear to ''faithfully discharge the duties of office.'' I wish to repeat that. We swear to ''faithfully discharge the duties of office.''

One cannot see how Republicans can claim to uphold this oath as they block the President from appointing a new Supreme Court Justice. Senate Republicans are making pledges of a different sort these days. They have vowed to not hold hearings—even though denying a hearings is unprecedented in history. They have sworn not to meet with the President—I am sorry, with his nominee and maybe even him. He has been waiting for word from the chairman of the Judiciary Committee and the Republican leader to find out if they are willing to come and meet with him in the White House. That has been going on for several days now. They have sworn not to meet with the President's Supreme Court nominee, even though they don't know who that person might be. By refusing to hold confirmation hearings for President Obama's Supreme Court nominee or to hold a vote, they undermine the Presidency, the Constitution, and the Senate.

Senate Republicans are known—and have been for some time now—as a set of human brake pads, obstructing, filibustering virtually everything President Obama has had on his agenda, but this raises obstruction to a new level never seen before in this country—the Supreme Court: no hearings, no vote, and yesterday even more. They even refuse to meet with this man or woman who is going to be nominated—no meetings, no meetings with the nominee to the Supreme Court, a person put forth by the President of the United States because the Constitution states he shall nominate. He has no discretion, he shall nominate.

By refusing to even sit or talk with any nominee, they make a mockery of the office to which the American people elected them.

Think about this. Republicans will not do their due diligence by speaking with a nominee to assess his or her qualifications. Meeting with the nominee is basic. Holding a hearing is routine. These things are common sense, so why won't Republican Senators make an effort to uphold their constitutional responsibilities?

U.S. Senators have an obligation to evaluate the Presidential nominations, not only for the Supreme Court but for every nomination that comes forward—but especially the Supreme Court. That means sitting down with the nominee. That means holding hearings to learn about their record and qualifications for the position, and that means a vote.

The senior Senator from Texas said the same about 7 years ago. After Justice Sonia Sotomayor was nominated, the assistant Republican leader told C–SPAN that ''my own view is that we ought to come with an open mind and do the research and do the reading . . . and then be able to ask the nominee about them.''

What he said, the senior Senator from Texas, is that his view is that we ought to come with an open mind, do the research, do the reading, and then be able to ask the nominee about them. I agree. The Senate should be able to research the background of the President's Supreme Court nominee and ask any questions they may have about them. Why—why—for the first time in history, do we have this situation? Why do Republicans—the Republican Senator from Texas, whom I just quoted, and all Republicans—refuse to even meet with a nominee?

I say to my Republican friends, you cannot offer advice and consent on a nominee you have never met, never considered. It is impossible. Maybe Republicans are hoping the Supreme Court vacancy will just go away, but it will not. Maybe Senate Republicans think they will only endure a few weeks of negative stories—and there have been negative stories, of course. There are no positive stories that I am aware of saying: That is great. For the first time in history you are not even willing to meet with a nominee. I guess they believe the American people will forget about this vacancy, but they will not.

Democrats are going to fight every day to ensure that this important nominee gets a dignified confirmation process that past Senates have afforded all Supreme Court nominations. I, along with every other Member of the Democratic caucus, will be on the floor next week, the week after that, and the week after that, as long as it takes, to bring to the attention of America the failure of this Republican Senate to meet its constitutional mandate.

Pretending the nominee doesn't exist will not make the Supreme Court vacancy go away. It will not make the President's nomination vanish. Rather, it leaves the American people with a Senate full of Republicans who, as the Republican leader said, are ''retreating from their responsibilities.'' That is what the Republican leader said. Their obstruction of the President's Supreme Court nominee is abdication of the oath my Republican colleagues took when they assumed the title of U.S. Senator.

Once again I tell my Republican friends: Don't run away from your responsibilities, just do your job. Do your job.

Mr. President, will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

WATERS OF THE UNITED STATES RULE AND FILLING THE SUPREME COURT VACANCY

Mr. GRASSLEY. Mr. President, I rise for the purpose of showing how one bureaucracy, the Corps of Engineers—and to some extent the EPA working with them—has already made farming very difficult and how, if the waters of the United States rule goes into effect, it can be much worse than even what I am going to be referring to.

Now, I am going to quote word for word a farmer's problem from the Iowa Farm Bureau's Spokesman dated January 27, 2016, and then I am going to make some comments on it.

For that reason, since I am told the next speaker is not going to come until 10:15, I ask unanimous consent to continue until that time.

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

Mr. GRASSLEY. Mr. President, before I start quoting, this is a story about a California farmer by the name of John Duarte, of Tehama County, CA. The title is ''One farmer's ordeal may signal agencies' actions under WOTUS.''

All John Duarte did was hire a guy to plow some grazing land so that he could raise wheat on 450 acres that his family had purchased in California's Tehama County, north of Sacramento. The land had been planted to wheat in the past. The wheat market was favorable and the farmer made sure to avoid some wet spots in the field, called vernal pools, which are considered wetlands.

But that plowing, which disturbed only the top few inches of soil, unleashed a firestorm from the U.S. Army Corps of Engineers, the Environmental Protection Agency, and other regulators against the California Farm Bureau member. The regulators' actions stopped Duarte from raising wheat, tried to force him to pay millions of dollars to restore the wetlands in perpetuity—although there was no evidence of damage—and sparked lawsuits and counter-lawsuits.

Duarte's experience could well turn out to be an example of how the agencies will treat farmers in Iowa and all over the country under the expansive Waters of the United States rule, according to Duarte, his attorneys and experts at the American Farm Bureau Federation.

''This really shows how these agency actions can play out on a specific family farm,'' Duarte said recently during a press conference at the American Farm Bureau Federation annual convention in Orlando. ''We aren't concerned about it because John Duarte is having a bad time with the feds. We are concerned because this is a very serious threat to farming as we know it in America.''

Although the EPA and other agencies continue to say to farmers that the WOTUS rule will not affect normal farming practices, such as plowing, Duarte's case shows that it will, said Tony Francois, an attorney with the Pacific Legal Foundation, which is representing Duarte.

''Anyone who is being told not to worry about the new WOTUS rule, they should be thinking about this case,'' Francois said. ''The very thing they are telling you not to worry about is what they are suing Duarte over—just plowing.''

Don Parish, [American Farm Bureau Federation] senior director of regulatory relations, said a big problem is the wide parameters that the agencies have placed in the WOTUS rule. He noted the rule is filled with vague language like adjacent waters and tributaries, which are difficult to clarify.

As broad as possible. ''They want the Waters of the United States to be as broad as they can get it so it can be applied to every farm in the country,'' Parish said.

Iowa Farm Bureau Federation and other organizations have worked hard to stop the WOTUS rule, which was imposed last year but has been temporarily suspended by court rulings. The rule was designed to revise the definition of what is considered a ''water of the United States'' and is subject to Federal regulations under the Clean Water Act.

But instead of adding clarity, IFBF and others contend the rule has only added ambiguity, leaving farmers, like Duarte, facing the potential of delays, red tape and steep fines as they complete normal farm operations, such as fertilizing, applying crop protection chemicals or moving dirt to build conservation structures.

Another problem, Duarte said, is that the agencies are piling the WOTUS law with other laws, such as the Endangered Species Act, to dictate how farmers use their own land or to keep them from farming it at all.

''They aren't just trying to micromanage farmers. They're trying to stop farmers,'' Duarte said. ''They're trying to turn our farmland into habitat preservation. They are simply trying to chase us off of our land.''

Duarte, who operates a successful nursery that raises grapevines and rootstock for nut trees, was first contacted by the Corps of Engineers in late 2012. In early 2013, the Corps sent a cease-and-desist letter to Duarte, ordering suspension of farming operations based on alleged violations of the CWA.

The Corps did not notify the farmer of the allegations prior to issuing the letter or provide Duarte any opportunity to comment on the allegations.

The agency, Duarte said, wrongly accused him of deep ripping the soil and destroying the wetlands in the field. However, he had only had the field chisel plowed and was careful to avoid the depressions or vernal pools.

It's also important to note, Duarte said, that plowing is specifically allowed under the CWA. Congress specially added that provision to keep farmers from having to go through an onerous permitting process for doing fieldwork, he said.

Deciding to Fight.

That is a headline.

Instead of capitulating to the Corps, Duarte decided to fight the case in court.

His lawsuit was met by a countersuit from the U.S. Justice Department, seeking millions of dollars in penalties. The case is expected to go to trial in March.

Meaning March right around the corner.

The case, Duarte said, has raised some absurd charges by the agencies. At one point, the government experts claimed that the bottom of the plowed furrows were still wetlands, but the ridges of the furrow had been converted to upland, he said.

In another, an agency official claimed that Duarte had no right to work the land because it had not been continuously planted to wheat.

However, he said, the previous owner had stopped planting wheat because the prices were low.

''They said it was only exempt if it was part of an ongoing operation,'' Duarte said. ''There is no law that says farmers have to keep growing crop if there is a glut and prices are in the tank. But by the Corps thinking, if you don't plant wheat when it is unprofitable, you lose your right to ever grow it again.''

Duarte also noted that when federal inspectors came out to his farm, they used a backhoe to dig deep pits in the wetlands. ''If you do that, you can break through the impervious layer and damage the wetland, but it does not seem to be a problem if you are a government regulator.''

To date, his family has spent some $900,000 in legal fees.

Let me say something parenthetically here. If we had to spend $900,000 in legal fees, the Grassleys might as well get out of farming. Now I want to go back to quoting, so I am going to start that paragraph over.

To date, his family has spent some $900,000 in legal fees. That is separate from the work by the Pacific Legal Foundation, which represents the clients it takes for free and is supported by foundations.

It would have been easier, and cheaper, to comply with the wishes of federal agencies and given up use of the land. Many California farmers who found themselves in a similar situation have done just that, Duarte said.

Another two-word headline:

Banding together.

However, it's important to stand and fight the agencies' attempt to bend the CWA, Endangered Species Act and other laws to take control of private lands. And it's important for farmers to band together with Farm Bureau and other groups that oppose the WOTUS rule.

''We are not against the Clean Water Act or the Endangered Species Act as they were intended,'' Duarte said. ''But this is not how those acts are supposed to be enforced. We are getting entangled in regulation, and the noose seems to be tighter every year.''

I said that I would comment after I read that. For people who may be just listening, I just read an article that ran on the front page of the Iowa Farm Bureau Spokesman. The problems illustrated by this article are all occurring under current law with regard to farmers wanting to make a living by planting wheat in their fields. In the case of Mr. Duarte, government regulations from the EPA and the Corps of Engineers are making his life miserable with the threats of millions of dollars of fines.

As the article stated, regulators at one point tried to claim that ''the bottom of the plowed furious were still wetlands, but the ridges of the furrow had been converted to upland.'' That is ridiculous. The EPA is out of control.

You might remember the fugitive dust rule of a few years ago. I don't think now they are trying to push it, but the EPA was going to rule that you had—when you are a farming operation, you have to keep the dust within your property lines. So I tried to explain to the EPA Director: Do you know that only God determines when the wind blows? When you are a farmer and your soybeans are at 13 percent moisture, you have about 2 or 3 days to save the whole crop and get it harvested.

The farmer does not control the wind. The farmer does not control when the beans are dry, ready for harvest. When you combine soybeans, you

have dust. There is no way you can keep that dust within your boundaries. But as Washington is an island surrounded by reality, you can see the fugitive dust rule does not meet a commonsense test, and you can see that what they are trying to do to Duarte does not reach a commonsense test.

Again, referring to the newspaper article I just read, if the EPA and the Corps of Engineers are going around to farmers' fields making determinations about wetlands based on tillage practices under current law, imagine what they might do if this new waters of the United States rule goes into effect—now being held up by the courts.

Just think how you would feel if your family farm had survived for decades, overcoming droughts, overcoming flooding, overcoming price declines—and you can name 10 other things that a farmer has no control over—and then you have to put up with this nonsense. However, one day a government regulator could show up at your farm and hit you with excessive fines, and the next thing you know, your family farm is being auctioned off. That may sound absurd, but that is the reality of threats posed by the EPA. Mr. Duarte's case is the proof.

We have no shortage of assurances from the EPA Administrator that the plain language in the WOTUS rule will not be interpreted in a way that interferes with farmers. It is hard to take some assurances seriously when they are interpreting current law in such an aggressive way.

We have to stop the WOTUS rule so the bureaucrats don't become even more powerful. The WOTUS rule is too vague and allows way too much room for regulators to make their own interpretations about jurisdiction. So we should all continue to fight against the WOTUS rule and all other actions the EPA is taking that are ridiculous actions against farmers.

We have checks and balances in government. The Congress tried three times to stop the WOTUS rule. Senator BARRASSO tried to pass legislation taking away the authority or modifying the authority. That got about 57 votes but not 60 votes, so that could not move forward. The junior Senator from Iowa, my friend Senator ERNST, got a congressional veto through, a resolution of disapproval, with 52 votes. It went to the President. He vetoed it. So we did not override it that way. Then, of course, we tried an amendment on the appropriations bill, but we could not get that into the appropriations bill before Christmas. So we have tried three things. But thank God the courts have held up WOTUS through the Sixth Circuit Court of Appeals. So temporarily, at least, waters of the United States can't move ahead.

This brings back something that is very current right now: Why should we be concerned about who the next person on the Supreme Court is going to be? Because we have a President who said: I have a pen and a phone, and if Congress won't act, I will.

This sort of executive action by the EPA and the Corps of Engineers is kind of an example of the WOTUS rules, kind of an example of what we get out of this President. The President packed the DC Circuit Court of Appeals, which reviews these regulations, so they are going to have a friendly judge who says that whatever these bureaucrats do that may even be illegal or unconstitutional, they can get away with it.

Then, if that goes to the Supreme Court—we had an example just recently, about 1 week or so before Scalia died—a 5-to-4 ruling holding up some other ridiculous EPA rules.

Everybody wonders why everyone around here is saying they are concerned about who is going to be on the Supreme Court. It's because of these 5-to-4 decisions. We're concerned about the role of the Supreme Court in our constitutional system. The American people deserve to have their voices heard before the Court becomes drastically more liberal. I bet the Presiding Officer has people come to his town meetings, as I do, and say: Why don't you impeach those Justices, because they are making law, instead of interpreting law as the Constitution requires?'' Well, you can't impeach a Justice for that. But this does raise something very basic: What is the role of the Supreme Court in our constitutional system? It hasn't been debated in Presidential elections for I don't know how long. There is a chance for this to be debated in the Presidential election and maybe lay out very clearly where Hillary Clinton or BERNIE SANDERS is coming from on one hand, or where our Republican nominee, whoever that is going to be, is coming from and what type of people they are going to put on the Court.

I have about 30 seconds, and I will be done.

We are presented with an opportunity, here. The American people have an opportunity to debate about the proper role for a Supreme Court Justice. The American people can decide whether they want another Justice who just decides cases based on what they feel in their ''heart,'' and who buys into this notion of a ''living Constitution,'' or whether they want a man or woman who believes the text means what it says on the Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Pennsylvania.

STOPPING MEDICATION ABUSE AND PROTECTING SENIORS ACT

Mr. TOOMEY. Mr. President, I rise this morning to address a huge problem that is happening in every one of our States and in all of our communities and to talk about a bill that is meant to be helpful in this area. It is about the huge problem we have with opioid abuse, opioid addiction, including both prescription and heroin addiction and abuse. This is an epidemic that is truly unbelievable in scale. It is affecting people of all ages, all ethnic groups, all demographics, all income classes, all geography. It is everywhere, and it is a huge problem. I have heard about it in every county I have visited in my State. In all 67 counties of Pennsylvania, I have heard about how big this problem is. In fact, more Pennsylvanians will die this year from heroin overdoses and the misuse of opioid painkillers than from the flu or homicides.

I wanted to learn more about this, so last fall I convened a hearing of the Senate Finance Subcommittee on Health Care, which I chair. Senator CASEY joined me in that hearing at Allegheny General Hospital in Pittsburgh, where we had this, to learn more to understand about the nature and scale of this huge opioid addiction problem and what we might do about it. I was surprised when I got to the room. It was a huge auditorium, and it was standing room only. The room was completely packed with people because this epidemic is affecting virtually every family. It affects almost all of us at some level and in some way. It is tearing families apart. It is taking the lives of people who are in the prime of their lives. It is a huge problem.

The hearing was very helpful in illuminating some aspects of the nature of the problem. We had medical professionals who are dealing with the treatment, and we had people who are suffering from addiction. A recovering addict who has put her life back together told a very compelling story about what she went through. We had people in law enforcement. So we had a lot of testimony with different perspectives.

One of the things I took away is that there are at least three categories of ways we can help try to deal with this huge scourge. One is the problem of the overprescription of narcotics, the overprescription of painkillers, opioids, which are chemically very similar to heroin. A lot of people begin their addiction with these prescriptions, and then when they can no longer obtain or afford the prescription opioids, they move on to nonprescription forms, such as heroin, and it usually goes downhill very dramatically from there. So reducing overprescription has to help. There are ways to deal with that. A second is to reduce the diversion of these opioids when they are being prescribed. My legislation really does focus on that. The third is, we need better treatment and we need better outreach. We need better ways of treating people. We need to treat the addiction, but also, many people find themselves addicted after they develop a mental health problem that is an underlying problem that contributes to the addiction. We have to do a better job identifying and helping people with mental health problems.

We have many aspects to this challenge that arises from this terrible epidemic, but let me focus in on one aspect of this, the overprescription and the diversion of prescription narcotics.

The Government Accountability Office estimated that in 1 year alone, there were 170,000 Medicare beneficiary enrollees engaged in doctor shopping. Doctor shopping is the process whereby a person goes to multiple doctors, gets multiple prescriptions for perhaps the same opioid—maybe oxycodone or some other kind of painkiller—then goes to multiple pharmacies to get them all filled and ends up walking out of the pharmacy with a huge quantity of these very powerful, very addictive opioids, which they then sell on the black market. It is a very valuable commodity on the black market. The GAO found that there was one beneficiary who visited 89 different doctors in a single year, all for the same kind of prescriptions. There is another beneficiary who received prescriptions for 1,289 hydrocodone pills. That is a 490-day supply. You are not supposed to get more than a 30-day supply.

The inspector general found that a midwestern pharmacy billed Medicare for reimbursement of over 1,000 prescriptions for each of just 2 beneficiaries—1,000 prescriptions per beneficiary—and one physician ordered all the prescriptions for one of those beneficiaries.

Last April, the DEA indicted two doctors in Mobile, AL, who were writing prescriptions for massive amounts of pain pills that were then filled at the pharmacy next door to the pain clinic they also owned.

The examples go on and on. This is fraud. Let's be clear that that is what it is. This is fraud. This is people who are systemically abusing these programs so they can obtain commercial-scale quantities of a very valuable narcotic, which is also very dangerous and very addictive, because it can be lucrative. Why is it lucrative? In part, because the American taxpayer pays for their supply. That is how outrageous this is. People are getting multiple prescriptions, going to multiple pharmacies, and when the prescription is filled at all of these pharmacies on these multiple occasions, the bill is submitted to Medicare, and Medicare reimburses.

Think about this. We have this criminal enterprise where the supply of narcotics is being paid for by taxpayers, and then the people who fraudulently obtain these drugs go out and sell them in what I am sure is a very lucrative arrangement. This is beyond outrageous; It is the description of the obviously fraudulent.

There is another category of people who end up with multiple prescriptions and it is completely innocent. There is no criminal intent whatsoever, no criminal activity. It is especially elderly people who have multiple illnesses and they have different doctors who treat them. In many cases, there is not a good coordination of the care for those patients. There is nobody coordinating what all of the doctors are doing, so doctors separately and—if it weren't for what other doctors are doing—appropriately give a prescription for a powerful narcotic. They don't know there is another doctor doing the same thing. This patient unwittingly ends up with an excessive quantity of these opioids, which dramatically increases the risk that the patient will become addicted and will suffer any number of very harmful consequences.

So we have the fraudulent cases of excessive prescriptions and then we have the innocent cases, but both are problems. The legislation I have introduced addresses both problems. First, I want to thank the cosponsors, the coauthor of the bill. Senator SHERROD BROWN from Ohio is the lead Democrat on this bill. It is a bipartisan bill. Senator PORTMAN and Senator KAINE have also been very helpful. They are original cosponsors of the bill. It is called Stopping Medication Abuse and Protecting Seniors Act. We now have 25 cosponsors.

We had a very constructive hearing last week in the Senate Finance Committee about this legislation, this approach. Senator HATCH said he hopes the bill will move very soon. I hope the bill will move very soon. It is very important.

Here is what it does. When Medicare discovers that a beneficiary is obtaining multiple prescriptions well beyond what any individual should appropriately have, then Medicare would have the authority to require that person to get their prescriptions in the future from one doctor and get it filled at one pharmacy. It is called lock-in because you are locked in to a single doctor and you are locked in to a single pharmacy. In one step, that would go a very long way to making it very difficult to commit this kind of fraud or to accidentally obtain more prescriptions than you ought to have.

This procedure is not a new concept. It already exists in Medicaid. It is used every day in Medicaid to protect innocent people from excessive prescriptions and to protect taxpayers from fraudulent abuse. It is done by private carriers all the time. Private health insurance carriers use this lock-in mechanism when they discover excessive prescriptions being written. It is designed in a way—as these other programs are, the private and Medicaid—so that no one who legitimately needs a prescription—because there are legitimate prescriptions for opioids and for narcotics. No one who has a legitimate need will have an access problem. People will still be able to obtain exactly what they need. The lock-in applies only to a narrow category of controlled substances, schedule II controlled substances, which is what we think is appropriate.

I think this is going to be very helpful. It is going to help opioid-addicted seniors be identified as such so they can get the treatment they need. It is going to stop the diversion of these powerful narcotics. It is going to save taxpayers money. CBO estimates that $79 million over 10 years will be saved by bringing an end to these illegal prescriptions. And it is going to reduce the quantity of these terribly powerful drugs on the streets.

This legislation has very broad bipartisan support. Just last weekend the National Governors Association came out fully in favor of adding a lock-in provision for Medicare. We had nearly identical language passed in a bill in the House as part of the 21st-century cures legislation, which passed overwhelmingly. The support includes the President of the United States. His budget has repeatedly asked Congress to give Medicare this authority. CMS's Acting Administrator, Andy Slavitt, just recently, before our committee, said this legislation makes ''every bit of sense in the world.'' We have the support of the CDC Director; the White House drug czar; Pew Charitable Trusts; Physicians for Responsible Opioid Prescribing; many law enforcement groups; senior groups, such as the Medicare Rights Center. This is a list of just some who support this legislation.

This is really just common sense. We already have this capability in Medicaid. We already have this capability in private health insurance. It is long past due that Medicare have the ability to protect seniors from accidental excessive prescriptions but also to prevent people from committing fraud, which we know is happening on a very large scale today.

I am not aware of any opposition to this. We have broad bipartisan support. I am hoping we can get this passed very soon, certainly in the next week or so. The House will certainly pass this, as it already has as part of the 21st-century cures legislation, and we can get this to the President and get this signed into law and start to help save lives and save taxpayers money at the same time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

SMARTPHONE SECURITY

Mr. NELSON. Mr. President, on December 2, 2015, 14 innocent souls in San Bernardino were gunned down in a violent act of terrorism, and it involved one of these, an iPhone. This item has become ubiquitous, and a lot of us carry them around in our pocket. Yet almost 3 months later, law enforcement has not been able to fully access the iPhone—the one used by the terrorists in gunning down these 14 people. The information on this particular iPhone could shed some light on how he planned the attack with his wife and would obviously give authorities an opportunity to see if others were involved in the attack. The contacts in that

iPhone could indicate whether there were other terrorists in the United States or abroad who helped them in that attack. Yet 3 months after these murders, the FBI cannot access the contents of the iPhone because a security feature on the iPhone potentially erases its contents after 10 incorrect passwords are entered. The maker of the iPhone, Apple, says it would need to develop new software—software that it claims does not exist today—in order to disable that feature.

If this security feature were to be disabled by Apple, the FBI could use what it calls ''brute force attack,'' which is the ability to run different combinations of numbers through the iPhone in milliseconds, to try to assess the different password combinations in order to gain access to the iPhone, but they still don't have access even though the court is involved.

Last week a Federal magistrate judge ordered Apple to provide reasonable technical assistance to the FBI in order to provide access to the perpetrator's iPhone. Apple opposes this order, given the concerns that technology developed to intentionally weaken its security features could be abused if it is in the wrong hands. In other words, there would not be the privacy concern. They claim it would put smartphone users' data and privacy at risk. It is a legitimate argument. They also view the Federal magistrate judge's order as an example of government overreach.

Well, in response the Department of Justice filed a motion in district court to compel Apple to comply with the magistrate judge's order, and because of the complicated nature of the issues of national security, individual privacy, which we value, and First Amendment questions involved, there will no doubt be prolonged litigation that may ultimately have to be resolved by the U.S. Supreme Court.

I certainly understand the risk to Americans' privacy, as expressed by Apple and other technology companies, but I don't want to run the risk of letting the trail go so cold on this terrorist attack—and potentially other similar cases—that we lose this valuable information all because this is winding itself through months and years in the courts. In other words, we need to know what was behind this attack. Everybody recognizes that this was a terrorist attack. We need to obtain this information in order to get to the bottom of it and root out and see if there are other terrorists in the country planning to do the same thing so we can protect our people and our national security. There has to be a way that the FBI can get the information it needs from the terrorist's iPhone in a manner that continues to protect American smartphone users.

Now, surely common sense can prevail here. This is why this Senator urges Apple and the FBI to work together in order to resolve the stalemate.

Let me go back over this again. We have a dead terrorist. He and his wife killed 14 Americans. We have that dead terrorist's iPhone, and we have a Federal judge's order that says we have the right to get that information in order to protect the Nation and its people. It is just like if we had this terrorist, dead or alive, and we needed to get an order to invade that person's privacy to get into their home and get evidence to protect the Nation from other terrorist attacks. There would certainly be no objection to that. The judge's order would be the protector of that privacy. This is a similar situation, except the FBI has an iPhone and they still can't get the information in it.

What if this terrorist were not an American citizen and this terrorist were illegally in the United States? Would the same standard apply? I think Apple would say yes. We can draw up the different scenarios, but the bottom line is we are going to have to protect our people. That is why this Senator urges Apple and the FBI to work together in order to resolve the stalemate. I understand that consideration must be given as far as the protection of privacy in people's iPhones. We have always found a way to balance our cherished right to privacy and our cherished right of securing ourselves and our national security, and that is what is needed in this case. The safety and security of our fellow Americans depend on it. Otherwise, when the next terrorist strikes—51 percent of Americans who have been surveyed today say they feel the government needs access to this information to protect against future attacks. If the next attack happens and information is on an iPhone, that 51 percent will soar and it will be very clear that the American people support the protection of our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FILLING THE SUPREME COURT VACANCY

Mr. GRASSLEY. Mr. President, yesterday the minority leader came to the floor to disparage the work of the Senate Judiciary Committee and also disparage the work of the Senate as a whole. And, of course, as he does from time to time, he launched into a personal attack against me. Now, that is OK. I don't intend to return the favor. I love Senator REID. I don't want to talk about the nuclear option and the tremendous damage that did to the Senate, not to mention the years and years that Democratic Senators had to endure his leadership without even being able to offer an amendment. There is at least one Democratic Senator, who was defeated in the last election, who never got a chance to get a vote on an amendment during the entire 6 years he was in the Senate.

We all know that is how some people act when they don't get their own way, but childish tantrums are not appropriate for the Senate. I think if my friend Senator BIDEN had been in the Chamber yesterday, he would have said—as we have heard him say so many times—''that is a bunch of malarkey.''

I didn't come to the floor today to talk about the minority leader. However, I did want to follow up on my remarks from earlier this week on the Biden rules. Now, in fairness, Senator BIDEN didn't just make these rules up out of thin air. His speech, back in 1992, went into great historical detail on the history and practice of vacancies in Presidential election years. He discussed how the Senate handled these vacancies and how Presidents have handled and should handle them. Based on that history and a dose of good common sense, Senator BIDEN laid out the rules that govern Supreme Court vacancies arising during a Presidential election year, and of course, he delivered his remarks when we had a divided government, as we have today, in 1992.

Now, the Biden rules are very clear. My friend from Delaware did a wonderful job of laying out the history and providing many of the sound reasons for these Biden rules, and they boil down to a couple fundamental points. First, the President should exercise restraint and ''not name a nominee until after the November election is completed.'' As I said on Monday, President Lincoln is a pretty good role model for this practice. Stated differently, the President should let the people decide. But if the President chooses not to follow President Lincoln's model but instead, as Chairman BIDEN has said, ''goes the way of Fillmore and Johnson and presses an election-year nomination,'' then the Senate shouldn't consider the nomination and shouldn't hold hearings. It doesn't matter ''how good a person is nominated by the President.'' Stated plainly, it is the principle, not the person, that matters.

Now, as I said on Monday, Vice President BIDEN is an honorable man and he is loyal. Those of us who know him well know this is very true, so I wasn't surprised on Monday evening when he released a short statement defending his remarks and of course, as you might expect, defending the President's decision to press forward with a nominee. Under the Constitution, the President can do that. Like I predicted on Monday, Vice President BIDEN is a loyal No. 2, but the Vice President had the difficult task of explaining today why all the arguments he made so cogently in 1992 aren't really his view.

It was a tough sell, and Vice President BIDEN did his best Monday evening, but I must say that I think Chairman BIDEN would view Vice President BIDEN's comments the same way he viewed the minority leader's comments yesterday. He would call it like he sees it and as we have so often heard him say: It is just a bunch of malarkey. Here is part of what Vice President

BIDEN said on Monday. It is a fairly long quote.

''Some critics say that one excerpt of a speech is evidence that I do not support filling a Supreme Court vacancy during an election year. This is not an accurate description of my views on the subject. In the same speech critics are pointing to today, I urge the Senate and the White House to overcome partisan differences and work together to ensure the Court function as the Founding Fathers intended.''

That doesn't sound consistent with all of those Biden rules I shared with my colleagues on Monday. So we ask: Is it really possible to square Chairman BIDEN's 1992 election-year statement with Vice President BIDEN's 2016 election-year statement? Was Chairman BIDEN's 1992 statement really just all about greater cooperation between the Senate and the White House? When Chairman BIDEN said in 1992 that if a vacancy suddenly arises, ''action on a Supreme Court nomination must be put off until after the election campaign is over,'' was he simply calling for more cooperation? When he called for withholding consent ''no matter how good a person is nominated by the President,'' was he merely suggesting the President and the Senate work together a little bit more? When he said we shouldn't hold hearings under these circumstances—was that all about cooperation between the branches?

Since we are talking about filling Justice Scalia's seat, it seems appropriate to ask: How would he solve this puzzle? I suppose he would start with the text. So let us begin there.

In 1992, did Chairman BIDEN discuss cooperation between the branches? Yes, in fact, he did. So far, so good for Vice President BIDEN, but that can't be the end of the matter because that doesn't explain the two vastly different interpretations of the same statement. Let us look a little more closely at the text. Here is what Chairman BIDEN said about cooperation between the branches: ''Let me start with the nomination process and how the process might be changed in the next administration, whether it is a Democrat or a Republican.''

Remember, again, I emphasize that was during the 1992 election year. We didn't have to search very long to unearth textual evidence regarding the meaning of Chairman BIDEN's words in 1992. Yes, he shared some thoughts about how he believed the President and Senate might work together, but that cooperation was to occur ''in the next administration''—in other words, after the Presidential election of 1992, after the Senate withheld consent on any nominee ''no matter how good a person is nominated by the President.''

So the text is clear. If you need more evidence that this is an accurate understanding of what the Biden rules mean, look no further than a lengthy Washington Post article 1 week prior. In that interview he made his views quite clear. He said: ''If someone steps down, I would highly recommend the president not name someone, not send a name up.'' And what if the President does send someone up?—''If [the President] did send someone up, I would ask the Senate to seriously consider not having a hearing on that nominee.''

Specifically, my friend Chairman BIDEN said: ''Can you imagine dropping a nominee after the three or four or five decisions that are about to be made by the Supreme Court into that fight, into that cauldron in the middle of a presidential [election] year?''

Chairman BIDEN went on: ''I believe there would be no bounds of propriety that would be honored by either side. . . . The environment within which such a hearing would be held would be so supercharged and so prone to be able to be distorted.''

At the end of the day, the text of Chairman BIDEN's 1992 statement is very clear. So, in 2016, when he is serving as a loyal No. 2 to this President, Vice President BIDEN is forced to argue that the Biden rules secretly mean the exact opposite of what they say. Ironically, that is a trick Justice Scalia taught us all to recognize and to reject on sight. We know we should look to the clear meaning of his text, as Justice Scalia taught us. This was not a one-off comment by Senator BIDEN. It was a 20,000-word floor speech forcefully laying out a difficult and principled decision. It relied on historical precedent. It relied upon respect for democracy. It relied on respect for the integrity of the nomination process. There is no doubt what Senator BIDEN meant.

Of course there is a broader point, and I hope in the next several months we concentrate on his broader point. That is this. Words have meaning. Text matters. Justice Scalia devoted his adult life to these first principles. Do the American people want to elect a President who will nominate a Justice in the mold of Scalia to replace him? Or do they want to elect a President Clinton or SANDERS who will nominate a Justice who will move the Court in a drastically more liberal decision? Do they want a Justice who will look to the constitutional text when drilling down on the most difficult constitutional questions or do they want yet another Justice who, on those really tough cases, bases decisions on ''what is in the Judge's heart,'' as then-Senator Obama famously said.

It comes down to this. We have lost one of our great jurists. It is up to the American people to decide whether we will preserve his legacy.

More importantly, do you want a Justice who follows the text of the Constitution? Do you want a Justice who follows the text of the law?

Or, do you want a Justice who makes decisions based on his or her ''heart''? This is a debate we should have. This is a debate I hope we will have. This is a debate I hope will be part of the three or four national presidential debates between Nominee Clinton or SANDERS on one side, and whomever the Republicans nominate on the other side. The American people should have this debate. And then we should let the American people decide.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I will thank my colleague from Iowa. I hoped to get a chance to speak to him personally about another matter, but I will call him from the floor afterward. We will get in touch. Senator HATCH is here. I don't want to delay the proceedings of the Senate, but I would like an opportunity to respond on this issue that was raised by Senator GRASSLEY.

Senator GRASSLEY of Iowa is my friend. Politicians say that sometimes and mean it, and say it sometimes and don't mean it. I mean it. We have become friends as neighboring States and sharing a lot of plane rides together, serving on the same committee, serving in the same body for a number of years, and I respect him very much. We have different points of view on many things, but we found common agreement on many other things. So I do respect him when I say that at the outset as I respond to his remarks.

What is this about? This is about the passing of Justice Scalia and whether his seat on the Supreme Court will be filled, and if it will be filled, who will do it and when. The first place for us to turn when it comes to asking questions is the one document, the only document, that matters, the U.S. Constitution. It is this document that we literally all swore to uphold and defend, every one of us, Democrat and Republican. It is this document that is explicit, not making a suggestion but really spelling out the responsibilities when it comes to a vacancy on the Supreme Court, and it is article II section 2. Article II, section 2 says that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.'' Shall.

It is our responsibility under this Constitution to do this. It is amazing to me in the history of this Republic, guided by this great document, we have reached a point in the year 2016 where those simple words, directions in the Constitution, are being challenged and ignored by the Republican majority because, you see, there has never—underline the word never—been a moment in history when the Senate has refused to extend a hearing to a Supreme Court nominee until this moment. There has never been a moment in history, never—underline that word—when the Senate has refused a vote on a Supreme Court nominee.

I can't say never, but it is been more than 150 years since we have allowed a vacancy on the Supreme Court to go on for more than a year, as the Republicans in the Senate are determined to do here. That 150 years goes back to the Civil War. So I would say to my colleague from Iowa, you are about to

make history if you stand by this decision. If you decide the Senate Judiciary Committee will not even entertain a nomination to fill the Scalia vacancy on the Supreme Court, it will be the first time in the history of the U.S. Senate—the first. If the Senate Republican leadership makes the decision that even if a nominee is sent they will never allow a vote, it will be the first time in the history of the United States of America. That is why this is such a definitive issue. That is why the position taken by the Senate Republican majority is so different, so unusual, and in some cases so extreme.

The argument is being made on the other side—listen to this argument. This argument is being made: Well, we are in a campaign year. This is a Presidential election year. Who knows who the next President will be. Let the American people choose that President and that President choose the nominee.

It overlooks one basic fact. Three years and three months ago, the American people chose a President. By a margin of 5 million votes, Barack Obama defeated Mitt Romney for President of the United States. They made their selection. Did they elect President Obama for a 3-year term? Let me check the Constitution, but I think it was a 4-year term. Oh, was it 3 years and 3 months? No. It turns out the American people spoke in our democracy by a margin of 5 million votes and said: Barack Obama, you will be President of the United States until January the 20th, 2017. Was there a rider or some exclusion that said you can't appoint a nominee, name a nominee to fill a vacancy on the Supreme Court in the last year of your Presidency? I don't remember that. Perhaps that was the case in some States, but not in Illinois and, to be honest, in no other State.

The President was elected for 4 years. He was given the consent and authority of the American people to govern this Nation for 4 years and to fill the vacancies on the Supreme Court as he is directed to do by the U.S. Constitution.

Now the Senate Republicans have come up with a different spin: No; he may have been elected, but from their point of view, he wasn't given the full power of office. They say Barack Obama was given something less than any other previous President of the United States. They say he was not given the authority to fill a vacancy on the Supreme Court in the last year of his term.

I would like to find the constitutional precedent for that. I invite my colleagues—we have two on the floor. One is the current chairman of the Judiciary Committee, and one is the former chairman of the Judiciary Committee. I invite them to show me that historical, constitutional precedent that says Barack Obama, the President of the United States, really only has the authority of the office for 3 years—3 years and 2 months. Beyond that, he is a lame duck President. Give me the authority for that.

What do they hang their hat on? They hang their hat on a speech made by Vice President BIDEN when he served in this body 25 years ago. JOE BIDEN is truly my friend, as he is the friend of virtually every Senator from both sides of the aisle. I respect him so much. I wasn't surprised at all when I heard the Senator from Iowa say that he gave a 20,000-word speech. He gave a lot of 20,000-word speeches. I saw him deliver a few here, and they were a sight to behold. This one I think went on for 90 minutes as then Senator BIDEN shared his views on filling judicial vacancies and on recommendations. If we listen closely, we know the Senator from Iowa said that Vice President BIDEN ''recommended,'' ''should consider.'' Well, let me ask this question: Was there ever any time when Senator BIDEN was the chairman of the Senate Judiciary Committee that he denied a hearing to a Supreme Court nominee? No. Was there ever a time as chairman of the Senate Judiciary Committee when he recommended to the Senate that they deny a vote on a Presidential nomination to fill a Supreme Court vacancy? No. So whatever his theory was that he expressed on the floor of the Senate—and we all express a lot of theories—JOE BIDEN was respectful of this document. He knew what the U.S. Constitution said.

I find it hard to imagine that the Republican Senators now in the majority are going to walk away from this Constitution and turn their backs on it. I have a lengthy statement that I ask unanimous consent be printed in the RECORD following my remarks which goes into the question of why the Republican majority continues to obstruct the appointment of judges and people to serve in the executive branch of government under this President. It has been unprecedented. They decided not just on this nominee but long ago that they would not give this President the same treatment, the same respect that has been given other Presidents. Now it has been brought front and center with this vacancy, the Scalia vacancy on the Supreme Court.

I sure disagreed with Justice Scalia on a lot of things, but I do not argue with Judge Posner of the Seventh Circuit in my State when he said that Justice Scalia was a major force in terms of thinking on the Supreme Court. And what really undergirded the philosophy of Justice Scalia was what he called originalism. Some people mocked it, and some people just flat out disagreed with it. But he said time and again: Read the Constitution and read the precise wording of the Constitution. I saw different things in those words than he did, but that was his North Star when it came to Supreme Court decisions.

Well, if he read article II, section 2, which says the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court''—there is little doubt—no doubt—in those words. And if he relied on the precedent of the United States, the history of the United States that the U.S. Senate has never denied a hearing to a Presidential nominee until this moment in history, has never refused a vote on a nominee until this moment in history, then he would realize that what is being done here is unprecedented and uncalled for.

If my Republican colleagues now in the majority—54 votes strong against 46 on the Democratic side—really disagree with the President's choice, his nominee, whoever it may be, they have an option. There is a constitutional option. The constitutional option is to hold a hearing, do the background check which is done, and then vote, and if you disapprove of that nominee, vote no. That is the regular order and the regular course of events. That is the constitutional way to approach this.

But they have gone even further. Senator MCCONNELL said two days ago he would not only give the President's nominee no hearing and no vote, he refuses to even meet with that person, whoever it may be. Those are the lengths they will go to to avoid facing the constitutional responsibility that every Senator has.

Senators can quote Vice President JOE BIDEN's speeches of 25 years ago as long as they want. They can read his words over and over again, but the fact is he never stopped a hearing, he never stopped a vote, and he honored the Constitution. The wording of the Constitution didn't go on for 20,000 words. It is just a handful of words that we have sworn to uphold and defend before we can become U.S. Senators.

History will not look kindly on this political decision by the Republican majority. History will not give them a pass. History will ask time and again: How could you ignore the Constitution? How could you ignore your responsibility under the Constitution? Why won't you do your job, a job you were elected to do to fill this vacancy? Is a temporary political victory worth this—to turn your back on the Constitution and the history of this country? I don't think it is.

I hope that when the Republican Senators go home and meet with their constituents over this weekend and in the days ahead, they will have second thoughts. When the President sends a nominee, I hope they will abide by the Constitution, be respectful of this document and respectful of this President, and give his nominee the same due consideration that has been given to Supreme Court nominees throughout history.

Justice Anthony Kennedy became a Justice on the Supreme Court when a Democratic-controlled Senate gave him a vote—a hearing, and then a vote in a Presidential election year much like this one. A lameduck, outgoing President appointed Justice Kennedy.

A Democratic Senate did not refuse to meet with him, did not refuse to have a hearing, did not refuse a vote, but said: We will abide by the Constitution. For that outgoing President, he had the full authority of office. President Barack Obama deserves nothing less. And we as Senators have a responsibility under this Constitution, regardless of what speech was made 25 years ago, to pay close attention to these words and to do our constitutional duty.

When the Senate majority leader said that he would not give any consideration to any Supreme Court nominee named by the President—no vote, no hearing, not even a courtesy meeting—it set a new low for the Senate. Throughout our Nation's history, no pending Supreme Court nominee who sought a hearing has been denied one. Some nominees were confirmed so quickly after their nomination that a hearing was not scheduled, and one nominee withdrew before her scheduled hearing could take place, but the Senate has never before refused a hearing to a pending nominee. Similarly, every pending nominee for an open Supreme Court vacancy has been voted upon by Senators. Some nominees were confirmed on the floor, some were rejected on the floor, some nominees were renominated before they got their vote, and some only received a vote on whether to be reported or discharged out of committee, but all of them got a vote. Yet the Senate majority leader has announced that President Obama's next nominee will get no hearing, no vote, not even a meeting.

The President is obligated by Article II, section 2 of the Constitution to send a nominee to the Senate. That is the process the Founding Fathers established. There is nothing in the Constitution that provides for this process to be abandoned in an election year. Just as the President and Senate must do their jobs in times of war and economic depression, they must do their jobs in election years.

The reality is that Republicans simply want to keep the Supreme Court seat vacant in the hopes that their presidential nominee will get to fill it. It is a purely political calculation. But Presidential politics do not trump the Constitution.

The Republican leader should do what past Republican leaders like Senator Everett Dirksen of Illinois did when a Supreme Court vacancy arose in the election year of 1968—roll up his sleeves and get to work.

Senate Republicans have come up with a number of excuses for shirking their constitutional responsibilities. But the bottom line is that there is no excuse for the Senate to fail to do its job.

The President made clear yesterday that he is taking his constitutional responsibility seriously. He wrote a piece in the website SCOTUSblog explaining the careful, deliberative process he is undertaking to choose a nominee. The President said he will select a person who has outstanding qualifications, a commitment to impartial justice, a deep respect for the role of the judiciary, and a life experience that shows integrity and good judgment.

The President is doing his job, as the Constitution requires. Senate Republicans must stop the pattern of obstruction that they have shown with so many of President Obama's nominees and do their job, too. Once the President selects a Supreme Court nominee, Senators should meet with the nominee, give him or her a fair hearing, schedule a vote, and fill the vacancy on our Nation's highest Court.

Mr. President, I yield the floor.

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

REPUBLICAN OBSTRUCTION OF PRESIDENT OBAMA'S NOMINEES, FEBRUARY 23, 2016

Senate Republicans have announced they will obstruct President Obama's forthcoming nominee to the Supreme Court without even considering the nominee's merits, simply because Republicans do not want President Obama to make the nomination.

This is far from the first time that Republicans have engaged in unreasonable obstruction of nominations made by President Obama. According to statistics from the Congressional Research Service as reported in a Jan. 5, 2016 Politico article, ''the Senate in 2015 confirmed the lowest number of civilian nominations—including judges and diplomatic ambassadors—for the first session of a Congress in nearly 30 years.'' Only 173 civilian nominees were confirmed last year.

Other examples of Republican obstruction of nominations include the following:

Judicial nominations:

D.C. Circuit: In 2013, Republicans announced they would oppose any person President Obama nominated to fill three vacancies in the D.C. Circuit Court of Appeals, simply because they did not want Obama to fill those vacancies. The President nominated three unquestionably qualified people — Patricia Millett, Nina Pillard, and Robert Wilkins, and twice Senate Republicans opposed cloture votes on Millett's nomination. This prompted Senator Reid to change Senate rules to lower the cloture vote threshold for lower court nominees to 50, and subsequently the three D.C. Circuit nominees were confirmed.

Obstruction in the current Republican Senate: Last year, Senate Republicans matched the record for confirming the fewest number of judicial nominees in more than half a century, with 11 for the entire year. Overall, in the current Congress Republicans have only allowed 16 judges to be confirmed, compared to 68 judges that were confirmed by the Democratic-controlled Senate in the last two years of George W. Bush's administration. There are 17 non-controversial judicial nominees pending on the Senate executive calendar, all of whom were reported out of committee by unanimous voice vote. Currently there are 81 judicial vacancies, including 31 judicial emergencies.

National security nominations:

Attorney General Loretta Lynch had to wait 165 days after her nomination to be confirmed by the Republican Senate in April 2015. This was far longer than other recent Attorney General nominees had to wait for a confirmation vote. By comparison, the Democratic Senate confirmed Michael Mukasey in 53 days in 2007.

Treasury Undersecretary for Terrorism and Financial Crimes: Adam Szubin was nominated on April 20, 2015 for this position, which involves tracking and blocking financing to terror groups like ISIS. Banking Chairman Shelby described Szubin as ''eminently qualified'' for the position, but he has still not received a floor vote in over 10 months.

Under Secretary of Defense for Personnel and Readiness: Brad Carson was nominated on July 8, 2015 for this position, which is responsible for ensuring our military is ready to face threats around the world. He is waiting for a hearing.

Secretary of the Army: Eric Fanning was nominated on Sept. 21, 2015 for this position, which involves overseeing U.S. Army personnel, strategy, and readiness around the world. He waited four months just to get a hearing, and now he is waiting to receive a Committee vote.

General Counsel, Defense Department: Jennifer O'Connor was nominated on Sept. 21, 2015 for this position, but she is waiting for a hearing.

Under Secretary for the Navy: Janine Davidson was nominated on Sept. 21 for the #2 position in the Navy, but she is still awaiting confirmation.

Foreign policy nominations

Ambassadors and foreign policy positions: Only 59 ambassador or other key foreign policy positions have been confirmed in this Congress with an average confirmation wait of six months. For comparison, during the 110th Congress (2007–08) when George W. Bush was President and the Democrats controlled the Senate, more than 120 nominees for key foreign policy positions were confirmed with an average confirmation wait of under three months.

Of the seven State Department nominees confirmed a few weeks ago, three were nominated in 2014 or earlier. These include Brian Egan (Legal Advisor, first nominated in 2014), John Estrada (Trinidad and Tobago, first nominated in 2013), and Azita Raji (Sweden, first nominated in 2014).

Ambassador to Mexico: Roberta Jacobson, a career nominee, was nominated as ambassador to Mexico on June 2, 2015 but she is still awaiting confirmation.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Utah.

Mr. HATCH. Madam President, before I begin, let me note that I have been very concerned about the tenor of the debate. I am very upset that yesterday my dear friend, the minority leader, yesterday attacked my other dear friend, the chairman of the Judiciary Committee, Senator GRASSLEY, by calling him inept as a committee chairman. There is no reason for that kind of language on the floor, even if it were true, which it is not, and I think the minority leader knows it is not true.

Senator GRASSLEY is one of the most effective, hard-working, decent Senators in the U.S. Senate. He is not an attorney, and yet he has run the Judiciary Committee as well as any chairman that I recall in my 40 years here. Everybody knows he treats people fairly. So I hope we can get rid of that kind of language and start treating people with decency and with regard. We differ widely with the Democrats on this issue and on other issues, but we are not slandering them. If a Republican behaved similarly, I would stand up to him. It just shouldn't happen.

On Tuesday, I rose to honor the memory of the late Justice Antonin

Scalia, whom I knew quite well. With his passing, the Nation lost one of its greatest Supreme Court Justices ever to have served, and I lost a dear friend.

Today, I rise to make the case that the next President should chose the nominee to replace Justice Scalia. As we embark on this debate, our first task should be to situate properly the Senate's role in seating members of the judiciary as well as the reasons for the role. In doing so, let me invoke an approach that Justice Scalia himself employed to make the same point.

In addressing audiences, the late Justice often asked: What part of our Constitution was most important in protecting the liberties of the people? Invariably, audiences would provide answers such as protections for the freedom of speech, the freedom of religion, the right to keep and bear arms, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and the like.

Justice Scalia, like the vast majority of Americans, agreed that these protections are obviously important. I certainly do, too. Nevertheless, he always made one crucial observation: Even the most repressive dictatorships, such as the Soviet Union and North Korea, typically have provisions akin to our Bill of Rights in their Constitutions. Simply enshrining these basic rights in constitutional text does not ensure their protection.

I ask unanimous consent that I be permitted to complete my remarks.

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

Mr. HATCH. Our Nation's Founders knew, in the sage words of James Madison in Federalist 47, that ''[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.'' They bestowed upon us the blessing of the Constitution that creates a Federal Government with limited and enumerated powers, with those powers diffused and balanced between three coequal branches of government.

The Federal judiciary occupies a unique station in this constitutional architecture. In deciding cases and controversies, it is, in the seminal words of Marbury v. Madison, ''emphatically the province and the duty of the judicial department to say what the law is.'' Unelected and armed with life tenure and salary protection, judges thereby have the power to hold the political branches to account.

This power is the source of much of the Constitution's great brilliance in its ability to restrain transient political majorities from exceeding the authority granted to government by the sovereign people; however, it is also the source of one of the great potential pitfalls of our system of government, in which five lawyers can substitute their personal policy preferences to the legitimate judgments of the executive and legislative branches, thereby usurping the powers of the self-governing people.

This tension between the stark necessity of judicial independence to preserve limited government under the Constitution and the dangers of an unaccountable judiciary shirking its duty to say what the law is—and instead saying what it thinks the law should be—makes the judicial selection process vitally important. Hewing to a careful process envisioned by the Framers that vests the Executive and legislature with critical but distinct roles is the means by which we can maintain the integrity of the judicial branch.

The appointments clause delineates these distinct roles for the President and the Senate in the appointment property. Article II, section 2 provides that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States.'' By creating two separate roles in the confirmation process, the executive branch to nominate and the legislative branch to provide its advice and consent, the Framers were creating rival interests.

Alexander Hamilton cogently explained the various rationales for this particular allocation of appointment powers in Federalist 76. Following the example of the Massachusetts Constitution, the Framers vested the responsibility for nominations in one officer, the President, to ensure accountability and impartiality in selecting nominees and to guard against corruption, impropriety or imprudence that characterized the appointment process in many of the States. By concentrating the power of nomination in one person, the Framers sought to create accountability or in Hamilton's words a ''livelier sense of duty and a more exact regard to reputation.''

That said, the Framers expressly rejected the notion of vesting an unchecked appointment power in the President alone. By requiring the President to submit his nominee for the Senate's approval, the Founders sought to forestall any potential abuse of the nomination power. Hamilton argued that the requirement of advice and consent would serve as ''an excellent check upon a spirit of favoritism in the President and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.''

While the practice of the early Republic confirmed that the Chief Executive enjoys plenary authority over nominations, history also shows that the Senate equally possesses the plenary authority to withhold its consent the nominee for any reason. Nothing in the text of the appointment clause appears to limit the Senate's considerations. Just as the President has an unfettered right to veto legislation, the Senate enjoys complete and final discretion in whether to approve or even consider a nomination.

My colleagues on the other side of the aisle have taken up the mantra that we must ''do our job'' with respect to the current vacancy, and so we must. But our job, despite what the Democrats are saying, is not to follow a particular path found nowhere in the Constitution. Rather, it is to determine the most appropriate way to fulfill our advice and consent role for this particular vacancy. The Senate would not be doing its job if we followed a process that is not appropriate for the situation before us today.

Indeed, withholding consent can be just as valid an exercise of our role as granting it, and deferring the confirmation process for a particular vacancy may be the most appropriate and responsible exercise of the advice and consent role entrusted to us. It all depends on the circumstances.

Consider these precedents. The Senate has never confirmed a nominee to a Supreme Court vacancy that opened up this late in a term-limited President's time in office. It is only the third vacancy in nearly a century to occur after the American people had already started voting in a Presidential election, and in both the previous two instances—in 1956 and in 1968—the Senate did not confirm the nominee until the following year after the election had occurred.

It has been more than three-quarters of a century since a Supreme Court Justice has been nominated and confirmed in a Presidential election year, and the only time the Senate has ever confirmed a nominee to fill a Supreme Court vacancy created after voting began in a Presidential election year was in 1916. That vacancy arose only because Chief Justice Charles Evans Hughes resigned his seat on the Court to run against incumbent President Woodrow Wilson.

The cautiousness with which Senators in times past have approached election-year vacancies is only amplified by present circumstances. As my colleagues in the minority are fond of saying, elections have consequences, and the election of 2014 certainly had tremendous consequences.

In the last election, the American people went to the polls to register their opposition to the wide range of illegal and unconstitutional actions of the Obama administration, including: its unilateral cancellation of duly enacted law, such as with illegal immigration; its regulation contrary to the plain text of the law, such as with the Clean Power Plan; its willingness to ignore its statutory obligations without meaningful justification, such as with the President's decision to release the top five Taliban leaders in U.S. custody without notifying Congress beforehand as required by Federal law; its efforts to stretch what lawful authorities the executive branch does possess beyond all recognition, such as with its mass

clemency effort for drug offenders; and its attempt to bypass the Senate's role in the confirmation process, one of nearly two dozen times the Obama administration has lost 9 to 0 before the Supreme Court.

The American people elected our Republican Senate majority in large part to check the overreach of President Obama, and given how crucial the courts have proven in holding this administration accountable to the Constitution and the law, the Senate has every reason to approach lifetime appointments cautiously and deliberately, especially appointments to the highest Court in the land.

Moreover, leaving Justice Scalia's seat vacant until after the election would hardly result in a constitutional crisis. An even number of Justices has never inhibited the Supreme Court from functioning. An absence of this length would be far from unprecedented, as the Court has adapted to vacancies that lasted for more than 2 years in its history and as recently as 1970 accommodated a vacancy of more than a year thanks to liberal obstruction of two candidates nominated by a Republican President. Famously, when Justice Robert Jackson took a yearlong leave of absence to serve as chief prosecutor at the Nuremburg war crimes tribunal, Justice Felix Frankfurter wrote to him and advised him that having a temporary eight-member Court as a result of his prolonged absence did not ''sacrifice a single interest of importance.''

Moreover, the recusal process oftentimes requires the Court to consider various cases with a reduced number of Justices, including recent high-profile cases such as Arizona v. United States in 2012 and Fisher v. University of Texas in 2013. Consider that Justice Kagan, due to her service as Solicitor General, had to recuse herself in 38 cases. In these situations the Court has well-established rule for dealing with its cases, including 4-to-4 splits. At its discretion, the Court has the authority to hold cases over or reargue them when a new Justice is confirmed.

Indeed, the vast majority of Supreme Court decisions are unanimous, nearly so, or are split along nonideological lines. Only a relatively small minority of cases—typically less than 20 percent—are decided 5-to-4, and even fewer divide along predictable ideological lines. In the unlikely event that a tie should occur, as has occurred in only 2 of 38 of Justice Kagan's recusals, the ruling of the lower court is simply upheld. Put simply, the absence of one of the nine Justices on the Court is far from calamitous, but a hastily made appointment could be.

If the particular circumstances we face today counsel in favor of waiting until after the election, why would we act otherwise simply because the other party tells us to do so?

The minority leader made this same point in 2005 when he flatly rejected the claim that the Senate must always give nominees an up-or-down vote. In fact, he said that the very idea would be, in his own words, ''rewriting the Constitution and reinventing reality.''

He said: ''The duties of the United States Senate are set forth in the Constitution of the United States. Nowhere in that document does it say that the Senate has a duty to give Presidential nominees a vote. It says that appointments shall be made with the advice and consent of the Senate. That is very different than saying that every nominee receives a vote.''

Yesterday, I was stunned to hear numerous Democrats contradict the minority leader on this point. For example, the minority whip said that the ''clear language of the Constitution'' requires an up-or-down confirmation vote. That claim is obviously wrong on its face, since the Constitution says no such thing. By the minority leader's 2005 standard, these Democrats today are ''rewriting the Constitution and reinventing reality.'' Perhaps they received different sets of talking points.

This claim by the minority whip and others that the Constitution requires an up-or-down vote is baffling for another reason. Between 2003 and 2007 the minority whip voted 25 times to filibuster Republican judicial nominees. In other words, he voted 25 times to deprive judicial nominees of an up-or-down confirmation vote that he now says the Constitution's clear language requires.

Many of my colleagues on the other side of the aisle have also repeatedly observed that deferring the confirmation process until the next President takes office would be unprecedented. This point escapes me as well. The filibusters used to defeat Republican judicial nominees were also unprecedented, yet many Democrats voted for them anyway. While past practice matters, the ultimate question is not whether this has happened before but whether it is an appropriate step to take now.

The Senate's job is to decide how best to carry out its duty of advice and consent in the situation before us. Thankfully, we are not without guidance in making that judgment. I think back to 1992, a Presidential election year not unlike this one, in which different parties controlled the White House and the Senate. My friend, then-Judiciary Committee Chairman and now-Vice President JOE BIDEN, came to this very floor on June 25, 1992, and delivered what he said was the longest speech in his then 19 years in this body. He evaluated the state of the confirmation process, suggested reforms for the future, and made a specific recommendation. He said that if a Supreme Court vacancy occurred in that Presidential election year, President George H.W. Bush ''should consider following the practice of a majority of predecessors and not—and not—name a nominee until after the November election is completed.''

If the President did choose a Supreme Court nominee, Chairman BIDEN said: ''The Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.'' While Vice President BIDEN might feel differently about that today, that is what he said then as chairman of the committee.

In other words, deferring the confirmation process until the next President was in office was the most appropriate way for the Senate to fulfill its advice and consent role. Then-Chairman BIDEN listed several factors that led him to this recommendation, and every one of these factors exists today.

First, he noted that an appointment process in 1992 would take place in divided government. Different parties also control the White House and Senate today.

Second, he said that Presidents had recently made controversial Supreme Court appointments, noting that those nominees received a significant number of negative votes in the Senate. Again, the same is true today. President Obama's appointments of Sonia Sotomayor and Elena Kagan, for example, are both among the top five most opposed Supreme Court appointees in history.

Third, then-Chairman BIDEN noted that the Presidential election process had already begun. Once again, that is the case today. That is the case today, with voters in numerous States having already cast ballots.

Fourth, Chairman BIDEN said that the confirmation process itself had become increasingly divisive. This criterion strikes me as ironic, given its source. After all, Senate Democrats are responsible for provoking the so-called confirmation wars with the political and ideological inquisition used to defeat the Supreme Court nomination of Robert Bork and the despicable smear tactics used against the nomination of Clarence Thomas.

Senate Democrats have also been responsible for every major escalation in judicial confirmations since 1992.

Within 2 weeks of President George W. Bush's inauguration, the Senate Democratic leader vowed to use ''whatever means necessary'' to defeat undesirable judicial nominees.

A few months later, Senate Democrats organized a retreat with the goal, as the New York Times described it, of changing the ground rules for the confirmation process.

In January 2002, former Democratic Congressman, appeals court judge, and White House Counsel Abner Mikva urged Senate Democrats not to consider any Supreme Court nominees during President Bush's first term.

In 2003, Democrats began for the first time to use the filibuster to defeat judicial nominees who otherwise would have been confirmed.

In July 2007, Senator CHARLES SCHUMER—another friend of mine—said in a speech to the American Constitution Society that the Senate should not confirm a Supreme Court nominee during President Bush's final 18 months in

office except in what he called ''extraordinary circumstances.''

When then-Chairman BIDEN said in 1992 that the state of the confirmation process should defer consideration of any Supreme Court nominees, no judicial nominee had been defeated by a filibuster in nearly 25 years. During President George W. Bush's tenure alone, Democrats led 20 filibusters that ultimately defeated five appeals court nominees.

More to the point, in 2006, then-Senators BIDEN, Clinton, REID, LEAHY, SCHUMER, DURBIN, and Obama voted to filibuster the Supreme Court nomination of Samuel Alito. President Obama did say last week that he now regrets voting to filibuster the Alito nomination, although it took him 3,670 days to reach that conclusion. He told me that last night at the White House in a private conversation we had, and I accept his statement. I like the President personally, but the record does not support the other side's audacious claims.

Finally, after the District of Columbia Circuit Court of Appeals—a court that many of us consider nearly as important as the Supreme Court, given its role in regulatory oversight—rightfully invalidated several key actions of the Obama administration, Democrats openly sought to fill that court with compliant judges in order to obtain more favorable decisions. The President's allies in this body, in their own words, ''focus[ed] very intently on the D.C. Circuit'' to ''switch the majority'' and were willing to ''fill up the D.C. Circuit one way or another.''

In the rush to eliminate any possible judicial obstacle to the administration's overreaching agenda, Senate Democrats in 2013 used a parliamentary maneuver—the so-called nuclear option—to abolish the very nomination filibusters they had used so aggressively, but with one telling exception: They left alone the possibility of filibustering a Supreme Court nomination. Having done so, they must continue to believe the Senate's advice and consent role allows denying any confirmation vote to a Supreme Court nominee.

I am disappointed and, frankly, a little baffled at the response so far of my Democratic colleagues. Now-Vice President BIDEN and President Obama himself have both said that he was speaking in 1992 about a ''hypothetical vacancy.'' Of course he was, and his purpose in doing so was to outline what the President and Senate should do if that hypothetical vacancy materialized. Well, that vacancy is no longer hypothetical; it is very real. Yet the Vice President now says the Senate should not take his advice after all.

Vice President BIDEN has also said that his words from 1992 are being taken out of context. We have all faced the inconvenient truth of our past words—especially in these areas—and the go-to objection is often about context.

I have two suggestions. First, my colleagues should read then-Chairman BIDEN's speech for themselves. It takes up 10 full pages in the CONGRESSIONAL RECORD, so there is as much context as anyone could possibly want to consider. A second option is to consider how the media had described that speech. One CBS news story, for example, has the headline: ''Joe Biden Once Took GOP's Position on Supreme Court Vacancy.'' Perhaps they, too, are contextually challenged.

This is what the Washington Post said about the speech: ''But Biden's remarks were especially pointed, voluminous and relevant to the current situation. Embedded in the roughly 20,000 words he delivered on the Senate floor that day were rebuttals to virtually every point Democrats have brought forth in the past week to argue for the consideration of Obama's nominee.''

The constant refrain of Senate Democrats and their media allies over the past few days is that the Senate should just ''do its job.'' Of course, what they really mean is that the Senate should do what they want the Senate to do. Then-Chairman BIDEN believed in 1992 that the Senate would be doing its job by deferring the confirmation process for a Supreme Court nominee. Senate Democrats presumably believed the Senate was doing its job by denying confirmation votes to judicial nominees under President George W. Bush. The minority leader presumably believed the Senate would be doing its job by not voting on nominations since, as he said in 2005, the Constitution does not require it to do so. And I can only assume that the senior Senator from New York believed the Senate would be doing its job if it followed his 2007 recommendation and refused to consider Supreme Court nominees in a President's final 18 months.

Perhaps the most audacious claim trafficked by the other side of the aisle over the past few days is, as the senior Senator from New York has said, ''It doesn't matter what anybody said in the past,'' or, as President Obama put it, ''Senators say stuff all the time.''

In response, consider this point: Benjamin Franklin wrote in 1789 that ''in this world, nothing can be said to be certain except death and taxes.'' I would like to add one more thing to that list: It is equally certain that if a Supreme Court Justice beloved by the left passed away in the final year of a Republican President's tenure, a Democratic-controlled Senate would not only refuse to consider any nominee of the lame-duck President but would also extensively cite then-Chairman BIDEN's 1992 speech and other such clear statements for support. No one should have any doubt about that.

Indeed, my friends on the other side seem to have fallen into the trap identified by Justice Scalia in his opinion in the Noel Canning case in which he warned that ''individual Senators may have little interest in opposing Presidential encroachment on legislative prerogatives, especially when the encroacher is a President who is the leader of their own party.''

Before I conclude, I cannot let pass the disturbing comments yesterday by my friend the minority leader about Judiciary Committee Chairman CHUCK GRASSLEY. I have served with Senator GRASSLEY for nearly 25 years on the Finance Committee and for 35 years on the Judiciary Committee. If there is anybody in this body who knows his own mind and makes his own decisions, it is CHUCK GRASSLEY.

I was flabbergasted by the minority leader's statement that Chairman GRASSLEY has allowed the majority leader to ''run roughshod'' over him. If the minority leader's case for committee action depends on grasping at such unwarranted and unjustified personal attacks, then he has simply exposed the weakness of his own position.

Under Chairman GRASSLEY's leadership, the Judiciary Committee has reported 21 bipartisan bills. Five of them have become law—the same number as during the entire 113th Congress under Democratic leadership. This record contrasts quite favorably to the senior Senator from Nevada's abysmal record in the last Congress as majority leader, in which the Senate set a record for bills that bypassed committee consideration and voted on only 15 amendments in all of 2014.

I know there are different opinions about whether or how to address filling the vacancy left by Justice Scalia's death, and I appreciate that. And I appreciate that Senators and others feel strongly about these issues. Nevertheless, it is absolutely disingenuous for the minority leader, who today demands the same up-or-down confirmation vote he 25 times tried to prevent for Republican nominees, to suggest that Chairman GRASSLEY is doing anything other than what he believes is right. Senator GRASSLEY is one of the great Senators here. He is totally honest, and we all know it. He speaks his mind, and we all know that, too.

I have served longer on the Judiciary Committee than any other current Member of this body. During these past four decades, including during my more than 8 years as chairman of the committee, I have strived to develop a record of true fairness toward the nominations made by Presidents of each party. I have absolutely no doubt that my treatment of this vacancy fits squarely within this record of fairness.

The bottom line is simple: The Constitution obliges the Senate to take its role seriously as a check on the President in the consideration of lifetime appointments to the Federal courts, especially the Supreme Court. With voting already underway to replace our lame-duck President, delaying consideration of a nomination until after the election comports not only with historical practice but also with the prescriptions of key Democrats in the Senate and the White House over many years. By protecting the integrity of the Supreme Court from this environment, Senate Republicans are unquestionably doing the job the Constitution charges

us to do. We can have differences, no question about it, but the Senate Republicans are acting responsibly.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WOMEN'S REPRODUCTIVE RIGHTS

Mrs. MURRAY. Madam President, next week the Supreme Court is going to hear oral arguments in Whole Woman's Health v. Hellerstedt. This is a case that could not mean more to a woman's ability to exercise her constitutionally protected health care rights. As this case now moves forward, I want to take a few minutes today to explain how much is at stake and why it is so critical that Texas's extreme anti-abortion law be treated as exactly what it is: unconstitutional.

Madam President, in Texas and across the country, extreme rightwing conservatives continue to try and turn back the clock on American women. Just yesterday, the Fifth Circuit allowed a Louisiana law to go into effect. That law would leave women with only one health center where they can exercise their reproductive rights.

This debate is frustrating, it is disappointing, and, frankly, it is appalling that in the 21st century—43 years since the historic ruling in Roe v. Wade—we even have to have a discussion about whether a woman has the right to make her own decisions about her own body. But one thing that has always kept me going is seeing that when their health and their rights and their opportunities are at stake, women stand up and make it clear why reproductive freedom is so important.

As we have fought back against Texas's extreme anti-abortion law, women have explained that because they were able to plan when they had children, they were able to escape abusive relationships. They have told us that because they had control over their own bodies, they were able to break cycles of poverty generations long and give back to their communities. They have shared their experiences of making the extraordinarily difficult decision to end a pregnancy out of medical necessity. These are powerful stories about the difference self-determination makes for women. These stories are possible because of constitutional rights affirmed in Roe v. Wade and protected in Planned Parenthood v. Casey.

If Texas's extreme anti-abortion law stands, three-quarters of clinics in the State are expected to shut down—three-quarters of them. As a result, 900,000 women of childbearing age in Texas will have to drive as far as 300 miles round trip just to get the care they need. And women in States with laws like Texas will face similar barriers.

I believe strongly that a right means nothing without the ability to exercise that right. Laws like those in Texas and Louisiana, which are driven by extreme conservative efforts to undermine women's access to care, are, without question, getting in between women and their constitutional rights, especially the rights of women who cannot afford to take off work and drive hundreds of miles when they need health care.

Put simply: Texas's extreme anti-abortion law and laws like it across the country threaten women's lives. These laws are intended to take women back to the days before Roe v. Wade when women had less control over their bodies and their futures.

As a mother, as a grandmother, and as a U.S. Senator, I know that is absolutely the wrong direction for our country. Our daughters and granddaughters should have more opportunity and stronger rights, not less. That is why 163 Democratic and Independent Members of the House and Senate urged the Supreme Court in an amicus brief to stand up for women's constitutionally protected health care rights. And it is the reason that even some of our Republican colleagues are focused on doing everything they can to undermine the Supreme Court.

My Democratic colleagues and I are focused on how much the Court's decision in this case will mean for women now and for generations to come. So instead of trying to obstruct justice, we are urging the Supreme Court to ensure justice by upholding settled law. For women, being able to exercise their constitutionally protected reproductive rights means health, it means freedom, and it means opportunity. We cannot and we should not go backward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

NATIONAL CHILDREN'S DENTAL HEALTH MONTH

Mr. CARDIN. Madam President, I rise today to recognize February as National Children's Dental Health Month. Since 1981, this month has afforded us the opportunity to acknowledge the importance of children's dental health, recognize the significant strides we have made and the work that remains to be done, and renew our commitment to ensuring all children in our country have access to affordable and comprehensive dental services. To echo former U.S. Surgeon General C. Everett Koop, ''there is no health without oral health.''

Despite being largely preventable, tooth decay is the single most chronic health condition among children and adolescents in the United States. It is 5 times more common than asthma and 20 times more common than diabetes. Nearly half, 44 percent, of the children in the United States will have at least one cavity by the time they start kindergarten. Children with cavities in their primary or ''baby'' teeth are three times more likely to develop cavities in their permanent adult teeth, and the early loss of baby teeth can make it harder for permanent teeth to grow in properly.

Left untreated, tooth decay can not only destroy a child's teeth, but also can have a debilitating impact on his or her health and quality of life. Tooth and gum pain can impede a child's healthy development, including the ability to learn, play, and eat nutritious foods. Recent studies have shown that children with poor oral health are nearly three times more likely to miss school due to dental pain, and children reporting recent toothaches are four times more likely to have a lower grade point average than their peers without dental pain.

Tooth decay and oral health problems also disproportionately affect children from low-income families and minority communities. According to the National Institutes of Health, approximately 80 percent of childhood dental disease is concentrated in 25 percent of the population. These children and families often face inordinately high barriers to receiving essential oral health care, and, simply put, the consequences can be devastating.

Madam President, many have heard me speak before about the tragic loss of Deamonte Driver, a 12-year-old Prince George's County resident. In 2007, Deamonte's death was particularly heartbreaking because it was entirely preventable. What started out as a toothache turned into a severe brain infection that could have been prevented by an $80 extraction. After multiple surgeries and a lengthy hospital stay, sadly, Deamonte passed away—9 years ago today. So today we mark the ninth anniversary of his tragic death.

Since the tragic death of Deamonte in 2007, we have made significant progress in improving access to pediatric dental care in the country. For example, in 2009, Congress reauthorized the Children's Health Insurance Program—CHIP—with an important addition: a guaranteed pediatric dental benefit. Today, CHIP provides affordable comprehensive health coverage, including dental coverage, to more than 8 million children. Thanks to CHIP, we now have the highest number of children in history with medical and dental coverage. In addition, in 2010, Congress included pediatric dental services in the set of essential health benefits established under the Affordable Care Act.

I am very proud my State of Maryland has been recognized as a national leader in pediatric dental health coverage. In a 2011 Pew Center report, ''The State of Children's Dental Health,'' Maryland earned an A and was the only State to meet seven of the eight policy benchmarks for addressing children's dental health needs.

In addition, in the Maryland Health Benefit Exchange, every qualified health plan now includes pediatric dental coverage, so families do not have to pay a separate premium for dental coverage for their children and do not have a separate deductible or out-of-

pocket limit for pediatric dental services.

However, Madam President, more work remains to be done. For example, according to a recent report by the Department of Health and Human Services Office of Inspector General, three out of four children covered by Medicaid did not receive all required dental services over a recent 2-year period, with one in every four failing to see a dentist at all. This is simply unacceptable. We must act to ensure that all American children have access to comprehensive oral health care.

I urge my colleagues to join me in this effort. Tragically, our health care system was not there for Deamonte. Today, on the ninth anniversary of his death, let us honor his memory and pledge to do better for the children in our country by working together to build on the significant strides we have made over the past 9 years, and to ensure that all children have access to affordable and comprehensive pediatric dental services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

SENATE ACCOMPLISHMENTS AND FILLING THE SUPREME COURT VACANCY

Mr. CORNYN. Madam President, notwithstanding our occasional dustups and kerfuffles and disagreements that we have in the Senate—and that is not a bad thing—the Senate is supposed to be a place where differences of opinion and different points of view are debated, voted on, and played out here on the floor of the Senate in an attempt to achieve consensus on a bipartisan basis and make legislative progress for the American people.

I have to say that since 2015, under new leadership, this Chamber has been marked by a spirit of hard work, bipartisanship, and accomplishment. I am sure we have all been frustrated by the things we cannot accomplish because, frankly, there is no consensus, but that shouldn't deter us from working together where we can to make progress for the American people. So I am frankly proud of what the Senate has done, again on a bipartisan basis.

I think one of the greatest frustrations under the previous leadership was that even if you were a Member of the majority party, you could not get amendments on legislation. You could not get votes on amendments. So you were basically shut out of the process, not just if you were in the minority but including when you were in the majority. That is a little hard to explain to your constituents back home. Indeed, I think that is one reason we saw some races for the Senate turn around the way they did in 2014.

The truth is that under new leadership we have proved we can work together on the issues that matter most to the people of our country. That is not to say there will not be some partisan differences. There is a reason people choose to be Republicans or Democrats. But my experience has been that most of the time we agree on the goal, just not on the means to achieve the goal.

While bipartisanship is important, leadership really does matter, and I think we have seen what a difference it can make in the 114th Congress—since the last election in 2014. I will mention just a couple of examples.

One is the first major overhaul to education reform since No Child Left Behind. We also passed a major long-term Transportation bill. I know it seems like a small thing in isolation, but it really does make a difference to fast-growing States such as mine—Texas—to be able to plan ahead when it comes to maintaining and operating our transportation infrastructure. Frankly, it saves taxpayer money when you can plan on the long haul rather than in a series of starts and stops.

A subject that is near and dear to my heart is the first major help we have been able to provide to victims of human trafficking in 25 years. Because of a resource deficit at the local level, a lot of big-hearted people who wanted to help simply didn't have the resources to do it—simple things such as rescuing people who are victims of human trafficking and providing them a safe place to stay. Now, as a result of the Justice for Victims of Trafficking Act, we are going to be able to provide through a victim's compensation fund up to $60 million a year to help provide grants for housing, for rescue, and for victims of human trafficking.

It is true there are some differences between the political parties, and that shouldn't be a matter for panic. We shouldn't say: Well, I guess we can't do anything since we can't do this one thing. It is certainly true with respect to the recent passing of Supreme Court Justice Antonin Scalia.

It is clear that we have reached a major point of disagreement or I guess you could look at it this way: We actually are agreeing with the position that Vice President BIDEN took when he was chairman of the Senate Judiciary Committee. We are now agreeing with the position that was taken by then-Senate Democratic leader REID, and we are agreeing with the position that was taken in 2007 by Senator CHUCK SCHUMER, a Member of the senior Senate leadership of the Democratic Party.

I mentioned these yesterday. I will just go over them really quickly again. Surely, our Democratic friends don't think that Republicans, when we are in the majority, ought to be constrained by different rules than apply to them. That does not make any sense at all. How foolish we would be, in the majority, to say that this is the way that Democrats view the rules and that we are going to apply a different set of rules to ourselves.

This is what Senator REID said in 2005. He said:

> The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give Presidential appointees a vote.

That is a fact. Senator REID is correct. The President proposes a nominee, and the Senate either grants or withholds consent under the terms of the Constitution itself. But of course, that is what Senator REID was suggesting back when George W. Bush was President of the United States—that the Senate was under no obligation to even give those nominees a vote.

Then, more recently, there is Senator SCHUMER, who I know is really stirred up about our intention not to process a nominee this year and to have a referendum as a result of this Presidential election on who makes that appointment—perhaps for the next 30 years. That is how long Justice Scalia served on the Supreme Court of the United States. But here is Senator CHUCK SCHUMER, the senior Senator from New York. This was 18 months before President George W. Bush left office—18 months, or a year and a half, before he left office.

Senator SCHUMER said: For the rest of this President's term, we ''should reverse the presumption of confirmation.'' In other words, he was saying there was a presumption against confirming. He said he would recommend to his colleagues that we should ''not confirm a Supreme Court nominee except in extraordinary circumstances.''

Then, of course, more recently a little research was done into the record of Vice President BIDEN when he was Chairman of the Senate Judiciary Committee back in 1992. He said: The Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over. Action on a Supreme Court nomination must be put off until after the election campaign is over.

So it strikes me as rather hypocritical for our Democratic friends to say that these were the rules when George W. Bush was in office or when his father, George Herbert Walker Bush, was in office, in the case of 1992, but now that President Obama is in office, a different set of rules ought to apply.

It would be completely hypocritical of them to say that. But this is a matter of disagreement. There is no debate about that. But it does not mean that just because we are divided along party lines on this matter that there are other things we cannot do together. I think our friends across the aisle would agree that there is a lot of important work that we can and should do together.

The chairman of the Energy and Natural Resources Committee, along with the ranking member from Washington, has worked diligently on energy legislation that we are currently considering. It is legislation that would update and modernize our country's energy infrastructure for the 21st century. We still need to find a way forward to deal with this legislation. I

know this is an opinion that many members on the Energy Committee and in this Chamber share on a bipartisan basis.

There is another piece of legislation that has strong bipartisan support that was voted out of the Senate Judiciary Committee, unanimously, called the Comprehensive Addiction and Recovery Act, known as CARA. This legislation is in response to the growing opioid abuse epidemic that affects our Nation, an epidemic that has claimed the lives of tens of thousands of Americans each year, along with the concomitant scourge of cheap heroin coming across our borders from Mexico, because when people can't get the prescription drugs—the opioids—then too many of them revert to cheaper heroin with disastrous consequences.

I know that on a bipartisan basis the junior Senators from New Hampshire and Ohio have particularly led on this on my side of the aisle. But they have worked with the junior Senator from Rhode Island, Mr. WHITEHOUSE, and the senior Senator from Minnesota, Ms. KLOBUCHAR, to make this a top priority. So we are going to have a chance to show very soon that we are committed to actually getting important legislation, such as the Comprehensive Addiction and Recovery Act, passed by this Chamber.

This week also, the senior Senator from Vermont, Mr. LEAHY, who is the ranking member on the Senate Judiciary Committee, and I introduced legislation called the Justice for All Reauthorization Act. That bill would provide important resources to victims of domestic violence, and it would target resources on the rape kit backlog, which is, just frankly, an embarrassment to our criminal justice system.

It has been estimated that there are as many as 400,000 rape kits; that is, forensic evidence taken after a sexual assault that would, if tested, reveal the identity of the attacker through DNA testing.

There is just no excuse not to test those rape kits, which are part of that backlog. We know that many of the assailants in these cases are serial abusers, and many times we can stop someone before they attack again, if we will just test those kits. There is about $120 million each year that Congress appropriates for the Debbie Smith Act. Debbie Smith is the person for whom this legislation is named—and quite appropriately so. She has been a champion of eliminating that rape kit backlog. That is a large part of what the Justice for All Reauthorization Act would help us do.

So I would ask our friends across the aisle, while they come out on the floor or give press conferences and express mock horror at the fact that Republicans in the majority now would apply the same standards that they advocated for when they were in the majority, to tone down the rhetoric and avoid the hypocrisy that seems so apparent when they argue for different standards today than they advocated in the past. That is nothing more, nothing less than hypocritical.

What is out of line is when you have personal attacks against the Members of the Senate, particularly the chairman of the Senate Judiciary Committee. The minority leader, the Democratic leader, made a personal attack against the chairman of the Judiciary Committee right here on the Senate floor just yesterday. What he said was so far from the truth that it is not even worth repeating.

But what I would like to make clear is that Chairman GRASSLEY, the chairman of the Judiciary Committee, has made a big impression on this Chamber and on the legislation that we have passed. I mentioned the CARA Act that passed out of the Judiciary Committee unanimously. Senator GRASSLEY has a decades-long dedication to serving the people of Iowa in this body.

So I don't know how the Democratic leader can come out and personally attack a colleague who has done an outstanding job as chairman of the Judiciary Committee, while basically what we are embracing is what he himself argued for in 2005. How does that work?

Well, I would say the Democratic leader does not have a lot of firm ground to stand on when it comes to judicial nominations. I would like to remind my colleagues that the Democratic leader, just a few short years ago, took the position that there were no fixed rules when it comes to judicial nominations. Then, in 2014, he simply tore up the rule book by invoking the so-called nuclear option, breaking the rules to change the rules on judicial nominations, as he attempted—successfully, I will say—to pack the District of Columbia Court of Appeals by breaking the rules of the Senate in order to pack the District of Columbia Court of Appeals, which many have said is the second most important court in the Nation.

So I hope he will take into consideration his prior actions, which are far more disruptive and poisoned the well of this institution more than anything we are talking about doing now, especially when we are agreeing with him, at least on this point.

But most of all, I would hope that we can conduct our debates in a civil and a dignified fashion. People watch what we do and we say here. When people come out here and make hypocritical attacks, I don't think it reflects very well on the person making that attack, and I don't think it reflects well on the Senate as a body. It is certainly not a good example for our young people or other people who might be looking at how we conduct ourselves as they think: Well, that is the way we air our differences. Then certainly they can be forgiven for thinking: Well, maybe that is the way I ought to conduct myself. That is not the message we should be conveying.

Well, we can continue to do a lot of good work here on a bipartisan basis in the Senate this year. It is true that we do have a major difference of opinion when it comes to filling the vacancy left by the untimely death of Justice Scalia. But it is true that we are only applying the rules that were advocated for by the chairman of the Judiciary Committee, now Vice President BIDEN, in 1992, and by minority leader REID in 2005 and Senator SCHUMER in 2007.

Surely they cannot expect us to apply a different set of rules today than they themselves said they would apply if the shoe were on the other foot. But we can still work together on other legislation, such as the Comprehensive Addiction and Recovery Act, such as the energy legislation we are considering now, because we do have a lot of work left to do, and there is a lot we can accomplish together.

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.

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

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

SAFE PIPES ACT

Mrs. FISCHER. Mr. President, I wish to take a moment to speak today on a bipartisan pipeline safety bill that will soon be considered by the full Senate.

Last December, the Senate Commerce Committee unanimously passed legislation to strengthen pipeline safety across our Nation. I have been working with my colleagues, Senator BOOKER, the Presiding Officer Senator DAINES, and Senator PETERS, on this bill for nearly 9 months, and we are proud of this bipartisan legislation.

Over the past several months, we have held several hearings, including one in the Presiding Officer's home State, in Billings, MO, last September. Not far from Billings, in January of 2015, the Poplar Pipeline spilled nearly 30,000 gallons of crude oil into the State's precious Yellowstone River. This incident reinforced the need for a robust update to our laws regarding both the pipeline system and the government agency charged with keeping it safe.

Pipeline infrastructure transports vital energy resources to homes, businesses, schools, and commercial centers across the United States. According to the Pipeline and Hazardous Materials Safety Administration, or PHMSA, more than 2.5 million miles of pipelines traverse this country. Our bill, the SAFE PIPES Act, would increase congressional oversight over pipeline safety programs at PHMSA. It would also provide greater flexibility and resources to State pipeline safety officials. Further, the bill would require PHMSA to reprioritize congressional directives and conduct an assessment of the pipeline integrity management program.

Pipeline safety affects citizens in each and every one of our States. In my home State of Nebraska, we experienced this just a couple months ago. In January, a ruptured natural gas pipeline exploded in the Old Market area of downtown Omaha. The disaster destroyed a historic building, and it did injure several people. The SAFE PIPES Act would encourage the use of advanced technology for pipeline mapping and help avoid accidents like this moving forward.

In California, the massive Aliso Canyon underground natural gas storage facility leak posed a serious public health threat and displaced hundreds of families from their homes. The SAFE PIPES Act would direct PHMSA to create crucial minimum standards for underground natural gas storage facilities. It would also establish an Aliso Canyon working group to ensure that similar incidents are avoided in the future. I appreciate the strong support provided by the California Senators, BARBARA BOXER and DIANNE FEINSTEIN, who helped draft the working group provisions there. They also serve as cosponsors of our SAFE PIPES Act.

The Senate must pass this robust, bipartisan legislation. We all have a responsibility to prioritize not only the efficient permitting and construction of energy infrastructure but also the safety and the security of our Nation's extensive pipeline network.

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

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

REMEMBERING JOHN ORIZOTTI

Mr. DAINES. Madam President, John Orizotti, most famously known as ''Pork Chop John,'' passed away on Monday in his Butte home at the age of 82. Montanans know John for his efforts to expand his restaurant's flourishing business. John bought Pork Chop John on 8 West Mercury Street in 1969, when sandwiches sold for 65 cents.

According to his oldest son Rick Orizotti, owning the shop was something he wanted to do his whole life, and he always kept his eye on it. Rick said: ''He was truly very proud to be Pork Chop John. He was a man that really loved going to work, really worked hard.''

John was born in Butte on September 25, 1933. He graduated from Butte High School in 1951 and married his high school sweetheart Mary Carol when he was 21 and she was 19.

He worked for his father-in-law Dan Piazzola at the Better Meat Market and then went on to open the Main Public Market in 1960 with Piazzola before buying Pork Chop John 9 years later. The restaurant has expanded to a second location on 2400 Harrison Avenue, which was formerly a Texaco gas station. After John retired 20 years ago, two of his sons, Ed and Tom Orizotti, took over the restaurant and currently run Pork Chop John.

I remember as a kid in Montana, it was the stop you made when you were on a trip. It didn't matter whether you were on a sports trip, band trip or a speech debate trip, you stopped at Pork Chop John's in Butte to grab something to eat.

In fact, the very first stop my wife and I made after we announced our campaign for the U.S. Congress in Bozeman was at Pork Chop John's in Butte to grab a sandwich.

All seven of Orizotti's children have worked at the restaurant at some point in their lives and the pork chop batter recipe remains a family secret to this day. The restaurant itself has been in the family for 47 years.

John was greatly beloved by many in his community. His past employees and friends have nothing but wonderful things to say about him, including how he would put his whole heart into all of his endeavors. Others called him gentle, caring, honest, and never having a bad word to say about anybody. He has probably been best described as one of the legends of Butte and a ''Butte icon.''

John Orizotti made a lasting impact on his family, community, and business. May his legacy of hard work and kind heart be forever honored and remembered.

Cindy and I offer our deepest condolences to the family.

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

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

Mr. BROWN. Madam President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

FILLING THE SUPREME COURT VACANCY

Mr. BROWN. Madam President, the sudden passing and tragic death of U.S. Supreme Court Justice Scalia leaves us with a vacancy to fill on our country's highest Court, but it shouldn't lead us to a yearlong political standoff.

Article II, section 2, of the Constitution is clear: The President shall nominate a Supreme Court Justice with the advice and consent of the Senate. It doesn't say ''may.'' It doesn't say ''maybe.'' It isn't followed by a clause which says that Senators don't have to do their jobs in an election year. It doesn't say anything about that. And that is the tradition of our country, that Senators—we run for office willingly, enthusiastically. We work hard to get here. We take an oath of office. Every couple of weeks, we get a paycheck. And some are saying we simply shouldn't do our job and move forward with this nomination.

Complete refusal to consider any nominee from this President is outrageous. It is indefensible, and it is unprecedented in spite of what some of my colleagues would like to say. Don't take my word for it. Senator GRASSLEY, the Republican chairman of the Judiciary Committee, said as recently as 2008 that ''the reality is that the Senate has never stopped confirming judicial nominees during the last few months of a President's term.'' The country didn't elect Barack Obama—whether you voted for him or against him—for a 3-year term or three-fifths of a term; the country elected him for a 4-year term.

Since the Civil War, no Supreme Court vacancy has been left open for a year. For the past century, the Senate has taken action on every single pending Supreme Court nominee.

I talk to people in Ohio all the time, Republicans and Democrats alike. I talked to a Republican today who supports Senator RUBIO for President and probably votes for Republicans for President in every election. He said: I just can't believe what MITCH MCCONNELL did. I can't believe my party—the people I vote for in Senate races and House races—would possibly say that we are not going to have a hearing on this nominee.

We are not even going to meet with this nominee. I mean, a number of Senate Republicans said: We won't even shake hands. We aren't even willing to meet with a Supreme Court nominee whom the President of the United States, under the Constitution, shall appoint, whom the President of the United States submits to the U.S. Senate.

Let's look at what has happened in the past. In 1988, which was President Reagan's final year in office, a Democratic majority unanimously confirmed Justice Anthony Kennedy. That was in 1988. Again, President Reagan submitted his name in 1988. He was confirmed by a Democratic Senate. In fact, the Senate has been confirming Justices in Presidential elections since our Nation's founding. Two of President Washington's nominees were confirmed during his last years in office. Since 1916, every pending Supreme Court nominee has either received a hearing or been confirmed quickly before a hearing even took place. Think about that. A pending Supreme Court nominee has never been denied a hearing in the history of the United States. The only exception is the nominees who were confirmed without a hearing. Yet, within hours—I think only minutes, actually—within less than an hour, I believe, of the announcement of

Justice Scalia's passing, the Republican leader of the Senate, the majority leader of the Senate pretty much said: We are not going to do our job. We are not even going to have a hearing on whomever the President of the United States nominates. We are not only not going to have a hearing, he then said later, I am not even going to meet with that person. Imagine that.

So that nomination—whomever President Obama nominates—that vacancy will be more than a year for sure if the Senate does nothing on this confirmation. Again, the last time there was a vacancy for as long as 1 year was during the Civil War. It was 150 years ago. That is because there was a Civil War and the Congress wasn't very functional in those days. Members were leaving the Court, leaving the Senate and House after secession in 1861 and all the other things that happened.

We have nearly a year left in President Obama's term, about a quarter of the term the American people elected him to serve. That is plenty of time for the Senate to carefully consider and review a nominee.

President Obama—and just to make it clear, he was not just elected, he was elected decisively. I believe he is only the second Democrat in American history—surely the second Democrat since the Civil War—he is only the second Democrat since the Civil War to at least twice win a majority of the popular vote. Only President Obama, who got more than 50 percent of the vote twice, and President Roosevelt, who got more than 50 percent of the vote, I believe, four times—they were the only Democrats in 150 years who got a majority of the vote twice. President Clinton was elected twice with a plurality. President Wilson was elected twice with a plurality. President Obama and President Roosevelt were decisive wins. This wasn't an accidental win. This wasn't a candidate put into office by a decision of the U.S. Supreme Court. This was a legitimate election and a decisive win.

Let's look at some of those nominees. The longest nomination on record was Justice Brandeis, who I believe was the first Jewish American to be appointed to the Supreme Court. His took 125 days. President Obama has more than 300 days left in his term.

If we fail to confirm a nominee, if Senate Republicans fail to do their job—they were elected. They were sworn in. They get paid. All of us do. We are just asking them to do their job. But if Senate Republicans don't do their job, two Supreme Court terms will pass before a new Justice is appointed.

Yesterday I spoke with Professor Peter Shane, a constitutional law professor at Ohio State's Moritz College of Law in Columbus. Professor Shane said that a vacancy of this unprecedented length on the Supreme Court ''will compromise its ability to perform its proper constitutional function'' and it will create ''prolonged uncertainty.''

I have heard so many Republicans in the Senate say that we do all these things and create uncertainty—uncertainty in the economy, uncertainty in regulation, uncertainty in the consumer bureau, whatever. This is the worst kind of uncertainty. It is self-afflicted, and it affects entirely one-third of the government, one of the three branches of government. Without a full bench, justice could be further delayed for Americans who fought for years to have their cases heard. Split decisions—4 to 4 would leave legal questions unanswered and leave Americans in different parts of the country subject to different laws. How do we prevent that? Do your job, I say to my colleagues in the Senate.

In the past, Senator MCCONNELL himself has agreed with a normal, deliberative approach for Supreme Court nominees. He said in 2005: ''Our job is to react to that nomination in a respectful and dignified way, and at the end of the process, to give that person an up-or-down vote as all nominees who have majority support have gotten throughout the history of the country.''

That is what he said a decade ago.

Now he is saying the Senate will not even do our jobs. Again, we run for these offices, we get sworn in to these offices when we win elections, we get paid every two weeks; we should be doing our job. I am not saying every Republican has to vote for the President's nominee. What we are saying is meet with them. The President will do the nomination. We should begin hearings. We should meet with these nominees individually. For every Supreme Court nomination since I have been in the Senate, I have had an hour-long meeting with each nominee, and we then make our decisions based on that. We have not said we are not going to do our work, we are not going to do our jobs. How would that make sense?

The only difference now is that we have a different President. Time and again the Democrats in the Senate have given Republican Supreme Court nominees a fair hearing and the up-or-down vote they deserve. During the 7 years the Vice President chaired the Judiciary Committee, when he was a Senator here, he did his job. He oversaw the confirmation of three Justices who were nominated by Republican Presidents.

In the case of Clarence Thomas, he even allowed Justice Thomas to have an up-or-down vote on the Senate floor, even though the committee failed to report his nomination with a favorable recommendation. So what does that mean? That means that when Clarence Thomas was in front of the Judiciary Committee, a majority of members said no, they didn't want to confirm him, yet they still moved his nomination to the floor. They didn't filibuster. They didn't require 60 votes. They just said: A majority vote wins. Thomas won. Even though Democratic leadership voted against him, Thomas won 52–48. Nobody blocked him, which they could have easily done. And the Senate did its job, the same thing we are asking the Senate to do today.

Both Justice Thomas and Justice Alito were confirmed by the Senate with fewer than 60 votes. That means, again, they could have blocked them with a filibuster. They didn't. They allowed both of them to come forward. Even though they had lots of opposition, they still allowed an up-or-down vote. Yet this time Senate Republicans are refusing to hold hearings and are, in many cases, even refusing to meet with the nominee.

Do your job. You were sworn in. You ran for these offices and then you were sworn in. Do your job. You get paid to do these jobs. Show up for work and do your job.

Can we imagine how Republicans would have reacted if Democrats had shown Ronald Reagan this same disrespect when we considered Justice Kennedy's nomination? I wasn't here then, but we certainly understand the history of the story.

The consistent attempt to delegitimize a democratically elected President is politics at its worst. In 2013, the Republicans didn't like the results of the 2012 election, so they shut down the government. Three years later they still don't like the results of the 2012 election, so they are saying: Well, forget the 2012 election, this is all about the 2016 election.

What it is really about is that the President of the United States was elected in 2012 with the majority of the vote and in an electoral college landslide. He was elected for a 4-year term—not a 3-year and 1-month term, not three-fifths of a term—a 4-year term. American history, in spite of what my colleagues like to say with their revisionist history—in spite of what they like to say about revisionist history, the fact is we have done this in the fourth year or the eighth year of many Presidents. Now they are trying to—as they shut down the government in response to the 2012 election of which they didn't like the outcome, now they are trying to shut down the Supreme Court process with a year left in this President's term. You don't shut the whole system down when you don't get your way. It is a dangerous precedent that undermines our democracy.

Our friends on the other side of the aisle justified this saying: We need to let the people make the choice. Well, they did. They made their choice in 2012 by selecting a President for a 4-year term. This is the fourth year of his term. There is no reason this President shouldn't have the obligation and the right to nominate a candidate and send a name to the Senate, and there is no reason that Senators shouldn't do their jobs—have hearings, meet with the nominee, bring him to the floor for a vote with a 50-vote threshold—a majority vote—and see what happens. They may vote no. If they vote no, that is a legitimate exercise, but if they are

not willing to go through the process and see what might happen—see what the public judges as the right decision in whether to confirm or not—they are not doing their jobs.

It may be asking too much when I have seen the partisanship and the head-in-the-sand attitudes and the fight-this-president-at-all-costs views of so many on the other side, but I expect this Senate to put politics aside and give a fair hearing and an up-or-down vote to any qualified nominee because that is our job.

Simply put, we need to do our job.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Nebraska.

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Madam President, I rise today to continue my tribute to this current generation of Nebraska heroes by remembering those who died defending our freedom in Iraq and Afghanistan. Each of our fallen Nebraskans has a special story to tell. Over the next year and beyond, I will continue to devote time here on the Senate floor to remember each of them in a special tribute to their life and to their service to our country.

Time after time, Nebraska's Gold Star families tell me the same thing. They hope and pray that the supreme sacrifices of their loved ones will always be remembered.

SERGEANT JEFFREY HANSEN

Today I want to celebrate the life of SGT Jeffrey Hansen of Cairo, NE.

Jeff grew up with the heart of a soldier. He enjoyed an all-American childhood, spending time outdoors, hunting, playing football, and staying in shape. Born in Minden, NE, and a 1993 graduate of Bertrand High School, Jeff attended college at the University of Nebraska at Kearney before graduating in 1997 with a bachelor's degree in athletic training.

Over the years, the urge to serve his country tugged at Jeff. He decided to enlist with the Nebraska Army National Guard in January of 2000. A natural leader, he quickly rose through the ranks, serving as an assistant squad leader, fire team leader, and squad leader before his last assignment as a fire support sergeant.

Jeff exhibited outstanding leadership as a member of Troop A in the 1–167th Cavalry of the Nebraska Army National Guard. Friends remember Jeff as an awesome teacher and an amazing mentor. SGT Brad Jessen recalls how Jeff was very soft spoken, but he always had something intelligent to say.

In civilian life, Jeff became a Kearney police officer in 2002, and he later joined the Department of Veterans Affairs Police force in Grand Island. James Arends, who worked with him as a sergeant in the VA Police Service, said, ''Jeff was the strong, silent type. He didn't talk a lot, but when he did, people listened.''

Jeff was also a loving husband. He met his wife Jenny at a football game at the University of Nebraska at Kearney. Fate brought them together, and they began a natural and a comfortable relationship that blossomed quickly. Jenny excelled at golf in college. Jeff would attend her tournaments, cheering her on as the team progressed to a winning season. Then, after the final round of the 2002 NCAA Division II Women's Golf Tournament, Jeff came up to Jenny on the 18th green where he knelt down and proposed.

That same year, Jeff was promoted to sergeant and recognized for outstanding gunnery marksmanship. Jeff and Jenny also began discussing their future plans. Their talks became more intense when Jeff's unit, the 1–167th Cavalry, was called to duty in Bosnia.

Jeff and Jenny wasted no time, and they were married on October 12, 2002. Two days later, Jeff left for Bosnia. After 11 months, Jeff returned home and the two settled down back in Cairo, NE.

A world away, the war in Iraq continued. By the fall of 2005, the American public was hopeful that major military operations in the region would be coming to an end. However, the bombing of the al-Askari mosque in February of 2006 ignited a Sunni-Shia civil war that plunged Iraq deeper into violence. At that time, the American military was operating as a peacekeeping force, but things quickly turned deadly, and the coalition found themselves engaged in dramatic wartime operations.

Jeff's unit arrived in Iraq just before the al-Askari mosque bombing. Operating out of Balad Air Base, his unit, ''the Cav,'' was known for their ability to complete security operations in one of the most violent areas of the country. The days were long, and with each mission they faced imminent danger. All the while, Jeff kept his head in the game and inspired his battle buddies to do the same.

While Jeff was gone, Jenny remained active, and she continued to excel on the golf course. She won the Nebraska Women's State Amateur Golf Championship and qualified for the 2006 U.S. Women's Amateur Open. As she continued to advance, Jenny began thinking about playing the sport professionally, so she wrote to Jeff, asking for his guidance and thoughts on this important new stage—one they would share and navigate on their journey together.

Back in Iraq, Jeff headed out on patrol where conditions worsened with limited visibility. Out of nowhere, Jeff's humvee hit a sinkhole and it flipped, landing upside down in a canal. As this was unfolding, Jeff pushed the other soldiers out of the vehicle, all of whom survived the crash. Meanwhile, Jeff was still in the humvee and critically injured. SGT Brad Jessen remained at the scene, keeping Jeff alive until the medical team arrived. Jeff was quickly flown to Germany for emergency care.

Jenny was at work when the phone rang. ''There's been an accident,'' she was told. ''We need you to come to Germany.''

It seemed like an eternity before Jenny was able to reach Jeff's side at the hospital in Germany. As soon as she arrived, it was clear Jeff was not going to make it home. He passed away a few days later, with Jenny at his side.

Jenny returned home to Nebraska, saying goodbye to Jeff one last time and bracing for a life without the man she loved.

Shortly after the funeral, a letter arrived. It was from Jeff, and there was a reply to her questions about golf and their future. He had written to tell his wife to pursue her dream. He told her to find the focus and dedication that she yearned for in her life. If there was something she wanted to pursue, he would support her every step of the way.

So Jenny pursued that dream. She competed for and she earned a spot on the Ladies Professional Golf Association tour, and she played in a number of professional tournaments.

But as any Nebraskan can understand, ''the good life'' pulled her back. Today, she is the mother of three beautiful children. She still reads the letters from Jeff every once in a while, and Jeff is with her every day in her heart.

For his service in Iraq, Jeff was awarded the Iraqi Campaign Medal, the Global War on Terrorism Service Medal, and the Armed Forces Reserve Medal. He was also posthumously awarded the Bronze Star, the Army Good Conduct Medal, and the Overseas Service Ribbon.

Jeff is survived by his widow Jenny, his father Robert, and his brother Jeremy. Our Nation and all Nebraskans are forever indebted to his service and sacrifice.

SGT Jeffrey Hansen is a hero, and I am honored to tell his story, lest we forget his life and the freedom he fought to defend.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Madam President, I think we are all very touched and moved by Senator FISCHER's remarks and the thoughts of the entire body go out to Sergeant Hansen's family and those he left behind.

I am on the floor today with no better news. We all woke up just days ago to the news of another mass shooting, this time in Kalamazoo. Saturday, another community was changed forever by gun violence. We live it every day in Connecticut, still mourning 20 dead first-graders and 6 teachers who protected them.

In this case, the alleged killer used a semiautomatic handgun to kill six people and injure at least two others

across three incidents between about 6 p.m. and 10:30 p.m. That Saturday night the shooter first shot a woman several times, leaving her seriously wounded. Then, next to a car dealership, he gunned down a father and son. Later, he approached two cars that were parked outside a neighboring Cracker Barrel restaurant. He opened fire there and killed four.

I have been coming down to the floor now for almost 3 years telling the stories of victims of gun violence. I am going to talk about six today. Unfortunately, the statistics tell us there are 86 every single day killed by guns—2,600 a month and 31,000 a year. The vast minority of them are due to mass shootings. Most of the individuals on this list are killed by virtue of suicides or by individual acts of violence—domestic violence, for instance—the violence that happens in cities of America like Hartford, New Haven, New York, and Los Angeles.

What is astounding to many of us is that despite these numbers—and I have made this case before—which are unlike those of any other industrialized country, we do absolutely nothing about it. We do nothing about it. We don't pass stronger gun laws. We don't strengthen our mental health system. We don't give more law enforcement resources. All we do is just catalog the numbers of dead every single day and every single month. The statistics apparently are not moving this place.

Hopefully—my hope is the voices of these victims can give you a sense of who these people are. Just the trail of tragedy that is left behind—researchers will tell you there are often over a dozen people who experience serious levels of trauma in the wake of one person being killed by guns.

Maybe these stories will change people's minds. Stories such as that of Mary Jo Nye, who was 60 years old when she was killed. She was enjoying a night out on the town with her former college roommate, her sister-in-law, Mary Lou Nye, and her friends, Barbara Hawthorne and Judy Brown, when all of their lives were taken by this seemingly random shooting.

Mary Jo was a retired teacher from Calhoun Community High School, where she dedicated her time and talents to students who were at risk of dropping out. That is not an easy job, but she put her mind to it and put her heart to it. One colleague commented that ''she was an English teacher, but she was a lot more than that to the students who don't come from great home lives.''

A friend said she was ''always reaching out to others and helping families.'' This friend also said:

> It just doesn't make sense. Mary Jo saw helping others as her calling in both her professional and her personal life. It's a tragedy.

Mary Lou Nye met her sister-in-law, Mary Jo, when they were in college where they were actually roommates. Mary Lou fell in love with one of her roommate's older brothers, eventually getting married, making the roommates not only friends but also family. Mary Lou dedicated her time as a manager of the Michigan Secretary of State branch in South Haven prior to its closing. She shared her love of children for the last 6 to 7 years working at a daycare center. A local pastor said she always had a smile on her face and was loved by the kids she worked with. ''It was never about her,'' he said, ''always about making sure things were right for the children.'' Her son said his mom ''loved reading books and doted on her grandson,'' his 5-year-old, Geoffrey. She, herself, was the youngest of five children. Her grandson Geoffrey will not be able to spend that time with his grandmother any longer.

Sixty-eight-year-old Barbara Hawthorne was in the backseat of Mary Jo Nye's car when she was killed.

Her family said:

> Our 'Auntie Barb' was easy to laugh. A generous, giving person who loved her many friends and family. She was a true ''hippie'' who marched for civil rights in the Deep South, recycled everything that came through the house, and believed in marching to your own drummer. She loved the theater and live music and shared tickets to performances whenever possible.

Dorothy Brown, known as Judy among her friends and neighbors, was also with Mary Jo, Mary Lou, and Barbara. Neighbors remember Judy's generous and friendly spirit. She readily shared her homegrown herbs and always took time to share a friendly wave with her neighbors. One neighbor who did odd jobs for her occasionally, helping out around the house, always got a gift card from her at the end of the year. She was described by one neighbor as ''a sweet, sweet old lady. You couldn't ask for a better neighbor.''

Tyler Smith was 17 years old and he was with his father shopping for a car when the shooter drove by and opened fire, killing both the father and the son. Tyler had a very bright future ahead of him. He was enrolled in the marketing entrepreneurship program at the local tech center in addition to high school. He was, according to friends and family, studying marketing so he could help open a family business with his father, sister, and his cousin.

The superintendent, who knew Tyler well—it means something about a kid if the superintendent knew this particular student well. That tells you he was marked for something big. He said he ''was such a great kid. He always had a smile on his face, always happy and very well liked.''

His father, known as Rich, was killed alongside him while they were shopping for a car. A family friend remembers Rich, saying, ''When Rich was in your presence he automatically put you in a good mood—he had this contagious laugh and he always smiled.''

A friend said:

> Rich was always there to lighten it up and laugh it off. . . . He was such a wonderful man.

Those are 6 people of the average of 86 killed every day, just in that one episode in Kalamazoo. What is so sad is that when the shootings in Kalamazoo began that Saturday evening, a dozen other people had already been killed in multiple victim incidents since the weekend started. Set aside all of those one-of instances of gun violence. Set aside all of the suicides. Just last weekend, before Kalamazoo happened, a dozen other people had been shot across this country in multiple victim incidents. There is no other country in the world that has that level of epidemic mass gun violence.

I will speak at another time about why that is, but what is unexceptional about the United States is that the American public wants to do something about it. They don't accept the status quo, just as other countries probably wouldn't accept it either. Ninety-two percent of Americans are in favor of universal background checks, and we can't even get a debate on this on the floor of the Senate, nor in the House of Representatives. Democracy normally doesn't allow for 90 percent of Americans to support something that their legislative body will not even consider.

Eighty-five percent of NRA Members are in favor of universal background checks. All that means is, all you have to prove is that you are not a criminal. You have to prove you haven't been deemed mentally incompetent before you can buy a gun.

Support for the laws that we want to debate on the floor of the Senate is absolutely bipartisan. Here is a chart showing background checks for gun shows and private sales. Those are not universal background checks. They are just for those two particular forums. For that specific proposal, Democrats support it by 88 percent, Republicans by nearly 80 percent; laws to prevent the mentally ill from buying guns, 81 percent Democrats and 79 percent of Republicans—no difference.

There is a little bit more of a difference when you come to a Federal database to track gun sales. You still have 55 percent of Republicans supporting that. That is probably the most controversial reform which, to me, for the life of me, I can't figure out why it is controversial. A ban on assault-style weapons, you have 70 percent of Democrats but a majority of Republicans as well, which tells you that the overall American population, despite their partisan registration, supports a ban on assault weapons, which of course wasn't that radical long ago, when it was passed in the law of this country. I will not go into this in detail, but, again, you look at specific provisions, and the overwhelming majority of the American public supports them—bans on semiautomatic weapons, bans on assault weapons, bans on high-capacity ammunition clips, bans on online sales of ammunition. Again, over and over again, you see an overwhelming majority of Americans supporting these laws.

It is simply time for us to respond to the voices of 31,000 victims every single

year and do something about it. I will continue to come down to the floor and share these stories, share some of these charts, share some of the data, in the hope that it will inspire this body to break out of its ice of indifference—as somebody coined the phrase before me—and do something.

I understand we are not likely to get a vote on background checks between now and the end of the year, but there is a big bipartisan mental health bill we can debate on the floor before we wrap up for the year. This Senator would submit to you that is not the answer for the epidemic of gun violence, but it would help. If you create more inpatient beds and more outpatient capacity, a lot of the very disturbed individuals who take these demons that exist inside them and turn them into an act of massive violence—that mental health reform bill could help them. It would just be the beginning of the work we have to do, but it would be a very important beginning.

At some point the U.S. Senate, the greatest deliberative body in the world, an organization that claims to represent the will of the people, will have to start paying attention to the voices of these victims and the overwhelming majority of the American public who want us to honor them.

I yield back.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RELATING TO THE DEATH OF ANTONIN SCALIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 374, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 374) relating to the death of Antonin Scalia, Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MORAN. Madam President, 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 legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea'' and the Senator from Florida (Mr. RUBIO) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Vermont (Mr. SANDERS) are 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. 26 Leg.]

YEAS—93

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

NOT VOTING—7

Booker	McCaskill	Wicker
Cornyn	Rubio	
Cruz	Sanders	

The resolution (S. Res. 374) was agreed to.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 24, 2016, under ''Submitted Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The Senator from Oklahoma.

MORNING BUSINESS

Mr. LANKFORD. 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. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

FILLING THE SUPREME COURT VACANCY

Ms. MIKULSKI. Mr. President, I rise to speak in morning business on an issue before the American people, and that is the Supreme Court vacancy.

I rise today to express my very deep, deep disappointment in my Republican colleagues for vowing to block President Obama's nomination—vowing to block President Obama's nominee for filling the vacancy on the Supreme Court.

Each and every Senator serving in this Chamber was elected by the American people, and we took an oath to uphold the Constitution. In this matter, the Constitution is very clear. Article II, section 2 says the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.''

It doesn't say the President only has an hour and a half left. It doesn't give a time limit to the President. If you are a President and you have a 4-year term, you have the authority and duty to exercise your obligations under the Constitution for a full 4 years, and the Senate has a duty to provide advice and consent. There are no waivers for election years. I urge my colleagues: Do your job. Follow the Constitution and live up to the Constitution. The Constitution doesn't say: In an election year, delay, delay, delay. The word ''delay'' doesn't even appear in the Constitution, in the hope that one day you will get your way.

Republicans have said that the Senate must wait until the people have spoken by electing a new President in November. The American people have spoken. They elected President Obama in 2008, and they reelected him in 2012. Barack Obama is our President from now until noon on January 20, 2017. If the Founders wanted a 3-year term for the President, they would have written that in the Constitution, but they mandated 4 complete years.

Now the other party wants to deny the President the legitimacy and authority of his office. Even George Washington had his nominee considered during a Presidential election year and had three of his candidates confirmed. What was good enough for the first Congress under George Washington should be good enough for this Congress now under President Obama.

President Obama and I will both be closing our offices in January of 2017, but that doesn't mean we are done working for the American people today. There is a lot of work to be done. President Obama has the constitutional duty to submit a nomination in order to fill the vacancy left with Justice Scalia's passing. This duty is not suspended in an election year. The Constitution is clear about the President's authority. The President must fulfill his duty, and we must do our job. The issue is not about Executive orders or checking Executive powers or interpreting law books; it is about following the Constitution.

I say to the Republicans on the other side of the aisle: Please do your job. Your constituents elected you to this position to follow the Constitution. If you don't like the nominee the President has selected, vote no, but at least follow the process. After the President selects his nominee, we then go through a courtesy process where the nominee calls upon each Senator. Then there is a hearing—and maybe there are several days of hearings—and then there is a vote.

I am calling on the Senate to follow the process that was mandated by the Constitution and mandated by our traditions. After the President nominates someone, let's meet with the nominee. Let's hold the hearings and follow the process, and then let's bring it to a vote. Over the last 40 years, the average time it has taken for the Senate to act has been only 67 days from nomination to confirmation, so to say we don't have enough time just doesn't work. We have 10 months, or 330 days, left in this President's administration to do this job.

Some of my colleagues say there is precedent for this obstructionism. Chairman GRASSLEY, the chair of the Judiciary Committee, cited four times in our history where a President did not nominate someone to fill a vacancy during an election year. Well, those numbers are right, but guess what. The vacancy occurred after the Senate had adjourned for the year. None of those Presidents could have nominated a candidate because the Senate wasn't in session.

For the past 100 years, every Supreme Court nominee has been acted upon. Even if they got a disapproval vote in the committee, they still got a vote in the Senate.

In 1987, Robert Bork was voted down in the committee, but he still got a vote on the floor where he was voted down.

In 1991, Clarence Thomas, one of the most contentious and controversial Supreme Court nominations that I ever participated in, was voted on by the committee without a recommendation. He got a vote on the floor and was approved 52 to 48.

Each of these candidates had their day to be evaluated. Each Senator had the ability to apply their advice and consent or, in some cases, nonconsent. I didn't always vote yes on the nominee, but I certainly supported the process that we have here. We have never denied a sitting President his duty to provide a nominee. This is of utmost importance to our Nation. It really is.

The Supreme Court is unique. It is the highest Court of the land with real and lasting impacts on American lives. To obstruct a Supreme Court nominee for political reasons would be absolutely unprecedented. Until this vacancy is filled, the Supreme Court is left with eight members with the potential for tie votes. If there is a tie vote in a decision, the ruling of the lower court remains as if the Supreme Court never heard the case. In some cases, that leaves disagreement among courts, leaving our laws at odds with each other.

If this vacancy lasts until the next President, the Supreme Court could be left without eight members for two terms on the Court. Some of the cases with the most impact on our history have been decided in 5-to-4 votes. That brings up some cases that are of particular concern to me.

What if there were a tied decision in a case and we were left stuck in a gridlock? The Senate knows that I am very involved with equal pay for equal work. There was the famous Lilly Ledbetter case—Lilly Ledbetter v. Goodyear Tire and Rubber Company. It was decided by a 5-to-4 vote. She faced injustice not only at her job, but also in the courts. At the urging of Justice Ginsburg, the Senate provided a legislative remedy to correct that injustice. If we had a tie, we might not have ever been able to resolve that issue both through the Court and through the Senate. This is what democracy is supposed to be.

There was another amazing case, which was Bush v. Gore. Everyone remembers the election in 2000 when we had the hanging chads in Florida and we really weren't sure who won the election—Al Gore or George Bush. This is America, so banks stayed open, there were no tanks in the street, school children were able to go about learning what America was all about and get ready for the new century. We were moving ahead because the process moved through the courts.

The Bush v. Gore case was decided with a 5-to-4 vote. Can you imagine if we had a tied Court now? We would have a constitutional crisis, and we would have a crisis over who was the legitimate President of the United States. We can't have that happen again.

When the voters make their decisions in November on who they want to have as the next President, I hope it is clear and decisive and we don't end up before the Supreme Court, but surely we need to have a Court that is not going to end in a tie and that we have done our job to make sure that there are nine—N-I-N-E—on the Supreme Court.

First of all, follow the Constitution. It is in the best interest of our country. Do your job so we can say to the world: We are a Nation of laws. We encourage people all over the world that are emerging from authoritarian regimes or chaotic political situations to write a Constitution and live by it. Well, we wrote a Constitution, so let's live by it. We need to follow what we say we were elected to do and that we swore an oath to do.

President Obama must do his job. I urge the Republicans to do their job. Let's follow and live up to the Constitution. When the President makes his nomination, let's open our doors so we can meet with that nominee. Let's hold a hearing or multiple hearings, if necessary, and then let's hold a vote on the Senate floor. Let's be accountable by the deeds of our vote and not simply avoid our responsibility.

I yield the floor and 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. 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.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for the information of all Senators, Senator MURKOWSKI and Senator CANTWELL and many others continue to work diligently on a way to wrap up the Energy bill and to deal with the Flint issue. In the meantime, I will be shortly filing cloture on a motion to proceed to the opioid bill, and I am hopeful we can reach an agreement to finish this bill with just a handful of amendments next week.

COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 369, S. 524.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 369, S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

CLOTURE MOTION

Mr. MCCONNELL. 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. 369, S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

Mitch McConnell, Daniel Coats, Dan Sullivan, Orrin G. Hatch, Shelley Moore Capito, John Cornyn, Lindsey Graham, Roy Blunt, Ron Johnson, Chuck Grassley, Rob Portman, Susan M. Collins, Jeff Flake, Cory Gardner, Lamar Alexander, John Barrasso, John McCain.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to called the roll.

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

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

WASTEFUL SPENDING

Mr. COATS. Mr. President, I am on the Senate floor for my 34th edition of ''Waste of the Week.'' As you know, I do these speeches each week to highlight waste, fraud, and abuse and simple ways that we can save the taxpayers' dollars from being misused.

Last year, in my 18th ''Waste of the Week'' speech, I detailed an investigation by the nonpartisan Government Accountability Office that discovered that fraudulent applications were being accepted by healthcare.gov, the government Web site for choosing ObamaCare plans. I discussed the waste, fraud, and abuse of ObamaCare subsidies that were being awarded to fraudulent applicants.

As part of that investigation, the Government Accountability Office investigators purposefully submitted 12 fraudulent applications. They wanted to test the system. They wanted to see how well the system worked. So they drew up 12 deliberately fraudulent applications just to see what the response would be. They submitted them to healthcare.gov. Eleven of them came back as approved. Only one application was called out, where someone said, ''Wait a minute, we don't have the appropriate information'' or ''we didn't do the fact-checking.'' But 11 apparently weren't even fact-checked.

The Government Accountability Office said, ''I think this might be the canary in the coal mine.'' This ought to be a signal that this program is being abused; when 11 out of 12 applications come back with a stamp for approval and the subsidies are given, you would think the government would take notice of that and simply say, ''We have to get ahold of this.''

After the investigation, after this was made public it ought to have been embarrassing to the agencies that are handling this, the Centers for Medicare & Medicaid disbursement. You would think they would jump on this. If I were heading up this agency, if I had anything to do with this at all, I would either fire someone or I would put reforms in place to make sure this never happened again. You would think this report would have spurred some kind of action.

But this week, the Government Accountability Office released a new report detailing how the Obama administration continues to take—and this is in their words—''take passive approach to dealing with the potential fraud'' in the ObamaCare program. The GAO report outlines how healthcare.gov is still plagued by serious operational problems that lead to fraud and abuse. They found that in 2014, over 4 million ObamaCare applicants received a total of $1.7 billion in taxpayer subsidies despite these unresolved documentation errors. What this means is that the healthcare.gov site is allowing people to sign up for and receive ObamaCare benefits without proper verification.

When you have had a previous investigation that said that 11 out of 12—more than 90 percent—of the applications were stamped ''approved'' and subsidies were paid without verification or with faulty verification, you would think by now they would have cleaned this up. Hundreds of thousands of people have been able to get their ObamaCare applications approved without having their eligibility verified. That has become clear. As GAO investigators bluntly stated in the report, healthcare.gov ''is at risk of granting eligibility to, and making subsidy payments on behalf of, individuals who are ineligible to enroll.''

The GAO said that one of the biggest problems with healthcare.gov is that the Centers for Medicare & Medicaid Services, CMS, which is responsible for the oversight and management of ObamaCare, did not resolve Social Security number inconsistencies for thousands of applications. When you submit your identity, you give your Social Security number. It goes to CMS. They are supposed to check it to see if it is a legitimate Social Security number, and if it isn't, they obviously cannot or should not issue the subsidy and approve the application. But, instead, CMS approved subsidized coverage without verifying those numbers from the applicants. It potentially allows access to subsidies by illegal immigrants or other ineligible individuals.

So word gets around: Hey, you don't even need to put your Social Security number on there or you can put a false Social Security number on there, and you are going to get the subsidy.

This is how your government is spending your tax dollars. It is an outrageous way, to pump up ObamaCare. And we keep hearing the White House touting the fact that millions are signing up for this. Of course they are. Millions are signing up for this because whether they are eligible or not, they are getting a subsidy. Who wouldn't want to get a check from the government every month? But it is done through fraud. It is done through waste, and it is done through something that hasn't been documented.

People have to realize that under ObamaCare, you have to be a citizen or a legal resident, fall within a certain income range. Healthcare.gov is supposed to verify all of this when you sign up. But the GAO found that the program does not check new applications against existing approved applications. The resulting failure is that millions of people have been approved for benefits while using the same Social Security number.

Here is another situation. Not only are people using false Social Security numbers on the application and they are still getting subsidies, but a lot of people are using the same Social Security number. This is not the era of having mountains of paperwork stored in warehouses around Washington, DC, because the agencies have been flooded with paper applications; this is an age of computerizing and digitizing all of this information. So all you have to do is push a button to find out whether that is a legitimate Social Security number. I mean, how hard is it?

To make matters worse, we have learned that in thousands of ObamaCare applications, it wasn't even clear if the beneficiary was serving a prison sentence. The law basically says you are not eligible for Obamacare subsidies if you are serving a prison sentence. The GAO found that the Centers for Medicare & Medicaid Services ignored many opportunities for reducing ObamaCare fraud. Basically, it appears that CMS is willing to look the other way. Maybe they were ordered to, maybe they are just doing it, or maybe they are just purely incompetent. But they are looking the other way as the President continues to tout the benefits of this law.

If that isn't bad enough, GAO also found that CMS actually knew that millions of applications were potentially fraudulent and still approved the applications. I am not making this up. We have information provided by the Government Accountability Office that the Centers for Medicare & Medicaid Services knew about these fraudulent practices, so they couldn't plead ''Well, we didn't know this was happening'' or ''This was a computer glitch'' or ''We are just so overwhelmed with paperwork or applications that we can't handle it.'' They knew about it. They knew it was happening, and yet they still haven't cleared the situation up.

It really drives you up the wall—and it is no wonder the American people are so unbelievably frustrated with this government and have deemed that this government is simply wasting their tax dollars. It is the biggest bureaucratic mess they have ever seen and they are paying for it. Doesn't it just practically make you want to scream?

CMS told GAO ''that they currently do not plan to take any actions on individuals with unresolved incarceration or Social Security number inconsistencies.'' Does anybody find that outrageous? We know there is a problem. We have documented there is a problem. But they currently are not willing to undertake any kind of reforms or action to deal with this problem.

To address this mess, I will introduce legislation that will mandate CMS to recoup all improperly paid subsidies. I am going to continue to press the agency to take action to enforce the existing requirements.

What does it take to get the Congress to take the steps to insist that these agencies—entrusted with taxpayer

money carry out their programs and then not act in such a cavalier, dismissive way—deal with this situation? What does it take?

I guess what it takes is what is happening in our election process right now, and that is the example of the reason American people saying: We have had enough and we are blazing mad, and we ought to tear the place down and start all over. And this is all because this behemoth of a dysfunctional government continues to rob the taxpayer of its hard-earned money. Yet it is not providing job opportunities for people, despite all the best efforts of this administration.

It kind of reminds me of back when Obamacare was being debated in the House of Representatives and the then-Speaker of the House, a Democrat, said: Well, we have to pass this bill so we can find out what is in it. Well, Madam Speaker of the House of Representatives, we are finding out not only what is in this bill, but we are also finding out we need an efficient, effective government enforcement of this to ensure that waste, fraud, and abuse is not occurring.

So once again, I am down here adding to the ever-growing amount of money is been documented as waste, fraud, and abuse of. Today we stand at $157 billion of documented waste, fraud, and abuse, and we are just scratching the surface. I probably could come down here every hour of every day the Senate is in session and point out another waste of taxpayer money.

When are we going to step up to the plate and stop this charade that is happening here? When are we going to deal with this problem? I am urging my colleagues to support my efforts and other efforts to at least address known documented problems of waste, fraud, and abuse.

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

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

IRAN

Mr. COONS. Mr. President, tomorrow the people of Iran will go to the polls to elect 285 members of the Iranian Parliament, or the Majlis, and 88 members of the so-called Assembly of Experts, which is the body that will eventually choose the successor to the current Supreme Leader, Ayatollah Ali Khamenei.

Last December, Secretary of State John Kerry cautioned that having an election does not of itself make a democracy, and I think his words are equally fitting this week. Iran's elections, in truth, are neither free nor fair. Iran is not a democracy. Power brokers in Iran have already rigged these elections and even the results of a potential runoff in April will not tell us much we don't already know about the Iranian regime or its foreign policy objectives in the Middle East.

Some observers do hope that moderate voices will make some progress in Iran, and I agree that is good to hope for, but I remain deeply skeptical. In many ways tomorrow's elections are nothing more than a rubberstamp because an unelected Guardian Council, which vets all candidates for office, has already prevented most moderates from even running.

Let me explain. Aspiring candidates for Iran's national Parliament and the Assembly of Experts must be approved by the unelected Guardian Council before they appear on a ballot. Unless they make it through a multiweek vetting process and unless they are deemed sufficiently loyal and conservative, these aspiring candidates will not get a chance to be candidates at all. That is why the candidate list for tomorrow's election has already told us more about Iran's intentions than the election results will.

A willingness to allow reform-minded or moderate Iranians to stand for election would have suggested some real hope for genuine reform for real change in the Iranian regime. Sadly, the disqualification of both female and reformist candidates indicates that Iran is instead doubling down on its decision to avoid long-awaited and much needed democratic reforms and instead will continue to isolate itself from broader membership in the international community. Sixteen women applied to run to serve on the Assembly of Experts. They were all prohibited from running. Three thousand reform-minded candidates sought to run for the Iranian Parliament, but only 1 percent of those 3,000 were approved. Even Hassan Khomeini, the grandson of Ayatollah Khomeini, who founded the Islamic Republic of Iran, was rejected as a candidate for being too modern. These disqualifications reflect the regime's rejection of basic democratic norms and serve as reminder of the urgency with which we have to continue to scrutinize Iran's behavior.

Tomorrow's elections will not change Iran's aggressive behavior in the region or transform the political power structure within the Islamic Republic of Iran, which is still dominated by Supreme Leader Ayatollah Ali Khamenei. Despite what some may hope, the Supreme Leader seems unwilling to allow even a modicum of dissent inside Iran. These elections are likely nothing more than a guise to give the international community the impression that Iranians have a real voice in choosing their elected officials.

While we should hope for future moderation, we should expect the status quo because at its core Iran remains a revolutionary regime that supports terrorism as a central tool of its national foreign policy. U.S. policymakers have to remain clear-eyed about that reality as we seek to effectively and aggressively enforce the nuclear deal and push back against Iranian aggression in the region.

I urge my colleagues, the administration, and the American people to pay close attention not just to tomorrow's Iranian elections but to Iran's actions in the weeks, months, and years to come.

I commend the administration for one action it took this week. It indicted four individuals who violated previously existing U.S. sanctions against Iran. This decision sends another important signal that despite the nuclear deal, sanctions that remain on the books and companies that violate them remain a significant barrier and that companies should not rush to do business with Iran. Only by continuing to enforce existing sanctions, only by continuing to hold Iran to its commitments in the nuclear agreement, and only by pushing back against Iran's support for terrorist proxies, its human rights abuses, and its illegal ballistic missile tests will we demonstrate that we are serious about holding the regime accountable for its actions. Only by viewing Iran through the right lens—a lens of weariness and suspicion, not trust—can we continue to protect our national security and the safety of our regional allies, especially Israel.

A nuclear deal with a nation like Iran does not make that regime our ally or friend and having an election does not make a democracy, but it does make a statement.

FILLING THE SUPREME COURT VACANCY

Mr. President, on Monday I had the privilege of serving as the first Senator from the State of Delaware—the first State—to ever read George Washington's Farewell Address on the Senate floor on February 22, the appointed day every year when we recognize Washington's contributions to our country and its history by repeating his Farewell Address on this floor.

In the more than two centuries since President Washington wrote and delivered those words, I am struck by how relevant they still remain in warning Americans of the dangers of partisanship, factionalism, and division. Today the constitutional order for which President Washington and so many of our Founding Fathers and so many Americans risked and dedicated their lives, and which has sustained our experiment in democracy for generations, is now threatened not by one person or by one political party but rather by the relentless division and dysfunction that has come to define our current political discourse.

Just over 2 years ago, this discord led to an unprecedented shutdown of our whole Federal Government for 17 days. At stake today is nothing less than the capability of the Supreme Court of the United States to continue to function meaningfully. If we fail to reverse this increasingly divisive—and, I think, dangerous—trend, we won't just be facing a series of undecided legal policy

issues. We will also be looking at a direct threat to our constitutional quarter—a new normal in which Supreme Court vacancies remain just that for months upon months or even years.

Sadly, the rhetorical warfare on filling the vacancy on the Court began just an hour after the world first learned of Justice Scalia's passing, when the majority leader issued a statement in which he ruled out any hearing or vote or any consideration whatsoever of a Supreme Court nominee. The back and forth between our parties has grown even more heated in the days since. Much has been made of what Senators of both parties have said and done in response to past Supreme Court vacancies, but the precedent that I think matters most is what this Chamber actually did the last time there was a Supreme Court vacancy during an election year. As many of my colleagues have pointed out, the last time that happened was in 1988, and that year Justice Kennedy was confirmed unanimously and by a Democratic-controlled Senate.

Recently, some of my colleagues have also pointed to a speech that Vice President BIDEN—then chairman of the Senate Judiciary Committee—gave back in 1992, as evidence that there is some clear, strong precedent for the level of obstructionism that we are seeing today. But that reading of his remarks both misrepresent his remarks and obscures the real facts. It is easy to take much of what we say and do here on the floor of the Senate out of context. In fact, I am sure it has happened to each Member of this Chamber more than once, but a full reading of then-Chairman BIDEN's full remarks shows that at the end of his speech, Senator BIDEN promised to consider not just holding hearings, not just a vote but also supporting a consensus nominee. To quote directly:

> I believe that so long as the public continues to split its confidence between the branches, compromise is the responsible course for both the White House and for the Senate. Therefore, I stand by my position. Mr. President, if the President—

Then-President Bush—

> consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support as did Justices Kennedy and Souter.

So when it comes to setting Senate precedent, I think it is important to get the Vice President's words right, but I also think it is important to pay attention to his actions, which speak more loudly than his words. His record as chairman of the Senate Judiciary committee is unmistakable. In case after case, he convened and held appropriate and timely hearings for judges of all backgrounds and experiences when nominated by President Bush in an election year. Even in a deeply contentious election year, he considered dozens of district and circuit court nominees all the way up until September, just 2 months before the Presidential election.

So today I echo then-Chairman BIDEN's 1992 request. I urge President Obama to nominate a moderate and eminently qualified jurist by whose record should clearly, under normal circumstances, be confirmed and who can become a consensus nominee in this Chamber. You don't have to look very far to find a number of candidates who would easily fit this description.

I am not asking my Republican colleagues to commit to support such a nominee, but I am asking for us to be able to fulfill the constitutional obligations of advice and consent that we have sworn to uphold. Here is just another important piece of factual record. Since the formation of the Senate Judiciary Committee a century ago, every single Supreme Court nominee has received a vote, a hearing or both. The only exceptions were candidates whose nominations were withdrawn before they could be considered or that proceeded directly to the floor for a confirmation vote.

Even nominees whose confirmations were voted down by the Senate Judiciary Committee ultimately received a vote by the full Senate. That is the precedent that matters. The American people, I think, aren't deeply interested in what this Senator said 2 years ago or that Senator said two decades ago. This back-and-forth, he said/she said rhetoric is exactly what they have sadly come to expect from this Congress, but it is not why they sent us here.

It is not just our constituents who are watching. Around the world, believers in a democratic system of government, in a system of separation of powers in our constitutional framework, some of whom have risked life and limb to bring democracy to their countries, are watching. Those who believe democracy can't work and who advance that argument around the world are watching too.

At stake in this debate is not just a key vote on the Supreme Court but, more importantly, a key indicator of whether our American experiment can still function. Over the past two-plus centuries, our experiment in democracy has not just survived but even thrived. But in recent years, Members of Congress have been playing a risky game, employing increasingly obstructionist tactics that probe the very boundaries of our system of government. How the Senate conducts itself in the weeks and perhaps even months to come, I think, will set a strong precedent for how future Supreme Court vacancies will be filled and more importantly, about whether our constitutional order can still function. We have an opportunity to show the world that even in the midst of a strikingly divisive Presidential campaign, our democratic system can still work.

President Washington's Farewell Address of 220 years ago warned of the many threats to that full and fair experiment that is American democracy. One of the threats he highlighted most pointedly was that of partisanship and division. The issues facing our Senate today represent nothing less than a direct and serious challenge to the vibrancy of that very democratic experiment for which so many suffered, struggled, and died.

It is my prayer that we will find a way forward through this together.

Thank you.

The PRESIDING OFFICER. The Senator from Minnesota.

ANNA WESTIN ACT

Ms. KLOBUCHAR. Mr. President, I rise today in recognition of National Eating Disorders Awareness Week and bring attention to millions of Americans struggling with eating disorders. It is not something we often talk about on this floor, but eating disorders are more common in our country than breast cancer and Alzheimer's and do not discriminate by class, race, gender or ethnicity. The all-too-sad truth is that eating disorders take the lives of 23 Americans every day and nearly 1 life every hour.

Our understanding of how eating disorders develop and progress is constantly evolving. We know there are between—and, again, because we don't have statistics except for when people die—15 and 30 million people across the country struggling with an eating disorder. We know that anorexia has the highest morality rate of any mental health disorder. Listen to that. Of any mental health disorder that you can think of, anorexia has the highest morality rate. We know that eating disorders affect women 2½ times more than men, making this the important women's mental health issue.

Unfortunately, far too few of these people are getting the help they need. Only 1 in 10 people with an eating disorder will receive treatment for that disease, and for those who don't receive any treatment, the rate of recovery sharply declines, while the likelihood they will be hospitalized rises. The numbers illustrate a grim reality. Too many Americans are suffering in silence, unable to access a treatment they need to conquer their eating disorder and to go on to live healthy lives.

To help the millions of people suffering from eating disorders get the treatment they need, I have introduced the Anna Westin Act with Senator AYOTTE, Senator CAPITO, and Senator BALDWIN. We are very proud that this is a bipartisan bill that is supported by both Democrats and Republicans. As to the fact that it is led by all women Senators, it may be that our time has come, given that women are 2½ times more likely than men to suffer from this disorder.

We remember in the early days when it was the women Senators who united to do something about breast cancer research or when it was women Senators who said: Why are we just studying men when it comes to various drugs and various diseases and cancer? Women have different interactions. Women have different problems. In

fact, these eating disorders affect women 2½ times more than men, yet, literally, hardly anything is going on with this in terms of help and funding. The number one mental health disorder that leads to death and has the highest morality rate is anorexia.

The bill is named in honor of Anna Westin of Chaska, MN, who was diagnosed with anorexia when she was 16 years old. Her health started deteriorating quickly after she completed her sophomore year at the University of Oregon. She began suffering from liver malfunction and dangerously low body temperatures and blood pressure. Even though her condition was urgent, Anna was told she had to wait until the insurance company certified her treatment. This ultimately delayed and severely limited the treatment that she received. After struggling with the disease for 5 years, she committed suicide at the age of 21.

My colleagues, we have a moral obligation to help people like Anna and families like the Westins, and we cannot afford to wait any longer. Last week marked 16 years since Anna's death, yet people with eating disorders are still not guaranteed coverage for lifesaving residential treatment by insurance companies. The bipartisan Anna Westin Act fixes this problem by clarifying that the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act specifies that residential treatment for eating disorders must be covered. We are talking about when a doctor diagnoses an eating disorder and believes, after trying different treatments, that there is an immediate emergency situation, that there should be coverage for residential treatment, which has been found to be really helpful with eating disorders because it helps to change how someone is eating and what they are doing and how they are interacting and how they are going on with their day-to-day life.

My friend, the late Senator from Minnesota, Paul Wellstone, fought hard for that Wellstone and Domenici mental health parity law. As Paul always insisted, a mental health parity bill is about equality and fairness. It is time patients struggling with an eating disorder receive that equality and fairness. It is time that so many of these women who suffer from this disease, which is much more particular to women than to men, get to receive that treatment that you get for other kinds of mental health disorders. This bill would ensure that patients like Anna Westin aren't prevented from getting the treatment they need simply because their insurance doesn't cover it. Eating disorders become life-threatening when left untreated, making early detection absolutely critical. That is why this bill would also use existing funds to create grant programs to train school employees, primary health professionals, and mental health and public health professionals on how to identify eating disorders, as well as how to intervene when behaviors associated with an eating disorder have been identified.

I think most young people today know someone who has an eating disorder. I remember in college a number of young women who had eating disorders, but they were hiding it. Nobody did anything about it. I have no idea how they are doing now.

Making this investment is a no-brainer. By drawing on existing funds for the training programs, this bipartisan bill is designed to have no cost associated with it. These commonsense and long overdue actions will help give those suffering from eating disorders the tools they need to overcome these diseases and prevent more tragedies like Anna's. We wish that Anna was still with us. We wish that she could have graduated from college, started a career, and had children of her own. Well, it may be too late for Anna. We know she would want us to do everything we can to create a world where eating disorders are acknowledged, are recognized, are treated, and are prevented.

I am so proud this bill has been out there for a few years. This is the first time this last year where it has been a bipartisan bill led by four women Senators, two Democrats and two Republicans. The time has come. With affected families in every corner of our country, I invite all of my colleagues to join us in support of this bipartisan bill. We must act now to give the millions of Americans struggling with eating disorders the help they need. Doing so will not just prevent suffering; it will help save lives.

Thank you, 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.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business for approximately 15 minutes—probably less.

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

FILLING THE SUPREME COURT VACANCY

Mrs. FEINSTEIN. Mr. President, at noon today a group of us on this side of the aisle went to the Supreme Court and stood in front of it and spoke about what was happening with the Republican decision to not proceed with the advice and consent provisions of the U.S. Constitution.

I have been a member of the Judiciary Committee for 23 years. I sat through six Supreme Court nominations. In those 23 years, as a nonlawyer, I really became infused with great respect for the American system of justice, for the trial courts, for the appeal courts, and for the supreme courts on the State level as well as on the national level. I don't think there is a system of justice that affords an individual, a company, or an organization a fairer way to proceed to litigate a case than the American justice system.

So as I stood there and heard some of my colleagues speaking, I began to think of the enormity of what is happening. We all know that the Constitution is clear that the President's role is to nominate and the Senate's role is to advise and consent on the nominee, nothing less, nothing more. I strongly believe that we should proceed to render the President's nominee to the highest Court of the land and proceed to consider that advice and consent process with a hearing in the Judiciary Committee. To do anything less, in my view, is to default on our responsibility as U.S. Senators.

That has been the process, no matter how controversial a nomination. That has been the process even when the President and the Senate are of different parties. And, yes, that has been the process during Presidential election years. That is what happened when Anthony Kennedy was confirmed in the last year of President Reagan's term when Democrats actually held the Senate majority. In fact, a total of 14 Justices have been confirmed in the final year of a President's term.

Now, why is this important? The Supreme Court is a coequal branch of our Federal Government. It is a vital part of the separation of powers. It is the final arbiter of the law of the land. And one of our important jobs as Senators is to ensure that the Court has the Justices it needs to decide cases.

It is impossible to overstate the importance of a functioning Supreme Court. Brown v. Board of Education desegregated our schools. Loving v. Virginia struck down laws that made interracial marriage illegal. Roe v. Wade ruled on the constitutionality of State limits on women's access to reproductive health care, which has been upheld as precedent for over 40 years. Bush v. Gore even decided who would move into the White House as President of the United States. More recently, the Supreme Court struck down limits on campaign money, nullified a key part of the Voting Rights Act of 1965, upheld ObamaCare, and legalized same-sex marriage.

Now, what does a 4-to-4 Court mean? The prospect of having more than a year—as a matter of fact, some are saying it is up to 2 years—of tie votes on the Court in major controversial issues would be terrible for our system of justice.

Justice Scalia wrote about the prospect of the split Court in 2004. In responding to a request to recuse himself, he declined. He said if he were to recuse himself, ''the Court proceeds with eight Justices, raising the possibility that, by reason of a tie vote, it will find itself unable to resolve the significant legal issue presented by the case.''

That is Justice Scalia.

He continued, quoting the Court's own recusal policy: ''Even one unnecessary recusal impairs the functioning of the court.''

So that is what we are doing. We are impairing the functioning of the Supreme Court of the United States.

What the Republicans are doing will affect cases for we think at least 2 years—cases left from this year and those to be heard next year. If Republicans are successful in blocking a hearing and a vote on the President's nominee, the Court will find itself unable to resolve important legal questions for a lengthy period of time.

Imagine that you are a plaintiff, someone who has been wrongly terminated from a business, or a business in a legal dispute, or imagine you are a person or a business held liable as a defendant for millions of dollars in a civil case or someone who has been charged with or convicted of a crime. You might spend years of your life in prison or even be subjected to the death penalty even though there may be a legal problem with your conviction or sentence. In all of these instances, as Justice Scalia pointed out, the Court ''will find itself unable to resolve the significant legal issue presented by the case.''

That will mean that individuals and businesses, as well as the American people, will be denied the full system of justice guaranteed by this Constitution. Our people should not stand for this.

There are major issues pending before the Supreme Court. There are important measures to help stop climate change, immigration issues, race in college admissions, the fundamental concept of ''one person, one vote,'' and the ability of unions representing public employees to function. The point is this: Important issues are before the Court, or will be, and there should be a full Court to hear them.

There is absolutely no reason—none—that the Senate should refuse to do its job and conduct full and fair hearings and hold a vote on the nominee.

Just a bit of history: The Senate has not left a Supreme Court seat vacant for a year or longer since the middle of the Civil War. That is a fact. It has not happened since the middle of the Civil War. That would be about 1862.

Even as the nominations process has become more contentious, the Senate has still considered Supreme Court nominees in a timely manner. This has happened regardless of who sat in the White House or which party controlled the Congress.

Here are a few historic facts to consider: Since the Judiciary Committee began holding hearings in 1916 for Supreme Court nominees, a pending nominee to the Supreme Court vacancy has never been denied a timely hearing—never denied a timely hearing—even in the final year of a President's term.

Since 1975, the average time between a Supreme Court nomination and a vote by the full Senate has been 67 days. That is about 2 months. I would remind my Republican colleagues that this includes Justice Anthony Kennedy's confirmation, which took place in February of 1988—a California judge—in the final year of President Reagan's Presidency and before a Democratic Senate. So in the final year, a Democratic Senate took a Republican President's nominee, who was a Republican, and made him a Justice of the United States Supreme Court.

This has held true even for controversial nominees. Robert Bork and Clarence Thomas both failed to win a majority vote by the Judiciary Committee, but their nominations still advanced to a full Senate vote. That was even the case for Justice Thomas, a very conservative jurist, who replaced Justice Thurgood Marshall, a very liberal jurist. And, again, this took place in a Democratic-controlled Senate.

Many of my Republican colleagues have voiced their own support for a President's right to have his nominee considered. Someone I consider a friend who was chairman of the Judiciary Committee during periods of my tenure, Senator ORRIN HATCH, who voted in favor of Justice Ginsburg, said at the time—and I know this because I was sitting right there and heard it—he believed a President deserves some deference on Supreme Court appointments. He said he would not vote against a nominee simply because he would have chosen someone else.

Senator GRASSLEY, now chairman of the Judiciary Committee, made similar comments, saying Congress must not forget its advice and consent responsibilities.

Well, those responsibilities don't cease with the death of a jurist. As a matter of fact, that is the clear intent of the Constitution, that the advice and consent responsibility is mandated, no matter what. So to refuse to hold hearings before a nominee is even announced, to me, is shocking, and it makes me think: To what extent is the partisanship in this body going when it is willing to deny the Supreme Court a vital member? It will be like denying a baseball team a pitcher. They couldn't conduct a game without a pitcher. And a case that has any controversy cannot be fairly held without nine Justices.

That is not what we were sent to Washington for. It is not how to do the people's business. To deny the American people full and fair Senate consideration for a Supreme Court nominee would be unprecedented in our history and further undermine faith in the Senate as an institution. I really deeply believe this, and I don't know why we would let this happen.

If Republicans follow through on this threat, the fairness of the process for the Supreme Court will forever be tarnished. The consequences could reverberate for generations, and it will be a serious gesture against the functioning of this great democracy. So all we ask is, do your job. It is why we were sent here after all.

Thank you very much.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President, for the recognition, and I just want to say to Senator FEINSTEIN that this Senator has listened to many of her remarks and very much agrees with what she said, which is that we should be doing our job in terms of this Supreme Court nominee. It is our job to advise and consent. The Constitution says we shall advise and consent when we get nominations.

Ten years ago the Senate faced a critical task: to consider the nomination by President Bush of Samuel Alito to the Supreme Court. It was a fierce debate. Many opposed him, and some passionately so. I will not argue that it was an easy road, but it was a road that was traveled because that is our job and that is one of our most important duties.

At the time, the current majority leader was very clear on that duty the Senate has. He said:

> We stand today on the brink of a new and reckless effort by a few to deny the rights of many to exercise our constitutional duty to advise and consent, to give this man the simple up-or-down vote he deserves. The Senate should repudiate this tactic.

Justice Alito did get an up-or-down vote and was confirmed 58 to 42, including four Democrats who voted in favor.

The majority leader was right. We do have a duty to advise and consent, and the Constitution indeed uses the word ''shall'' advise and consent.

A President's nominee does deserve an up-or-down vote. That was true then, and it true now. I do not agree with many of Justice Alito's views, but I do believe that it was critical for the Senate to do its job.

Now, here we are with a new nomination to the Supreme Court by a different President, but the majority leader seems to have changed his mind. We are told that no nomination of anyone by this President will be considered. The current Senate majority is refusing its constitutional mandate that it ''shall'' advise and consent, refusing to do its job for blatantly partisan and political purposes. This is misguided, and it is without precedent.

The full Senate has always voted to fill a vacancy on every pending Supreme Court nominee in election years and nonelection years, every single one for the last 100 years. We can go back even further than that. The Senate Judiciary Committee was created 200 years ago. According to the Congressional Research Service, the committee's usual practice has been to report every nominee to the full Senate, even those nominees opposed by a majority of the committee. This is a bipartisan tradition that makes sense and that we should follow.

When Senator LEAHY was Judiciary Committee chairman, he and Ranking Member HATCH did just that. Nominations—even those opposed by a majority of the committee—went to the full Senate.

In 2001, the Republican leader, Senator Lott, said that ''no matter what the vote in committee on a Supreme Court nominee, it is the precedent of the Senate that the individual nominated is given a vote by the whole Senate.''

Were those Senators any less principled? I don't think so. Were those Senators any less passionate in their views? No, but they did their job. They knew how important this was to our country. They honored Senate tradition, and they made sure the highest Court in the land was not running on empty. How did we get from there to here? If the majority leader has his way, there will be no hearings, no debate, and no vote.

The confirmation of a Supreme Court Justice is critical to a functioning democracy. It has become contentious only in recent years. It wasn't always so polarizing. Take, for example, Justice Scalia, whom we just lost. Justice Scalia was confirmed 98 to 0. This Senator does not argue that either side of the aisle is 100 percent pure, but we know that a fully functioning Supreme Court is vital to ensure justice in our system of government, and that depends on a fully functioning Senate.

This obstruction is part of a bigger problem. We have seen before and we are seeing now that the Senate is broken. The American people are frustrated, fed up with political games, obstruction in the Senate, special deals for insiders, and campaigns that are being sold to the highest bidder. They see this obstruction as just another example of how our democracy is being taken away. In this case, the hammer doing the damage is the filibuster. Instead of debate, we have gridlock. Instead of working together, we have obstruction. That is why I pushed for rules reform in the 112th Congress and in the 113th Congress. That is why I continue to push no matter which party is in the majority.

We changed the Senate rules to allow majority votes for executive and judicial nominees to lower courts, but that does no good if they remain blocked, and that is what is happening in this Congress. The line gets longer and longer of perfectly qualified nominees who are denied a vote—denied even to be heard. Meanwhile, the backlog grows to 17 judges, 3 Ambassadors, and even the top official at the Treasury Department whose job is to go after the finances of terrorists. We are on track for the lowest number of confirmations in three decades.

We now have 31 judicial districts with emergency levels of backlogs. A year ago, we had 12. Thousands of people wait for their day in court because there is no judge to hear the case. That is justice delayed and justice denied.

Just when you think things can't get any worse—they do. A seat on the Supreme Court is empty, and the majority leader is actually arguing that it should stay empty for over a year.

I do not believe that the Constitution gives me the right to block a qualified nominee, no matter who is in the White House. This Senator says that today and has said it many times before. Amazingly, this obstruction may reach all the way to the Supreme Court—not just for a specific nominee, but for any nominee.

What we are seeing is bad going to worse, and what we are seeing is election-year politics. The majority leader said that the voters should have a say in who the next Supreme Court Justice is. They had their say. They overwhelmingly reelected President Obama to a 4-year term—not a 3-year term. There is no logical end point to the majority leader's position. They say no Supreme Court nominee should be considered in the President's last year. What if this were 2 months ago? Would their views be different if it was December 2015 or October?

Additionally, Presidents aren't the only ones with limited terms in office. A number of sitting Senators are retiring. Do their constitutional duties and rights as Senators expire now as well? Of course not, and neither should a President's.

Nominees should be judged on their merits. They are public servants in the executive branch, in our courts. They serve the people in this country. They should not be judged on feelings about a President you may not like. That is not governing; that is a temper tantrum.

Let's be very clear. A Presidential election year is no excuse. For example, Justice Kennedy was confirmed unanimously in the last year of President Reagan's administration by a Democratic-controlled Senate.

Our democracy works with three branches of government, not just two. This assault on the Supreme Court is without precedent, without cause, and should be without support.

The President will do his duty and will nominate a Supreme Court Justice. Any Senator has the right to say no, but the American people have the right to hear why.

I began my speech with comments by the majority leader. But this really isn't about what the majority leader said 10 years ago or what other majority leaders have said and what both sides say back and forth; it is about what the American people are saying now and what the Constitution has always said: Do your job. Uphold your oath. Move our country forward.

So I state to my colleagues: Let's get serious. Let's stop these dangerous games. The President's nominee, whoever that is, deserves consideration. The American people deserve a government that works.

Mr. 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. 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.

Mr. TILLIS. Mr. President, our Nation is in the midst of a Presidential election in which the American people are currently deciding who will be our next Commander in Chief. In my home State of North Carolina, many voters have already submitted their absentee ballots and early voting will begin soon.

This election year is especially important. In addition to electing our next President, the American people will have an opportunity to have their say in who should be our next Supreme Court Justice. This is a rare opportunity to let people determine the composition of the highest Court in the land, an institution that dramatically affects the lives of all of us.

While the stakes weren't as high in 2014 as they are today, the voice of the American people was still heard loud and clear nonetheless. In 2014, the American people sent a message about their displeasure for the President's disregard for our Nation's system of checks and balances. The American people sent a message about their opposition to the President's misuse of Executive orders to bypass the will of the Congress, and the American people sent a message by electing a new Senate majority.

Perhaps the memo the Nation sent to the President in 2014 is the reason the minority leadership is now attempting to deny the American people's full voice from being heard in this election. The minority doesn't want the people to decide the composition of the Supreme Court, so they have claimed there is a constitutional requirement for the Senate to give the President's Supreme Court nominee a vote.

That couldn't be further from the truth. Article II, section 2 of the Constitution makes this clear. While the President may nominate individuals to the Supreme Court, the Senate holds the power to grant or withhold consent for those nominees. This is not difficult or unique in a constitutional sense. In fact, in 2005, the senior Senator from Nevada took to this very Senate floor and this is what he declared:

> The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give the Presidential nominees a vote. It says appointments shall be made with the advice and consent of the Senate. That is very different than saying every nominee receives a vote.

The Senate is doing its job by withholding consent, and that is exactly why the rules of the Senate provide further guidance on what happens when the Senate exercises its authority not to advance a judicial nominee.

Senate rule XXXI states: ''Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President.''

The Constitution states and the Senate rules anticipate that the Senate

can exercise its clear authority to withhold consent on any nominee offered by the President. It is not a novel concept that the Supreme Court vacancy should not be filled during an election year.

We can look back to 1992, probably before these pages were even born, when Senate Judiciary Committee then-Chairman JOE BIDEN eloquently explained the need for the Supreme Court vacancy during a Presidential election cycle and that it should be addressed after the American people had their say in the election.

Chairman BIDEN, now Vice President BIDEN, said:

> The senate too, Mr. President, must consider how it would respond to a Supreme Court vacancy that would occur in the full throes of an election year. It is my view that if the president goes the way of Presidents Fillmore and Johnson and presses an election year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination—until after the political campaign season is over.

He went on to say:

> And I sadly predict, Mr. President, that this is going to be one of the bitterest, dirtiest presidential campaigns we will have seen in modern times.

The Vice President concludes by saying:

> I'm sure, Mr. President, after having uttered these words, some will criticize such a decision and say that it was nothing more than an attempt to save a seat on the court in hopes that a Democrat will be permitted to fill it.
>
> But that would not be our intention, Mr. President, if that were the course we were to choose as a senate to not consider holding the hearings until after the election. Instead it would be our pragmatic conclusion that once the political season is underway, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over. That is what is fair to the nominee and essential to the process. Otherwise, it seems to me, Mr. President, we will be in deep trouble as an institution.

Vice President BIDEN's remarks may have been voiced in 1992, but they are entirely applicable in 2016. The campaign is already underway.

It is essential to the institution of the Senate and to the very health of our Republic not to launch our Nation into a partisan, divisive confirmation battle during the very same time the American people are casting their ballots to elect our next President.

Vice President BIDEN—and this is not something I have said very often—was absolutely right. There should be no hearings. There should be no confirmation. The most pragmatic conclusion to draw in 2016 is to hold the Supreme Court vacancy until the American people's voices have been heard.

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.

Ms. HEITKAMP. 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 OFFICER JASON DAVID MOSZER

Ms. HEITKAMP. Mr. President, I join with my colleague and senior Senator, Mr. HOEVEN, to honor and to bear witness to a great North Dakotan and a great officer of the Fargo Police Department, Jason Moszer, who lost his life in the line of duty.

I begin by yielding the floor to my senior Senator, Mr. HOEVEN.

Mr. HOEVEN. Mr. President, I join my colleague from North Dakota to honor a brave young man, Jason David Moszer, who made the ultimate sacrifice for his community.

Jason Moszer was an officer since 2009 with the Fargo Police Department. He died in the line of duty 2 weeks ago today while responding to a domestic violence report in Fargo, ND. It is a tragedy that he was torn from his family and friends and torn from his life while protecting the lives of others. He dedicated himself to serving our State, and we are all grateful for his commitment to devoting his energy and talents to serve as a member of the Fargo Police Department.

While at his funeral earlier this week, I appreciated the opportunity to learn more about the person Jason was and the life he lived. From his youth, he led a life of continuous service—service with the National Guard as a combat medic for 8 years, service in Bosnia, service in Iraq, and, until his passing, service to the people of Fargo as a policeman. In 2012 he and fellow officer Matthew Sliders were awarded the Department's Silver Star Medal for pulling two children from an apartment fire.

Even in death he served by donating his organs to others in need. In dying, his organs and tissue helped save the lives of at least five other people. Clearly, Officer Moszer was a man committed to doing things for others and, consequently, he was respected and admired by everyone who came into contact with him.

Hearing stories about the pranks he pulled, the friends he brought together, his love of camping and cooking all round out the picture of a man who touched the lives of so many, a man who was loved by so many. We owe him and those who love him a tremendous debt for their sacrifice because his family and friends paid a high price.

We in North Dakota pride ourselves on being a safe State, but incidents like this remind us we are not immune to violent crime. They also remind us of the enormous debt we owe to Officer Moszer and to all the men and women in law enforcement who leave home every day and go to work to protect us and help make ours the wonderful State North Dakotans are so proud of.

Mikey and I extend our heartfelt condolences to Officer Moszer's wife Rachel and their children, Dillan and Jolee. It is difficult to lose a loved one, and, more so, to lose one so young and under such circumstances. During this difficult time, we pray that the Moszers are able to find comfort in the love of their family and friends, the support of their community, and the warm memories they have of Jason, which they will carry for the rest of their lives. Please know that you will continue to be in our thoughts and prayers.

One final note. Senator HEITKAMP and I were at the funeral. I think there were about 6,000 people at the funeral, which is a testament to Officer Moszer and his life. He truly epitomizes sacrifice and service to others. May God bless him and his family.

Mr. President, I turn the floor back to my colleague, Senator HEITKAMP.

Ms. HEITKAMP. I thank my senior Senator from North Dakota, Mr. HOEVEN.

As we sat quietly in the hockey arena that Jason loved so much, we felt the pain of so many, including the literally hundreds of thousands of North Dakotans who watched the broadcast of the funeral but also listened on the radio.

On the evening of Wednesday, February 10, Officer Jason Moszer did what so many police officers do on a daily basis—he went toward the danger to answer the call to serve and protect the citizens of Fargo, ND. Jason and the other officers who responded to that initial call knew they were encountering a dangerous situation. The domestic violence call that brought them there that evening had mentioned there might be a firearm involved. Yet those officers did not hesitate that night.

A short time later, shots rang out, and then those words—those words that will never be forgotten by his fellow officers—were heard: ''Officer down.''

Yet, even in the darkest of hours, the men and women of the Fargo Police Department maintained their composure and continued the critical work of securing the surrounding neighborhood and trying to bring this dangerous situation to a resolution.

Later that night the city of Fargo, the State of North Dakota, our neighboring community of Moorhead, ND, and certainly his home community of Sabin, lost one of its finest when Officer Moszer succumbed to his injuries. The loss of an officer in the line of duty is something that devastates an entire community—and in a small State like North Dakota it has taken a toll on every law enforcement officer and every resident throughout our entire State.

I am here this evening to honor Officer Moszer, and I am here this evening to honor the brave men and women of the Fargo Police Department. These officers wake up every morning, and they put on a uniform that requires that they frequently place themselves in dangerous situations in order to protect and to serve the citizens of their State, their community or their tribe. Few among us know what it is like to make that choice.

We have a proud history in North Dakota of law enforcement officers serving their State and local community with distinction. I have had the privilege over the years to work with law enforcement officers in my State who span the spectrum—from highway patrol to State and local officers, to various Federal officers, and the tribal communities. Let me tell you, without any hesitation, these are some of the finest men and women I have ever met or worked with. The officers of the Fargo Police Department have proven beyond a doubt that they are some of the finest law enforcement officers in the Nation.

The men and women of the Fargo Police Department, led by Chief David Todd, performed admirably and heroically that night 2 weeks ago. The courage, strength, and leadership displayed by Chief Todd during this incredibly difficult period has been nothing short of remarkable, and those qualities have certainly spread throughout his department to each and every officer under his charge. Remember, these officers chose this path. They chose to selflessly put themselves in harm's way so they could make the city of Fargo a safer place for each and every person who lives there or who may by chance be passing through. They chose to put the needs of others before their own. They chose a more difficult path to tread than most of us would ever be willing to follow.

One of the stories we heard was from one of his best friends who said: Jason, quite honestly, would have been embarrassed by the outpouring. He suggested that maybe what Jason would have liked is just for people to have a few beers and remember him quietly. Well, Jason's loss was a loss not only for the people of our State, but it was a tremendously devastating loss for the Fargo Police Department and the community of Fargo. Those officers who put on that uniform each and every day are a unique and very special group, a tight-knit group. Very few people can understand what it takes to do the job they do.

Unfortunately, I have attended a number of funerals—two during my time as attorney general—of officers who were killed violently in the line of duty. One of the most moving tributes to a fallen officer is when the radio dispatcher goes through an End of Watch Roll Call. This moving and emotional moment shows that even in death, the men and women of the Fargo Police Department stand shoulder to shoulder with their colleagues, that they will support each other the way they support the city of Fargo each and every day, and that even when a colleague has fallen in the line of duty, they will always have his back.

Officer Moszer, Chief Todd, and the men and women of the Fargo Police Department, I thank you from the bottom of my heart for your service and for your sacrifice to the people of Fargo and to the State of North Dakota.

I wish to end with the End of Watch:

Edward 143 Status Check. . . . Edward 143 Status Check. . . . Last Call Edward 143 Status Check.

Adam One Central—Edward 143 is 1042. End of Watch, February 11th 2016 at 1245 hours.

Those were the final words that their comrades spoke to Officer Moszer and his family.

Without brave men and women willing to step up and willing to stand on the wall for every one of us, we would be a much lesser society.

My thanks to my colleague Senator HOEVEN for joining me. It is in a great North Dakota spirit that we join together as colleagues in a bipartisan way to say thank you and to say goodbye to a wonderful officer, Officer Moszer.

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. HOEVEN. 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

AMERICAN HEART MONTH

Mr. DURBIN. I come to the floor today in recognition of American Heart Month.

For more than 50 years, Congress has recognized February as American Heart Month. During this time, we have seen many advances in reducing congenital heart defects, heart disease, stroke, and other forms of cardiovascular disease through improvements in research, education, prevention, and treatment.

Over 1 million cardiovascular disease deaths are now averted each year thanks to advances in biomedical research, prevention programs, and the development of new drugs and therapies; yet every 15 minutes, a child is born with a heart defect, and nearly 86 million adults are living with some form of cardiovascular disease. Congenital heart defects are the most common type of birth defect, and heart disease alone remains our Nation's leading cause of death.

For millions of families across the country, including mine, the impact of heart defects and disease can be overwhelmingly painful.

Thanks to the Affordable Care Act, parents can now afford health insurance, and coverage can no longer be denied for a preexisting condition. Also, insurers cannot set arbitrary lifetime or annual limits on care. These protections can be lifesaving, literally, when dealing with congenital heart conditions.

And while I am so proud of what we did in health reform to improve access to care, we must do more to improve quality of care—and that means finding ways to better treat and even prevent these diseases.

Thankfully, there is hope for patients and families across the country. Breakthroughs in research are getting us closer to understanding the risk factors and causes of these diseases. We are developing new drugs and therapies to help those who are suffering, and we are improving standards of care for those living with and managing these diseases.

Increases in funding for the NIH and CDC in the fiscal year 2016 omnibus bill will support these critical efforts in prevention, research, and treatment. We provided a historic funding increase of $2 billion for the NIH, and the CDC's budget was increased by nearly 5 percent. These increases will support leading research efforts at the NIH on the causes of cardiovascular diseases and possible treatments; community prevention programs at the CDC; as well as initiatives to gather data and track the incidence of congenital heart disease. These cannot be onetime increases. We must commit to sustained long-term investments in our Federal health agencies—that means ensuring robust funding increases above inflation year after year. That is why I will again fight for funding equal to five percent real growth in the fiscal year 2017 appropriations bills for NIH, CDC, and seven other research agencies that contribute to medical and scientific advancements consistent with two bills I have introduced.

The American Cures Act would provide annual budget increases of five percent over inflation every year for 10 years at American's top four biomedical research agencies: the National Institutes of Health; the Centers for Disease Control and Prevention; the Department of Defense health programs; and the VA's Medical and Prosthetic Research Program, its biomedical research arm.

The American Innovations Act would invest an additional $110 billion over 10 years in the critically important basic science research at America's top research agencies: the National Science Foundation; the Department of Energy Office of Science; the Department of Defense Science and Technology Programs; the National Institute of Standards and Technology Scientific and Technical Research; and the NASA Science Directorate.

We can't afford not to invest in the work these critical agencies are doing. And let me tell you why.

A few weeks ago, I was in Peoria, IL, touring the OSF Hospital there. Researchers from the University of Illinois Medical School are teaming up with the engineering department in joint efforts to bring new technologies to medical breakthroughs. They showed me a model of an infant's heart. It was an exact 3–D printed replica of an actual infant heart with serious congenital defects that would be operated on. The model was produced

through MRIs and CAT scans. This allows surgeons to look at the heart, open it, and prepare for the procedures that they are about to conduct. It meant less time on the heart-lung machine, and it improves the odds of a positive recovery. These medical breakthroughs—made possible by Federal, State, and private contributions—are giving millions of Americans hope.

In early January, surgeons at Prairie Heart Institute in my hometown of Springfield, IL, operated on a local woman from Decatur. The doctors replaced two diseased heart valves with artificial valves that were threaded into position inside catheters, smaller than the width of a pencil. This procedure is known as a double trans-catheter valve replacement. This successful surgery was only the fourth of its kind in the United States, and the first in the world to use the latest generation of artificial valves. The lead surgeons were from Prairie and Southern Illinois University School of Medicine. Had the valve not been replaced, the patient would have faced a substantially higher risk for death from congestive heart failure.

As co-chair of the Senate NIH Caucus, and co-chair of the bipartisan, bicameral Congressional Heart and Stroke Coalition, I want to thank my colleagues for their commitment to lifesaving research for all Americans. I also want to thank the researchers, advocates, public health professionals, families, and patients for their leadership and tireless support for advancements in the science and treatment of heart diseases.

There is more work to be done, but I am optimistic for breakthroughs in the near future.

Thank you.

PLAN TO CLOSE THE GUANTANAMO BAY DETENTION FACILITY

Mr. LEAHY. Mr. President, for years, I have consistently opposed efforts by Congress to restrict the Obama administration's ability to close the detention facility at Guantanamo Bay. The indefinite detention without trial of detainees at Guantanamo contradicts our most basic principles of justice, degrades our international standing, and harms our national security. The mere existence of this facility serves as a recruitment tool for terrorists, and the facility costs American taxpayers more than $4 million per detainee each year—an astonishing amount of money that could be repurposed to keep our men and women in uniform safe.

I recently received a letter from former Marine Corps Commandant Charles Krulak, co-signed by an additional 60 retired generals and admirals that noted ''closing Guantanamo is not just a national security imperative, it is about reestablishing the core values of who we are as a nation.'' I could not agree more. I ask unanimous consent that General Krulak's letter be printed in the RECORD at the conclusion of my remarks.

Last May, I wrote a letter to President Obama urging him to expedite the transfer of cleared detainees to foreign countries and accelerate the periodic review board process to determine if additional detainees could be transferred. Since that time, the President has made progress toward closing the Guantanamo detention facility. To date, only 91 detainees remain, and top national security officials have already cleared 35 of those detainees for transfer to foreign countries. I am encouraged that the plan unveiled by the administration yesterday morning calls for accelerating the review process to determine if additional detainees can be transferred, as I urged, and for completing that process by the fall.

Now that President Obama has delivered a plan, Congress must do its part and lift the unnecessary and counterproductive restrictions on transferring detainees to the United States, so that we can finally shutter Guantanamo once and for all. We should all want to see additional detainees finally brought to justice in our Federal court system, which has a long and proven track record in terrorism prosecutions—unlike the military commission system that has been bogged down in legal challenges and procedural hurdles.

The detention facility at Guantanamo Bay has been a stain on our national reputation for more than 14 years. Closing Guantanamo is the morally and fiscally responsible thing to do, and it is long past time to stop the fear-mongering so we can work together to close it down.

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

FEBRUARY 23, 2016.

DEAR SENATOR LEAHY: I represent a coalition of more than 60 retired generals and admirals of the United States Armed Forces who have for years advocated the responsible closure of the detention facility at Guantanamo Bay. I write to urge you to give serious consideration to the recently submitted Department of Defense plan to close the detention facility at Guantanamo Bay, Cuba. Closing Guantanamo is in our national security interest, and with the submission of the DOD plan, there is a unique opportunity for Congress to lift the remaining restrictions on transferring detainees so that Guantanamo can be closed.

Guantanamo continues to impose significant costs to our national security. As an offshore detention facility that—rightly or wrongly—represents to the world an image of detainee abuse and violations of the rule of law, Guantanamo undermines counterterrorism cooperation with allies and unnecessarily bolsters the propaganda and recruiting narratives that terrorists seek to advance. It is a travesty that the trial of the perpetrators of the 9/11 attacks remains bogged down at Guantanamo nearly 15 years after 9/11.

The issue of what to do with Guantanamo is not a political issue. There is near unanimous agreement from our nation's top military, intelligence, and law enforcement leaders that Guantanamo should be closed. Even President George W. Bush, who opened Guantanamo after the 9/11 attacks, tried to close it, noting that ''the detention facility had become a propaganda tool for our enemies and a distraction for our allies.''

We understand that some fear bringing even a small number of detainees to the United States as part of the plan to close Guantanamo. However, we are confident that those detainees can be held safely and securely stateside. Hundreds of terrorists are already being held in U.S. prisons—including one former Guantanamo detainee who is serving a life sentence. Rather than trying to invoke fear, we should applaud these communities that have successfully and safely detained society's worst without incident. In any event, the risks of keeping Guantanamo open far outweigh any risks associated with closing it.

In the coming days and weeks, we plan on more closely studying the Department of Defense's plan to close Guantanamo, and we hope you will do the same. Closing Guantanamo is not just a national security imperative, it is about reestablishing the core values of who we are as a nation, and we believe strongly that there must be a bi-partisan approach to achieving that objective.

Semper Fidelis,

CHARLES C. KRULAK,
General, U.S. Marine Corps (Ret.).

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mrs. MCCASKILL. Mr. President, I was necessarily absent for today's vote on S. Res. 374, a resolution relating to the death of Antonin Scalia, Associate Judge of the Supreme Court of the United States. I would have voted yea.•

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA, February 23, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–12, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost $350 million. After this letter is delivered to your office, we plan

to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Iraq.

(ii) Total Estimated Value:

Major Defense Equipment* $0 million.

Other: $350 million.

Total: $350 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-Major Defense Equipment (MDE): The Iraq Air Force is requesting a five-year sustainment package for its KA–350 fleet that includes contract logistics, training, and contract engineering services. Also included in this possible sale are operational and intermediate depot level maintenance, spare parts, component repair, publication updates, maintenance training, and logistics.

(iv) Military Department: Air Force (X7–D–QBQ).

(v) Prior Related Cases, if any: FMS Case: IQ–D–QAX–$169M–13 September 2011, IQ–D–QBK–$750K–19 November 2009.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: February 23, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Iraq—KA–350 Sustainment, Logistics, and Spares Support

The Government of Iraq is requesting a five-year sustainment package for its KA–350 fleet that includes: operational and intermediate depot level maintenance, spare parts, component repair, publication updates, maintenance training, and logistics. There is no Major Defense Equipment associated with this case. The overall total estimated value is $350 million.

The Iraq Air Force (IqAF) operates five (5) King Air 350 ISR (intelligence, surveillance, and reconnaissance) and one (1) King Air 350 aircraft. The KA–350 aircraft are Iraq's only ISR-dedicated airborne platforms and are used to support Iraqi military operations against Al-Qaeda affiliates and Islamic State of Iraq and the Levant (ISIL) forces. The purchase of a sustainment package will allow the IqAF to continue to operate its fleet of six (6) KA–350 aircraft beyond September 2016 (end of the existing Contract Logistics Support (CLS) effort). Iraq will have no difficulty absorbing this support.

The proposed sale will contribute to the foreign policy and national security goals of the United States by helping to improve a critical capability of the Iraq Security Forces in defeating ISIL.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Beechcraft Defense Company, Wichita, KS. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Iraq.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, February 23, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–04, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $225 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: United Arab Emirates.

(ii) Total Estimated Value:

Major Defense Equipment* $82.664 million.

Other: $142.336 million.

Total: $225.000 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The UAE requested a possible sale of eight (8) AN/AAQ–24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) Systems to protect the UAE's C–17 aircraft. Each C–17 aircraft configuration for the LAIRCM system consists of three (3) Guardian Laser Transmitter Assemblies (GLTA), six (6) Ultra-Violet Missile Warning System (UVMWS) Sensors AN/AAR–54, one (1) Control Indicator Unit Replacement (CIUR) and one (1) LAIRCM System Processor Replacement LSPR.

Major Defense Equipment (MDE):

Twenty-four (24) AN/AAQ–24(V)N Guardian Laser Transmitter Assembles (GLTA) and thirteen (13) spares. Eight (8) AN/AAQ–24 (V)N LAIRCM System Processor Replacement (LSPR) and eleven (11) spares. Forty-eight (48) AN/AAR–54 Ultra-Violet Missile Warning System (UVMWS) Sensors and twenty-six (26) spares.

Non-MDE items include: Control Indicator Unit Replacement (CIUR), Smart Card Assemblies (SCA), High Capacity Cards (HCC), User Data Modules (UDM), Repeaters, COMSEC Key Loaders, initial spares, consumables, support equipment, technical data, repair and return support, engineering design, Group A and Group B installation, flight test and certification, warranties, contractor provided familiarization and training, U.S. Government (USG) manpower and services, and Field Service Representatives (FSR). The total estimated program cost is $225 million.

(iv) Military Department: Air Force (AE–D–QAI).

(v) Prior Related Cases, if any: FMS Case: AE–D–QAC–17 December 09–$501M, 26 May 10–$250M, 31 July 12–$35M, 28 July 15–$335M. AE–D–QAH 28 July 15–$335M.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 23, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—AN/AAO–24(V)N Large Aircraft Infrared Countermeasures (LAIRCM)

The United Arab Emirates (UAE) requested a possible sale of eight (8) AN/AAQ–24(V)N LAIRCM for the UAE's C–17 aircraft. Each C–17 aircraft configuration for the LAIRCM system consists of the following major defense equipment (MDE): three (3) Guardian Laser Transmitter Assemblies (GLTA), six (6) Ultra-Violet Missile Warning System (UVMWS) Sensors AN/AAR–54, one (1) LAIRCM System Processor Replacement (LSPR). The sale includes spares bringing the MDE total to thirty-seven (37) GLTA AN/AAQ–24(V)Ns, nineteen (19) LSPR AN/AAQ–24(V)Ns, and seventy-four (74) UVMWS Sensors AN/AAR–54. The sale also includes the following non-MDE items: Control Indicator Unit Replacements (CIUR), Smart Card Assemblies (SCA), High Capacity Cards (HCC), User Data Modules (UDM), Repeaters, COMSEC Key Loaders, initial spares, consumables, support equipment, technical data, repair and return support, engineering design, Group A and Group B installation, flight test and certification, U.S. Government manpower and services, and Field Service Representatives (FSR). The total estimated value of MDE is $82.664 million. The total estimated program cost is $225 million.

This proposed sale enhances the foreign policy and national security of the United States by improving the security of a partner country, which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed purchase of LAIRCM to provide for the protection of UAE's C–17 fleet enhances the safety of UAE airlift aircraft engaging in humanitarian and resupply missions. LAIRCM facilitates a more robust capability into areas of increased missile threats. The UAE will have no problem absorbing and using the AN/AAQ–24(V)N LAIRCM system.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Company, Chicago, Illinois, The main subcontractor is Northrop Grumman Corporation of Rolling Meadows, Illinois. There are no known offset agreements proposed in connection with this potential sale.

This sale includes provisions for one (1) FSR to live in the UAE for up to two (2) years. Implementation of this proposed sale requires multiple temporary trips to the UAE involving U.S. Government or contractor representatives over a period of up to six (6) years for program execution, delivery, technical support, and training.

TRANSMITTAL NO. 16–04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology

1. The AN/AAQ–24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) is a self-contained, directed energy countermeasures system designed to protect aircraft from infrared-guided surface-to-air missiles. The system features digital technology and micro-miniature solid-state electronics. The system operates in all conditions, detecting incoming missiles and jamming infrared-seeker equipped missiles with aimed bursts of laser energy. The LAIRCM system consists of multiple Ultra-Violet Missile Warning System (UVMWS) Sensor units, Guardian Laser Transmitter Assemblies (GLTA), LAIRCM System Processor Replacement

(LSPR), Control Indicator Unit Replacement (CIUR), and a classified High Capacity Card (HCC), and User Data Modules (UDM). The HCC card is loaded into the CIUR prior to flight. When the classified HCC card is not in use, it is removed from the CIUR and put in secure storage. LAIRCM Line Replaceable Units (LRU) hardware is classified SECRET when the classified HCC is inserted into the CIUR. LAIRCM system software, including Operational Flight Program, is classified SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

a. The set of UVMWS Sensor units (AN/AAR–54) are mounted on the aircraft exterior to provide omni-directional protection. The UVMWS Sensors detect the rocket plume of missiles and sends appropriate data signals to the LSPR for processing. The LSPR analyzes the data from each UVMWS Sensors and automatically deploys the appropriate countermeasures via the GLTA. The CIUR displays the incoming threat.

b. The AN/AAR–54 UVMWS Sensor warns of threat missile approach by detecting radiation associated with the rocket motor. The AN/AAR–54 is a small, lightweight, passive, electro-optic, threat warning devise used to detect surface-to-air missiles fired at helicopters and low-flying fixed-wing aircraft and automatically provide counlermeasures, as well as audio and visual warning messages to the aircrew. The basic system consists of multiple UVMWS Sensor units, three GLTAs, a LSPR and a CIUR. The set of UVMWS units (each C–17 has six (6)) are mounted on the aircraft exterior to provide omnidirectional protection. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

2. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the United Arab Emirates.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, February 11, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15–80, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Pakistan for defense articles and services estimated to cost $699.04 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–80

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of Pakistan.

(ii) Total Estimated Value:

Major Defense Equipment* $564.68 million.

Other $134.36 million.

Total: $699.04 million.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:

Major Defense Equipment (MDE): Eight (8) F–16 Block 52 aircraft (two (2) C and six (6) D models), with the F100–PW–229 increased performance engine.

Fourteen (14) Joint Helmet Mounted Cueing Systems (JHMCS).

Non-MDE items included in this request are eight (8) AN/APG–68(V)9 radars, and eight (8) ALQ–211(V)9 Advanced Integrated Defensive Electronic Warfare Suites (AIDEWS). Additionally, this possible sale includes spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost of MDE is $564.68 million. The total estimated cost is $699.04 million.

(iv) Military Department: Air Force (X7–D–5A7).

(v) Prior Related Cases, if any: FMS Case SAF—$1.4B–24 Oct 06.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 11, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of Pakistan—F–16 Block 52 Aircraft

The Government of Pakistan has requested a possible sale of:

Major Defense Equipment (MDE):

Eight (8) F–16 Block 52 aircraft (two (2) C and six (6) D models), with the F100–PW–229 increased performance engine

Fourteen (14) Joint Helmet Mounted Cueing Systems (JHMCS)

Non-MDE items included in this request are eight (8) AN/APG–68(V)9 radars, and eight (8) ALQ–211(V)9 Advanced Integrated Defensive Electronic Warfare Suites (AIDEWS). Additionally, this possible sale includes spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost of MDE is $564.68 million. The total estimated cost is $699.04 million.

This proposed sale contributes to U.S. foreign policy objectives and national security goals by helping to improve the security of a strategic partner in South Asia.

The proposed sale improves Pakistan's capability to meet current and future security threats. These additional F–16 aircraft will facilitate operations in all-weather, non-daylight environments, provide a self-defense/area suppression capability, and enhance Pakistan's ability to conduct counter-insurgency and counterterrorism operations.

This sale will increase the number of aircraft available to the Pakistan Air Force to sustain operations, meet monthly training requirements, and support transition training for pilots new to the Block 52. Pakistan will have no difficulty absorbing these additional aircraft into its air force.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Contractors have not been selected to support this proposed sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Pakistan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–80

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. This sale involves the release of sensitive technology to Pakistan. The F–16C/D Block 50/52 weapon system is UNCLASSIFIED, except as noted below. The aircraft uses the F–16 airframe and features advanced avionics and systems. It contains the Pratt and Whitney F–100–PW 229 engine, AN/APG–68V(9) radar, digital flight control system, external electronic warfare equipment, Advanced Identification Friend or Foe (AIFF), LINK–16 datalink, and software computer programs.

2. Sensitive and/or classified (up to SECRET) elements of the proposed F–16C/D include hardware, accessories, components, and associated software: AN/APG–68V(9) Radar, Have Quick I/II Radios, AN/APX–113 AIFF with Mode IV capability, AN/ALE–47 Countermeasures (Chaff and Flare) set, LINK–16 Advanced Data Link Group A provisions only, Embedded Global Positioning System/Inertial Navigation System, Joint Helmet-Mounted Cueing System (JHMCS), ALQ–211(V)9 Advanced Integrated Defensive Electronic Warfare Suite (AIDEWS) without Digital Radio Frequency Memory, AN/ALQ–213 Countermeasures Set, Modular Mission Computer, Have Glass I/II without infrared top coat, Digital Flight Control System, F–100 engine infrared signature, and Advanced Interference Blanker Unit. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and other similar critical information.

3. The AN/APG–68(V)9 is the latest model of the APG–68 radar and was specifically designed for foreign military sales. This model contains the latest digital technology available for a mechanically scanned antenna, including higher processor power, higher transmission power, more sensitive receiver electronics, and an entirely new capability, Synthetic Aperture Radar (SAR), which creates higher resolution ground maps from a much greater distance than previous versions of the APG–68. Complete hardware is classified CONFIDENTIAL, major components and subsystems are classified CONFIDENTIAL, software is classified SECRET, and technical data and documentation are classified up to SECRET.

4. The AN/ARC–238 radio with HAVE QUICK II is a voice communications radio system. The AN/ARC–238 employs cryptographic technology that is classified SECRET. Classified elements include operating characteristics, parameters, technical data, and keying material.

5. The AN/APX–113 AIFF with Mode IV system is classified up to SECRET when operational evaluator parameters are loaded into the equipment. Classified elements of the AIFF system include software object code, operating characteristics, parameters, and technical data.

6. The Multifunctional Information Distribution System-Low Volume Terminal (MIDS–LVT) is an advanced Link–16 command, control, communications, and intelligence (C31) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. MIDS–LVT is intended to support key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. The system will provide jamming-resistant, wide-area communications on a Link-16 network among MIDS and Joint Tactical Information Distribution System (JTIDS) equipped platforms. The MIDS/LVT and MIDS on Ship Terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

7. The Joint Helmet Mounted Cueing System (JHMCS) is a modified HGU–55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. A Helmet Vehicle Interface (HVI) interacts with the aircraft system bus to provide signal generation for the helmet display. This provides significant improvement for close combat targeting and engagement. The hardware is UNCLASSIFIED; technical data and documents are classified up to SECRET.

8. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advanced capabilities. The benefits to be derived from this sale in the furtherance of the U.S. foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

9. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

10. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

11. All defense articles and services are approved for release to the Government of Pakistan.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, February 10, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0C-16. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 15-14 of 29 May 2015.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 0C–16

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(A), AECA)

(i) Purchaser: The United Arab Emirates (UAE).

(ii) Sec. 36(b)(1), AECA Transmittal No.: 15-14; Date: 29 May 2015; Military Department: Air Force.

(iii) Description: On 29 May 2015, Congress was notified by Congressional Notification Transmittal Number 15-14, of the possible sale under Section 36(b)(1) of the Arms Export Control Act for 500 GBU–31B/B(V)1 (MK–84/BLU–117) bombs, 500 GBU–31B/B(V)3 (BLU–109 bombs) bombs, and 600 GBU–12 (MK–82/BLU–111) bombs, containers, fuzes, spare and repair parts, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics and technical support services, and other related elements of logistics support. The estimated total cost was $130 million. Major Defense Equipment (MDE) constituted $100 million of this total.

This transmittal reports a clarification that the MDE munitions notified on Congressional Notification transmittal number 15–14 include the following: 500 GBU–31B/B(V)1 (KMU–556 Joint Direct Attack Munition (JDAM) kits with 500 MK–84/BLU–117 general purpose bombs); 500 GBU–31B/B(V)3 (KMU–557 JDAM kits with 500 BLU–109 penetrating bombs); and 600 GBU–12 kits, with 600 MK–82/BLU–111 general purpose bombs. This transmittal also reports the inclusion as MDE of 1700 FMU–152A/B munitions fuzes. The value of the fuzes was included in the MDE cost but was not enumerated as MDE. The total estimated value of associated MDE remains at $100M. The total overall value of the program remains at $130 million.

(iv) Significance: The proposed sale provides munitions resupply. The UAE continues to be a steadfast partner within the region and continues to participate in Coalition Operations.

(v) Justification: This proposed sale contributes to the foreign policy and national security of the United States by meeting the security and defense needs of a partner nation that continues to be an important force for political stability and economic progress in the Middle East.

(vi) Date Report Delivered to Congress: February 10, 2016.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington VA, February 10, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0G–16. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16–10 of 18 December 2015.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO.: 0G–16

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(a), AECA)

(i) Purchaser: Government of Australia.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 16–10; Date: 18 December 2015; Military Department: Army.

(iii) Description: On 18 December 2015, Congress was notified, by Congressional Notification Transmittal Number 16–10, of the possible sale under Section 36(b)(1) of the Arms Export Control Act for the following:

Major Defense, Equipment (MDE):

Three (3) CH–47F Chinook Helicopters.

Six (6) T55–GA–714A Aircraft Turbine Engines.

Three (3) Force XXI Battle Command, Brigade & Below (FBCB2)/Blue Force Tracker (BFT).

Three (3) Common Missile Warning Systems (CMWS).

Three (3) Honeywell H–764 Embedded Global Positioning/Inertial Navigation Systems.

Three (3) Infrared Signature Suppression Systems.

The previous request also included the following Non-Major Defense Equipment; AN/APX–123A Identification Friend or Foe (IFF) Transponders, Defense Advanced Global Positioning System (GPS) Receiver (DAGR), AN/ARC–201D SINCGARS Airborne Radio Systems, AN/ARC–220 High Frequency Airborne Communication Systems, AN/ARC–231(V)(C) Airborne VHF/UHF/LOS SATCOM Communications Systems, KY–100 Secure Communication Systems, KIV–77 Common IFF Cryptographic Computers, AN/AVS–6 Aviator's Night Vision Systems, AN/ARN–147 Very High Frequency (VHF) Omni Ranging/Instrument Landing System Receiver, AN/PYQ–10(C) Simple Key Loaders, AN/ARN–153 Tactical Airborne Navigation (TACAN) System, Spare Parts, Tools, Ground Support Equipment, Technical Publications, Contractor and U.S. Government Technical Services.

The total estimated cost of MDE was $105 million. The total overall estimated value was $180 million.

This report revises the quantity of the Honeywell H–764 Embedded Global Positioning/Inertial Navigation Systems (GPS/INS) to two (2) per aircraft and two (2) as spares, for a total quantity of eight (8). This report also revises the quantity of Common Missile Warning Systems (CMWS) to four (4), which includes one spare. Additionally, this report removes the three (3) Force XXI Battle Command, Brigade & Below (FBCB2), but retains the Blue Force Tracker (BFT), which are non-MDE. The Infrared Signature Suppression Systems are also revised to be properly enumerated here as non-MDE. The revised MDE total cost is $103 million. The total overall estimated value remains at $180 million.

(iv) Significance: The GPS/INS provides highly accurate all-altitude, all-weather navigation and timing information to the CH–47F Chinook helicopters, allowing more precise flight pattern and rendezvous. The helicopters have a redundant requirement to have two GPS/INS systems for flight operations. There is also a requirement for two additional GPS/INS as maintenance spares. The CMWS provides enhanced situational awareness and the capability to defeat ground to air missile threats. The CH–47F helicopters will increase Australia's ability to contribute to future coalition operations and help provide stability in the region.

(v) Justification: It is vital to U.S. national interests to assist Australia to develop and maintain a strong and ready self-defense capability. This update to a previously approved sale will further enhance

Australia's interoperability with the U.S. Army.

(vi) Date Report Delivered to Congress: February 10, 2016.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, February 10, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding a revised Transmittal No. 15–62, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $1.20 billion. The original Transmittal was delivered on November 19, 2015, and it erroneously cited the potential for offsets. There are no known offsets associated with this sale. This submission corrects this discrepancy and makes no other changes. After this letter is delivered to your office, we plan to issue a corrected news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Japan.

(ii) Total Estimated Value:

Major Defense Equipment:* $.689 billion.

Other: $.511 billion.

Total: $1.20 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Three (3) RQ–4 Block 30 (I) Global Hawk Remotely Piloted Aircraft with Enhanced Integrated Sensor Suite (EISS).

Eight (8) Kearfott Inertial Navigation System/Global Positioning System (INS/GPS) units (2 per aircraft with 2 spares).

Eight (8) LN–251 INS/GPS units (2 per aircraft with 2 spares).

Also included with this request are operational-level sensor and aircraft test equipment, ground support equipment, operational flight test support, communications equipment, spare and repair parts, personnel training, publications and technical data, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support.

(iv) Military Department: Air Force (X7–D–SAI).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 10, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Japan—RQ–4 Block 30 (I) Global Hawk Remotely Piloted, Aircraft

The Government of Japan has requested a possible sale of:

Major Defense Equipment (MDE):

Three (3) RQ–4 Block 30 (I) Global Hawk Remotely Piloted Aircraft with Enhanced Integrated Sensor Suite (EISS).

Eight (8) Kearfott Inertial Navigation System/Global Positioning System (INS/GPS) units (2 per aircraft with 2 spares).

Eight (8) LN–251 INS/GPS units (2 per aircraft with 2 spares).

Also included with this request are operational-level sensor and aircraft test equipment, ground support equipment, operational flight test support, communications equipment, spare and repair parts, personnel training, publications and technical data, U.S. Government and contractor technical and logistics support services, and other related elements of logistics support. The estimated value of MDE is $.689 billion. The total estimated value is $1.2 billion.

This proposed sale will contribute to the foreign policy and national security of the United States. Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring regional peace and stability. This transaction is consistent with U.S. foreign policy and national security objectives and the 1960 Treaty of Mutual Cooperation and Security.

The proposed sale of the RQ–4 will significantly enhance Japan's intelligence, surveillance, and reconnaissance (ISR) capabilities and help ensure that Japan is able to continue to monitor and deter regional threats. The Japan Air Self Defense Force (JASDF) will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrop Grumman Corporation in Rancho Bernardo, California. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of contractor representatives to Japan to perform contractor logistics support and to support establishment of required security infrastructure.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–62

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The RQ–4 Block 30 Global Hawk hardware and software are UNCLASSIFIED. The highest level of classified information required for operation may be SECRET depending on the classification of the imagery or Signals Intelligence (SIGINT) utilized on a specific operation. The RQ–4 is optimized for long range and prolonged flight endurance. It is used for military intelligence, surveillance, and reconnaissance. Aircraft system, sensor, and navigational status are provided continuously to the ground operators through a health and status downlink for mission monitoring. Navigation is via inertial navigation with integrated global positioning system (GPS) updates. The vehicle is capable of operating from a standard paved runway. Real time missions are flown under the control of a pilot in a Ground Control Element (GCE). It is designed to carry a nonweapons internal payload of 3,000 lbs consisting primarily of sensors and avionics. The following payloads are integrated into the RQ–4: Enhanced Imagery Sensor Suite that includes multi-use infrared, electro-optical, ground moving target indicator, and synthetic aperture radar and a space to accommodate other sensors such as SIGINT. The RQ–4 will include the GCE, which consists of the following components:

a. The Mission Control Element (MCE) is the RQ–4 Global Hawk ground control station for mission planning, communication management, aircraft and mission control, and image processing and dissemination. It can be either fixed or mobile. In addition to the shelter housing the operator workstations, the MCE includes an optional 6.25 meter Ku-Band antenna assembly, a Tactical Modular Interoperable Surface Terminal, a 12-ton Environmental Control Unit (heating and air conditioning), and two 100 kilowatt electrical generators. The MCE, technical data, and documentation are UNCLASSIFIED. The MCE may operate at the classified level depending on the classification of the data feeds.

b. The Launch and Recovery Element (LRE) is a subset of the MCE and can be either fixed or mobile. It provides identical functionality for mission planning and air vehicle command and control (C2). The launch element contains a mission planning workstation and a C2 workstation. The primary difference between the LRE and MCE is the lack of any wide-band data links or image processing capability within the LRE and navigation equipment at the LRE to provide the precision required for ground operations, take-off, and landing. The LRE, technical data, and documentation are UNCLASSIFIED. The EISS includes infrared/electro-optical, synthetic aperture radar imagery, ground moving target indicator and space to accommodate optional SIGINT, Maritime, datalink, and automatic identification system capabilities. The ground control element includes a mission control function and a launch and recovery capability.

c. The RQ–4 employs a quad-redundant Inertial Navigation System/Global Positioning System (INS/GPS) configuration. The system utilizes two different INS/GPS systems for greater redundancy. The system consists of two LN–251 units and two Kearfott KN–4074E INS/GPS Units. The LN–251 is a fully integrated, non-dithered navigation system with an embedded Selective Availability/Anti-Spoofing Module (SAASM), P(Y) code or Standard Positioning Service (SPS) GPS. It utilizes a Fiber-Optic Gyro (FOG) and includes three independent navigation solutions; blended INS/GPS, INS-only, and GPS-only. The Kearfott KN–4074E features a Monolithic Ring Laser Gyro (MRLG) and accelerometer. The inertial sensors are tightly coupled with an embedded SAASM P(Y) code GPS. Both systems employ cryptographic technology that can be classified up to SECRET.

2. If a technology advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Japan.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington VA, February 10, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15–82, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $154.9 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective, Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:

Major Defense Equipment* $72.5 million.

Other $82.4 million.

Total $154.9 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for purchase:

Major Defense Equipment (MDE): Five (5) MK 15 Phalanx Close-in Weapons System (CIWS) Block 0 to Block 1B Baseline 2 upgrade kits.

Also included are the following non-MDE items: five (5) local control stations, spare and repair parts, upgrade and conversion of the kits, support and test equipment, personnel training and training equipment, publications, software and technical documentation, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of program and logistics support. The estimated cost is $154.9 million.

(iv) Military Department: Navy (SR–P–LCR).

(v) Prior Related Cases, if any: FMS Case: SR–P–SAT, 24 Mar 74, $147.8 million

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 10, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—MK 15 Phalanx Close-in Weapons System (CIWS) Block 1B Baseline 2 Kits

The Kingdom of Saudi Arabia has requested a sale for the upgrade and conversion of five (5) MK 15 Phalanx Close-In Weapons System (CIWS) Block 0 systems to the Block 1B Baseline 2 configuration. The Block 0 systems are currently installed on four (4) Royal Saudi Naval Forces (RSNF) Patrol Chaser Missile (PCG) Ships (U.S. origin) in their Eastern Fleet and one (1) system is located at its Naval Forces School. Also included are; five (5) local control stations, spare and repair parts, support and test equipment, personnel training and training equipment, publications, software, and technical documentation, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of program and logistics support. The total estimated value of MDE is $72.5 million. The overall total estimated value is $154.9 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a strategic regional partner, which has been, and continues to be, an important force for political stability and economic progress in the Middle East. This acquisition will enhance regional stability and maritime security and support strategic objectives of the United States.

The proposed sale will provide Saudi Arabia with self-defense capabilities for surface combatants supporting both national and multi-national naval operations. The sale will extend the life of existing PCG Class ships. Saudi Arabia will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. Saudi Arabia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment, services, and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missiles Systems of Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Saudi Arabia; however, contractor engineering and technical services may be required on an interim basis for installations and integration.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology

1. The MK 15 CIWS Phalanx Block 1B is a fast reaction detect-through-engage combat system that provides terminal defense against low-flying, high speed, anti-ship missiles; slow speed general purpose aircraft, helicopters, and small surface craft; and rockets, artillery, and mortars. The system is an automatic, self-contained unit consisting of a search and track radar, digitalized fire control system, and electro-optical thermal imager, and a stabilization system, as well as a 20mm M61A1 gun subsystem. CIWS Block 0 provides terminal defense capability but is no longer in the U.S. Navy inventory decreasing its sustainability. By comparison, the CIWS Block 1B upgrade included in this sale would add surface mode and enhanced anti-air warfare capabilities.

a. There is no Critical Program Information associated with the MK 15 CIWS Phalanx hardware, technical documentation, or software. The highest classification of the hardware to be exported is UNCLASSIFIED. The highest classification of the technical documentation to be exported is CONFIDENTIAL. The highest classification of software to be exported is UNCLASSIFIED.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Saudi Arabia.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington VA, January 15, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15–52, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost $1.95 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Iraq (GoI)

(ii) Total Estimated Value:

Major Defense Equipment* $.550 billion.

Other: $1.400 billion.

Total: $1.950 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: provides additional weapons, munitions, equipment, and logistics support for F–16 aircraft.

Major Defense Equipment (MDE) includes:

Twenty (20) each Joint Helmet Mounted Cueing System (JHMCS).

Twenty-four (24) each AIM–9M Sidewinder missile.

One hundred and fifty (150) each AGM–65D/G/H/K Maverick missile.

Fourteen thousand one hundred and twenty (14,120) each 500-lb General Purpose (GP) bomb body/warhead for use either as unguided or guided bombs. Depending on asset availability during case execution, total quantity of 14,120 each 500-lb warheads will comprise a mix of MK–82 500-lb warheads and/or BLU–111 500-lb warheads from stock and/or new contract procurement.

Two thousand four hundred (2,400) each 2,000-lb GP bomb body/warheads for use either as unguided or guided bombs. Depending on asset availability during case execution, total quantity of 2,400 each 2,000-lb warheads will comprise a mix of MK–84 2,000-lb warheads and/or BLU–117 2,000-lb warheads from stock and/or new contract procurement.

Eight thousand (8,000) each Laser Guided Bomb (LGB) Paveway II tail kits. Will be combined with 500-lb warheads in the above entry for MK–82 and/or BLU–111 to build a GBU–12 guided bomb.

Two hundred and fifty (250) each LGB Paveway II tail kits. Will be combined with 2,000-lb warheads in the above entry for MK–82 and/or BLU–117 to build a GBU–10 guided bomb.

One hundred and fifty (150) each LGB Paveway III tail kits. Will be combined with 2,000-lb warheads in the above entry for MK–82 and/or BLU–117 to build a GBU–24 guided bomb.

Eight thousand, five hundred (8,500) each FMU–152 fuzes. Will be used in conjunction with the LGB tail kits and warheads in the above entries to build GBU All Up Rounds (AUR's). Includes provisioning for spare FMU–152 fuze units (MDE).

Four (4) each WGU 43CD2/B Guidance Control Units.

One (1) each M61 Vulcan Rotary 20mm cannon.

Six (6) each MK–82 inert bomb.

Four (4) each MK–84 inert bomb.

Also included are items of significant military equipment (SME), spare and repair parts, publications, technical documents, weapons components, support equipment, personnel training, training equipment, Aviation Training, Contract Engineering Services, U.S. Government and contractor logistics, engineering, and technical support services, as well as other related elements of logistics and program support. Additional services provided are Aviation Contract Logistics Services including maintenance, supply, component repair/return, tools and manpower. This notification also includes Base Operations Support Services including construction, outfitting, supply, security, weapons, ammunition, vehicles, utilities, power

generation, food, water, morale/recreation services, aircraft support and total manpower.

(iv) Military Department: U.S. Air Force (YAA).

(v) Prior Related Cases, if any: FMS case SAG–$4.2 billion—13 Dec 2010. FMS case SAH–$2.3 billion—12 Dec 2011.

(vi) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: January 15, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Iraq—F–16 Weapons, Munitions, Equipment, and Logistics Support

The Government of Iraq requested a possible sale of additional weapons, munitions, equipment, and logistics support for its F–16 aircraft.

Major Defense Equipment (MDE) includes:

Twenty (20) each Joint Helmet Mounted Cueing System (JHMCS).

Twenty-four (24) each AIM–9M Sidewinder missile.

One hundred and fifty (150) each AGM–65D/G/H/K Maverick missile.

Fourteen thousand one hundred and twenty (14,120) each 500-lb General Purpose (GP) bomb body/warhead for use either as unguided or guided bombs.

Depending on asset availability during case execution, total quantity of 14,120 each 500-lb warheads will comprise a mix of MK–82 500-lb warheads and/or BLU–111 500-lb warheads from stock and/or new contract procurement.

Two thousand four hundred (2,400) each 2,000-lb GP bomb body/warheads for use either as unguided or guided bombs. Depending on asset availability during case execution, total quantity of 2,400 each 2,000-lb warheads will comprise a mix of MK–84 2,000-lb warheads and/or BLU–117 2,000-lb warheads from stock and/or new contract procurement.

Eight thousand (8,000) each Laser Guided Bomb (LGB) Paveway II tail kits. Will be combined with 500-lb warheads in the above entry for MK–82 and/or BLU–111 to build GBU–12 guided bombs.

Two hundred and fifty (250) each LGB Paveway II tail kits. Will be combined with 2,000-lb warheads in the above entry for MK–82 and/or BLU–117 to build GBU–10 guided bombs.

One hundred and fifty (150) each LGB Paveway III tail kits. Will be combined with 2,000-lb warheads in the above entry for MK–82 and/or BLU–117 to build GBU–24 guided bombs.

Eight thousand, five hundred (8,500) each FMU–152 fuzes. Will be used in conjunction with the LGB tail kits and warheads in the above entries to build GBU All Up Rounds (AUR's). Includes provisioning for spare FMU–152 fuze units (MDE).

Four (4) each WGU–43CD2/B Guidance Control Units.

One (1) each M61 Vulcan Rotary 20mm cannon.

Six (6) each MK–82 inert bomb.

Four (4) each MK–84 inert bomb.

Also included are items of significant military equipment (SME), spare and repair parts, publications, technical documents, weapons components, support equipment, personnel training, training equipment. Aviation Training, Contract Engineering Services, U.S. Government and contractor logistics, engineering, and technical support services, as well as other related elements of logistics and program support. Additional services provided are Aviation Contract Logistics Services including maintenance, supply, component repair/return, tools and manpower. This notification also includes Base Operations Support Services including construction, outfitting, supply, security, weapons, ammunition, vehicles, utilities, power generation, food, water, morale/recreation services, aircraft support and total manpower. The total estimated value of MDE is $.550 billion. The total overall estimated value is $1,950 billion.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a strategic partner. This proposed sale directly supports Iraq and serves the interests of the people of Iraq and the United States.

Iraq previously purchased thirty-six (36) F–16 aircraft. Iraq requires these additional weapons, munitions, and technical services to maintain the operational capabilities of its aircraft. This proposed sale enables Iraq to fully maintain and employ its aircraft and sustain pilot training to effectively protect Iraq from current and future threats.

The proposed sale of these additional weapons, munitions, equipment, and support does not alter the basic military balance in the region.

The principal vendors are:

Lockheed Martin Aeronautics Company, Fort Worth, Texas.

Lockheed Martin Simulation, Training and Support, Fort Worth, Texas.

Raytheon Company, Lexington, Massachusetts.

The Marvin Group, Inglewood, California.

United Technologies Aerospace Systems, Chelmsford, Massachusetts.

Lockheed Martin Mission Systems and Training, Fort Worth, Texas.

Royal Jordanian Air Academy, Amman, Jordan.

Pratt and Whitney, East Hartford, Connecticut.

Michael Baker International, Alexandria, VA.

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale requires approximately four hundred (400) U.S. Government and contractor personnel to reside in Iraq through calendar year 2020 as part of this sale to establish maintenance support, on-the-job maintenance training, and maintenance advice.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. This sale sustains sensitive technology previously sold to Iraq. The F–16C/D Block 50/52 weapon system is UNCLASSIFIED, except as noted below. The aircraft uses the F–16 airframe and features advanced avionics and systems. It contains the Pratt and Whitney F–100–PW–229 or the General Electric F–110–GE–129 engine, AN/APG–68V(9) radar, digital flight control system, internal and external electronic warfare equipment, Advanced Identification Friend or Foe (IFF) (without Mode IV), operational flight program, and software computer programs.

2. The AIM–9M–8/9 Sidewinder is a supersonic, heat-seeking, air-to-air missile carried by fighter aircraft. The hardware, software, and maintenance are classified CONFIDENTIAL. Pilot training, technical data, and documentation necessary for performance and operating information are classified SECRET.

3. The Paveway II/III (GBU–10/12/24) weapon is classified CONFIDENTIAL. Information revealing target designation tactics and associated aircraft maneuvers, the probability of destroying specific/peculiar targets, vulnerabilities regarding countermeasures and the electromagnetic environment is classified SECRET.

4. The AGM–65D/G/H/K Maverick air-to-ground missile is SECRET. The SECRET aspects of the Maverick system are tactics, information revealing its vulnerability to countermeasures, and counter-countermeasures. Manuals and maintenance have portions that are classified CONFIDENTIAL. Performance and operating logic of the countermeasures circuits are SECRET.

5. The Joint Helmet Mounted Cueing System (JHMCS) is a modified HGU–55/P helmet that incorporates a visor-projected Heads-Up Display to cue weapons and aircraft sensors to air and ground targets. The hardware is UNCLASSIFIED. The technical data and documents are classified up to SECRET.

6. The PGU–28 20mm High Explosive Incendiary ammunition is a low-drag round designed to reduce in-flight drag and deceleration. It is a semi-armor piercing high explosive incendiary round. The PGU–27 A/B 20mm ammunition is the target practice version of the PGU–28. Both the PGU–27 and the PGU–28 are UNCLASSIFIED.

7. The M61 20mm Vulcan Rotary Cannon is a six-barreled automatic cannon chambered in 20x102mm. This weapon is fixed mounted on fighter aircraft and is used for damaging and destroying aerial and ground targets. The cannon and the associated ammunition are UNCLASSIFIED.

8. The MK–82 and MK84 are 500-lb and 2000-lb general purpose bombs respectively. These blast and fragmentation bombs are designed to attack soft and intermediately protected targets. The weapons are UNCLASSIFIED.

9. The BLU–111 is a 500-lb bomb and the BLU–117 is a 2,000-lb bomb. Both bombs are similar to the MK–84 and are filled with the Insensitive Munitions explosive to resist exploding in fuel related fires. They are used by the U.S. Navy. The weapons are UNCLASSIFIED.

10. MJU–7 Flares are a magnesium-based Infrared (IR) countermeasure used for decoying air-to-air and surface-to-air missiles. The MJU–7 hardware is UNCLASSIFIED. Countermeasure effectiveness information is classified up to SECRET.

11. RR–170 Chaff is a countermeasure used to decoy radars and radar-guided missiles. The hardware is UNCLASSIFIED. Countermeasure effectiveness information is classified up to SECRET.

12. Software, hardware, and other data/information, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs of highly sensitive systems and software-controlled weapon systems on a case-by-case basis.

13. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

14. This sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

15. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Iraq.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, January 6, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15–65, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of Oman for defense articles and services estimated to cost $51 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Oman.

(ii) Total Estimated Value:

Major Defense Equipment* $51 million.

Other: $0 million.

Total: $51 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Four hundred (400) Tube-launched Optically-tracked wire guided (TOW) 2B Aero, Radio Frequency (RF) Missiles (BGM–71F–3–RF).

Seven (7) TOW 2B Aero, RF Missile (BGM–71F–3–RF) Fly-to-Buy Missiles.

(iv) Military Department: U.S. Army (UKP).

(v) Prior Related Cases, if any: FMS Case UKC–$16.8B–05 Mar 15.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: January 6, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Oman—TOW 2B Missiles

The Government of Oman has requested a possible sale of:

Major Defense Equipment (MDE):

Four hundred (400) Tube-launched Optically-tracked wire guided (TOW) 2B Aero, Radio Frequency (RF) Missiles (BGM–71F–3–RF).

Seven (7) TOW 2B Aero, RF Missile (BGM–71F–3–RF) Fly-to-Buy Missiles.

The estimated value of MDE is $51 million. The total estimated cost of this effort is $51 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale of the TOW 2B Missiles and technical support will advance Oman's efforts to develop an integrated ground defense capability. Oman will use this capability to strengthen its homeland defense and enhance interoperability with the U.S. and other allies. Oman will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems, Tucson, Arizona.

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the U.S. Government or contractor representatives to travel to Oman for multiple periods for equipment de-processing/fielding, system checkout and new equipment training. There will be no more than three (3) contractor personnel in Oman at any one time and all efforts will lake less than fourteen (14) weeks in total.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Radio Frequency (RF) Tube-launched Optically-tracked Wire guided (TOW) 2B Aero Missile (BGM–7IF–3–RF) is a fly-over, shoot-down version with the actual missile flight path offset above the gunner's aim point. The TOW 2B flies over the target and uses a laser profilometer and magnetic sensor to detect and fire two downward-directed, explosively-formed penetrator warheads inio the target. The TOW 2B has a range of 200 to 3750m. A Radio Frequency (RF) Data link, replaced the traditional TOW wire guidance link in all new production variants of the TOW beginning in FY 07. No RF TOW AERO technical data will be released during program development without prior approval from the Office of the Deputy Assistant Secretary of the Army for Defense Exports and Cooperation. The hardware for the TOW 2B is UNCLASSIFIED. Software for performance data, lethality penetration and sensors are classified SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of (he U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Oman.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA, January 6, 2016.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15–64, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost $800 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 15–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Iraq.

(ii) Total Estimated Value:

Major Defense Equipment* $750 million.

Other: $50 million.

Total: $800 million.

(iii) Description and Quantity or Quantities of Articles and Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Five thousand (5,000) AGM–114K/N/R Hellfire missiles.

Ten (10) 114K M36E9 Captive Air Training Missiles.

Non-MDE included with this request are Hellfire missile conversion; blast fragmentation sleeves and installation kits; containers; transportation; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government-provided and contractor-provided technical, engineering, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: U.S. Army (UBW).

(v) Prior Related Cases, if any:

IQ–B–UBF, Basic/LOA Value: $40.6M/LOA Implementation Date: 27 FEB 14.

IQ–B–UBF, A1/LOA Value: $57.8M/LOA Implementation Date: 16 JUN 14.

IQ–B–UBQ, Basic/LOA Value: $68.3M/LOA Implementation Date: 29 SEP 14.

IQ–B–UCI, Basic/LOA Value: $49.3M/LOA Implementation Date: 24 DEC 14.

IQ–B–UCX, Basic/LOA Value: $62.6M/LOA Implementation Date: 11 JUN 15.

IQ–B–UHC, Basic/LOA Value: $45.7M/LOA Implementation Date: 10 AUG 15.

IQ–B–UHK, Basic/LOA Value: $56.5M/LOA Implementation Date: 05 OCT 15.

IQ–B–UBL, A1/LOA Value: $53.4M/LOA Implementation Date: 26 JUN 14.

(vi) Sales Commission, Fee, etc. Paid. Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: January 6, 2016.

*As defined in Section 47(6) of the Arms Export Control Act (AECA).

POLICY JUSTIFICATION

The Government of Iraq—Hellfire Missiles and Captive Air Training Missiles

The Government of Iraq has requested a possible sale of five thousand (5,000) AGM–114K/N/R Hellfire missiles; Ten (10) 114K M36E9 Captive Air Training Missiles; associated equipment; and defense services. The estimated major defense equipment (MDE) value is $750 million. The total estimated value is $800 million.

The proposed sale will contribute to the foreign policy and national security goals of the United States by helping to improve a critical capability of the Iraq Security Forces in defeating the Islamic State of Iraq and the Levant (ISIL).

Iraq will use the Hellfire missiles to improve the Iraq Security Forces' capability to support ongoing combat operations. Iraq will also use this capability in future contingency operations. Iraq, which already has Hellfire missiles, will face no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Corporation in Bethesda, Maryland. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require any additional U.S. Government or contractor representatives in Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 15–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

The Hellfire Missile is primarily an air-to-surface missile with a multi-mission, multi-target, precision-strike capability. The Hellfire can be launched from multiple air platforms and is the primary precision weapon for the United States.

The Captive Air Training Missile (CATM) is a training missile (Non-NATO) that consists of a functional guidance section coupled to an inert missile bus. The missile has an operational semi-active laser seeker that can search for and lock-on to laser-designated targets for pilot training, but it does not have a warhead or propulsion section and cannot be launched.

The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is SECRET. Information required for maintenance or training is CONFIDENTIAL. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET or CONFIDENTIAL. Release of detailed information to include discussions, reports and studies of system capabilities, vulnerabilities and limitations that lead to conclusions on specific tactics or other counter countermeasures (CCM) is not authorized for disclosure.

If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

A determination has been made that the Government of Iraq can provide substantially the same degree of protection as the U.S. Government for the information proposed for release.

REMEMBERING JUSTICE ANTONIN SCALIA

Mrs. BOXER. Mr. President, I want to express my deepest sympathies to the Scalia family.

Justice Scalia was first and foremost a family man, beloved by his wife, 9 children, and 36 grandchildren.

Since 1986 he had served on the highest court in our land. He inspired deep loyalty among his many friends and his current and former clerks, who remember him for his sharp wit and intellect.

He was clearly a man who rose above ideological differences with his colleagues to forge deep friendships on the Court. That is a credit to him.

While I may have disagreed with him on matters of law and policy, we are united as Americans in sharing our condolences.

BLACK HISTORY MONTH

Ms. MIKULSKI. Mr. President, in honor of the rich cultural heritage of the African-American community in Maryland and in memory of all the freedom fighters across the Nation, past and present, I am celebrating Black History Month by reexamining what this country still needs to do to guarantee that African Americans are not left behind when it comes to the issues that matter.

We are living right now in a world that is fighting for change on many levels, from social unrest in our cities, to expansive international crises. While the news may seem grim, there is also inspiration every day around the world as people come together to bring about the peaceful change that they are fighting for. There are peaceful protests for great social change, the next generation is volunteering and giving hope to their communities, and educational opportunities continue to grow for our youth around the world.

Reflecting on where we have been and where we are going, I recognize the immeasurable impact that Maryland African Americans have made to our culture and to the fight for equal rights for all. Benjamin Banneker, born in Catonsville, made scientific strides to help us understand the mysteries of nature. Harriet Tubman and Reverend Josiah Henson each led slaves to freedom through the Underground Railroad running through Maryland, defying the law and fighting for what was right. Isaac Myers became a labor leader, the first president of the Colored National Labor Union, and a cofounder of a cooperative shipyard and railway to provide African Americans with employment opportunities in Baltimore. Frederick Douglass was a dedicated and prolific civil rights activist and author. Explorer Matthew Henson co-discovered the North Pole and traversed the ends of the earth.

We certainly will never forget the esteemed Supreme Court Justice Thurgood Marshall, the first African-American Justice on the Court, who protected and fought for our rights to life, liberty, and the pursuit of happiness. He fought for desegregation through the law throughout his long career, in particular arguing the Brown v. Board of Education case in front of the Supreme Court, on behalf of African-American schoolchildren across the U.S.

We honor those who came before us by continuing to fight for justice and equality today. That means the right laws, and it means the right education. That means fighting for economic justice, social justice, and criminal justice. We know that the best weapons against economic injustice is a good education. That is why I am fighting for public schools that families can count on because the quality of education your kids receive shouldn't depend on the zip code you live in. That is why I fought and continue to fight for early child care, which helps 1.5 million children, including 19,000 in Maryland, get ready for school. That is why I pushed to fund early education to help States implement high quality preschool programs and Head Start programs. That means college that is affordable and accessible. It is why I am fighting to simplify the application for student aid and expand Pell grants to make sure that students can pay for books next semester or rent next month. We fought for the American Opportunity Tax Credit so that parents could get a tax break for sending their kids to college—because a college education is part of the American dream, not part of a financial nightmare.

We look to our community and national leaders, like the NAACP, headquartered in Baltimore, to continue to lead the fight for equal rights. We look to our strong leaders in Maryland, like Freeman Hrabowski, the president of the University of Maryland, Baltimore County, and Representative ELIJAH CUMMINGS, fighting tooth and nail every day for the citizens of Maryland's Seventh Congressional District.

With people like this to look up to, we are reminded of the abiding truth that each of us has the power to create a better world for ourselves and our children. So the battle is enjoined. As the great Martin Luther King, Jr., said, ''Change does not roll in on the wheels of inevitability, but comes through continuous struggle. And so we must straighten our backs and work for our freedom.'' This is not about the past, and it is not only about the present, but it is also about the future.

I thank so many people and organizations around the Nation and in Maryland for all they do every day for our future. Remember, each of us can make a difference, but together we can make change.

Mr. SCOTT. Mr. President, as we celebrate Black History Month, we remember so many trailblazers. From William Flora's heroism during the American Revolution, to Frederick Douglass and Harriet Tubman, Rosa Parks and Dr. Martin Luther King, the contributions of Black Americans throughout our Nation's history are great. But they are not limited to the names and stories we all know—every family has their legend, their groundbreaker.

Growing up in North Charleston, SC, my granddaddy, Artis Ware, was my hero. He passed away last month at the age of 94, leaving our family saddened by his loss, but truly blessed by his life. I wanted to take this opportunity to share what my granddaddy meant to us, and how his legacy shows the true meaning of Proverbs 13:22—''A good man leaves an inheritance to his children's children.''

My granddaddy was born in 1921 in Salley, SC. He grew up picking cotton and left school after the third grade. He did not let the lack of a formal education hold him back though, and as he grew up, he moved to North Charleston

and eventually secured a job with the South Carolina Ports Authority.

As a young kid, this was the granddaddy I knew, not one that let his circumstances hold him back or let his frustrations overtake his love for his family. After my parents' divorce, my mom, my brother, and I all moved into my grandparents' house—about 800 or 900 square feet and one bathroom. The three of us shared a bedroom—and were happy to do so.

What I remember most about my granddaddy from this time was, on so many mornings, he would sit down at the kitchen table, have a cup of coffee, and leaf through the newspaper. He wanted us to see him reading, reinforcing the importance of doing well in school. It wasn't until years later that I learned he couldn't read.

My cousin also loves to tell the story of how granddaddy would wake up to do the laundry at 4 a.m. and make sure everyone else got up and started working as well. That work ethic and dedication started to funnel down through the rest of our family and showed us all the importance of hard work.

Granddaddy's messages worked—my brother recently retired as a command sergeant major after 30 years in the Army, my cousin is a preacher in North Charleston, and I eventually got my own act together as well. My nephew, grandaddy's great-grandson, has earned his undergrad from Georgia Tech, his master's at Duke, and is now headed to medical school at Emory.

That is the power of a strong role model, someone who knows there is a better future out there for his family. In my granddaddy's lifetime, our family went from cotton to Congress, and I could never even pretend to thank him enough. He was the rock for our family—our trailblazer.

CONTRIBUTIONS OF AFRICAN-AMERICAN ARMY ENGINEERS TO THE STATE OF ALASKA

Mr. SULLIVAN. Mr. President, today I wish to recognize the immense contributions of the African-American community to my State of Alaska and to our great Nation.

I want to highlight in particular a contingent of troops, members of the African-American Army Engineers, who were stationed in Alaska during World War II, hundreds of men who served our Nation at a time when their basic human rights were being denied, some 6 years before the military was desegregated. In spite of that despicable injustice, they exhibited a great love for this country, even a willingness to die for this country.

These soldiers were stationed in Alaska among several regiments assigned to build the ALCAN—Alaska-Canada—Highway. For a State as big and diverse as Alaska, infrastructure is critically important to the well-being of our communities. And in the 1940s, infrastructure assets—roads, bridges, ports—were few and far between. In fact, there was no road linking the contiguous United States to Alaska through Canada. We were isolated.

We think of construction projects today, the many tools and machines our hard-working crews have at their disposal. But back then, many of those technologies and advancements didn't exist, making this enormous undertaking all the more daunting. Worse still, the machinery that was available was often given to the all-White units, leaving the African-American servicemembers ill-equipped. Nonetheless, the men of the African-American Army Engineers labored on under extreme weather conditions, creating a roughly 1,700 mile cross-continental corridor in a mere 8 months.

The project, too, came at a time when our Nation was under imminent threat in the Pacific, just 2 months after the attack on Pearl Harbor. Our country needed to get supplies and soldiers to the furthest stretches of U.S. territory. Without the ALCAN, Alaska would not be the cornerstone of our national defense in the Pacific and the Arctic, nor the prosperous land of opportunity we see today.

For these enormous contributions and for their selfless service to our country, we thank the thousands of African-American servicemembers who for too long were dismissed and overlooked.

ADDITIONAL STATEMENTS

TRIBUTE TO DONNA MILLER

• Mr. HELLER. Mr. President, today I wish to recognize an individual who has gone above and beyond to save lives in the State of Nevada, Donna Miller. Ms. Miller's drive to provide a dependable health care option to the people of Tonopah is commendable. Her actions warrant only the greatest gratitude and recognition, and I am proud to honor her for her invaluable work for people across the Silver State.

Ms. Miller was born in Romania and immigrated to the United States in 1991. In 1996, she graduated from nursing school and moved to Las Vegas 3 years later. She obtained her flight nurse wings in 2001, beginning her career caring for others. In 2002, she helped found Life Guard International Air Ambulance, and in 2007, she reorganized it into Life Guard International—Flying ICU, Flying ICU. This incredible organization serves as a flying intensive care unit, transporting critically ill and injured patients from one hospital to another that offers more resources in a different location.

Beginning in 2009, Flying ICU served as a necessary resource to the Tonopah community, transporting all ill and injured patients from the Nye Regional Medical Center to facilities in Las Vegas and Reno. Unfortunately, last fall, the Nye Regional Medical Center closed its doors, leaving this rural community with a devastating lack of access to health care. After the medical center's closing, Ms. Miller courageously decided to keep Flying ICU's Tonopah location, changing the organization to an emergency medical service, which treats and transports patients by plane while traveling to the closest hospital in Las Vegas or Reno. This service currently is the only resource in the region for the critically ill and injured to receive lifesaving care.

Ms. Miller also took the initiative to relocate a second plane to Tonopah and increase staff with additional critical care nurses, paramedics, and pilots to provide greater services to the local community. In order to minimize the amount of time that Tonopah's flight crews were away from the Tonopah station, Ms. Miller organized additional Flying ICU flight crews on standby at Nevada airports to allow patients to be further transported by the standby crew, allowing the flight crew to return to the station in a timely manner. Ms. Miller's work on this organization is one of a kind, and I am thankful for her work in saving the lives of Nevadans. Her decision to step up to the plate and provide the Tonopah community many medical resources it would otherwise be without remains invaluable for our State.

Today Flying ICU's services reach across the State, saving lives with four aircraft, a hangar at McCarran International Airport, and operation bases in Las Vegas and Tonopah. The organization employs over 50 medical and aviation professionals to help those in need. Flying ICU's reputation of safe and quality care is well deserved.

In 2014, Ms. Miller was elected as the president of the Nevada Nurses Association, district Three. She has received many awards for her actions, including being recognized as Ambassador for Peace by the International Women's Federation for World Peace in 2014, SBA's Nevada Woman-Owned Business of the Year Award in 2014, the 2014 Women of Distinction Awards—Entrepreneur of the Year, and as one of Las Vegas's 2015 Top 100 Women of Influence. These accolades are given only to those who have done extraordinary acts to earn them, and Ms. Miller without a doubt deserves each one. Nevada is fortunate to have someone like Ms. Miller representing our State. She is a shining example of selflessness for myself and others.

Ms. Miller has demonstrated an unwavering commitment to our State, saving lives and providing care to Nevadans in need. Her drive to help those around her is inspiring, and I thank her for all of her hard work. I ask my colleagues and all Nevadans to join me in thanking Ms. Miller for her many contributions to our State. I wish her well as she continues her efforts to help those in need and in servicing the city of Tonopah and those across central Nevada.•

TRIBUTE TO JENNIFER SPROUT

• Mr. HELLER. Mr. President, today I wish to congratulate Jennifer Sprout on her retirement after serving as CEO of the Elko Area Chamber of Commerce for 6 years. It gives me great pleasure to recognize her years of service to the city of Elko's business community.

Ms. Sprout grew up in California and moved to Elko when she was 19 years old. Prior to working for the chamber, she served as account manager and general manager for Holiday Broadcasting of Elko. In 2009, Ms. Sprout accepted the position of CEO at the Elko Area Chamber of Commerce. As CEO, she served as a powerful voice for Elko businesses, working to bring awareness to issues affecting this community.

She also spearheaded efforts to grow outside recognition of the resources the city has to offer and provided opportunities for business leaders to come together. The city of Elko is recognized as a tourist destination and economic hub for the northeastern part of Nevada, due in part to Ms. Sprout's hard work and unwavering dedication to growing the community. To say she has had a positive impact on the city of Elko would be an understatement. The strong foundation she has built throughout her tenure will be felt for years to come.

The Elko Area Chamber of Commerce was established on April 1, 1907, to support the local business community and promote the city of Elko. Today the chamber has over 700 businesses represented through various members. This incredible organization has helped businesses through times of economic downturn and recovery to stay on their feet and succeed. Through the incredible work of the Elko Area Chamber of Commerce, Elko's business community continues to thrive and maintain a high quality of life for residents. The city of Elko is fortunate to have had someone like Ms. Sprout leading the way at this important chamber.

Ms. Sprout has demonstrated professionalism, commitment to excellence, and dedication to the highest standards during her tenure at the Elko Area Chamber of Commerce. I am both humbled and honored by her service and am proud to call her a fellow Nevadan.

Today I ask all of my colleagues to join me in congratulating Ms. Sprout on her retirement from the chamber and in wishing her well at her new position with Design Concepts. I give my deepest appreciation for all that she has done for the city of Elko.•

REMEMBERING DR. ROBERT B. HAYLING

• Mr. NELSON. Mr. President, today I wish to honor the achievements of Dr. Robert B. Hayling, a civil rights leader in Florida who passed away on December 20, 2015, at the age of 86.

Dr. Hayling was born in Tallahassee and graduated from Florida Agricultural & Mechanical College. Upon graduation, Dr. Hayling served in the U.S. Air Force. Dr. Hayling went on to receive his degree in dentistry from Meharry Medical College and became the first African-American dentist in Florida to be elected to the local, regional, State, and national components of the American Dental Association.

Throughout his years as a community leader and civil rights activist in St. Augustine, Dr. Hayling faced numerous threats, hate speech, and brutal violence at the hands of the Ku Klux Klan. Nevertheless, Dr. Hayling persevered in his resolve for racial equality and is widely recognized as a father of the St. Augustine civil rights movement. During a time of widespread racial divide, Dr. Hayling served as an adviser to the youth council of the National Association for the Advancement of Colored People and as head of the St. Augustine chapter of the Southern Christian Leadership Conference, the national organization of which Dr. Martin Luther King, Jr., was president.

Dr. Hayling is the recipient of various honors and awards, including the Order of La Florida and the de Aviles award which honors citizens that have dedicated themselves to the community of St. Augustine. Scott Street in St. Augustine has been renamed Dr. Robert B. Hayling Place in his honor.

Dr. Hayling was inducted into the Florida Civil Rights Hall of Fame and received a certificate of recognition by St. Augustine's mayor. Even his old dental office became the first civil rights museum in Florida. Further, State Senator Tony Hill sponsored the Dr. Robert B. Hayling Award of Valor, which is presented to civil rights heroes, and a bronze plaque testifying to Dr. Hayling's contributions hangs in the lobby of the Florida State Capitol.

I would like to take this opportunity to recognize and thank Dr. Robert B. Hayling for his commitment, achievements, and dedication in advancing the cause of racial equality and civil rights on both a national and State level.

I offer my heartfelt condolences to the family, friends, and loved ones of Dr. Robert B. Hayling.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 238. An act to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 812. An act to provide for Indian trust asset management reform, and for other purposes.

H.R. 1475. An act to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

H.R. 2880. An act to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

H.R. 3004. An act to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission.

H.R. 3371. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

H.R. 3620. An act to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) announced that on today, February 25, 2016, he has signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 487. An act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

H.R. 890. An act to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida.

H.R. 3262. An act to provide for the conveyance of land of the Illiana Health Care System of the Department of Veterans Affairs in Danville, Illinois.

H.R. 4056. An act to direct the Secretary of Veterans Affairs to convey to the Florida Department of Veterans Affairs all right, title, and interest of the United States to the property known as ''The Community Living Center'' at the Lake Baldwin Veterans Affairs Outpatient Clinic, Orlando, Florida.

H.R. 4437. An act to extend the deadline for the submittal of the final report required by the Commission on Care.

ENROLLED BILL SIGNED

At 12:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2109. An act to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2880. An act to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3004. An act to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission; to the Committee on Energy and Natural Resources.

H.R. 3371. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3620. An act to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 25, 2016, she had presented to the President of the United States the following enrolled bill:

S. 2109. An act to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO:

S. 2580. A bill to establish the Indian Education Agency to streamline the administration of Indian education, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURR:

S. 2581. A bill to ensure that enforcement of Federal tax law by the Internal Revenue Service is not influenced by political bias, inaccurate sources of information, or bias at the individual examiner of department level, and for other purposes; to the Committee on Finance.

By Mrs. ERNST (for herself and Mr. JOHNSON):

S. 2582. A bill to ensure economic stability, accountability, and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 2583. A bill to authorize appropriations for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund; to the Committee on Environment and Public Works.

By Mr. KIRK (for himself and Mrs. GILLIBRAND):

S. 2584. A bill to promote and protect from discrimination living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 2585. A bill to establish an airspace management advisory committee; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN:

S. 2586. A bill to require States to report elevated blood lead levels to the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Mr. DURBIN):

S. 2587. A bill to amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to improve reporting, testing, and monitoring related to lead and copper levels in drinking water; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself and Mrs. BOXER):

S. 2588. A bill to provide grants to eligible entities to reduce lead in drinking water; to the Committee on Environment and Public Works.

By Mr. JOHNSON:

S. 2589. A bill to require the Secretary of State to submit to Congress an unclassified notice before the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. PETERS):

S. 2590. A bill to amend title XXI of the Social Security Act to improve access to, and the delivery of, children's health services through school-based health centers, and for other purposes; to the Committee on Finance.

By Ms. BALDWIN:

S. 2591. A bill to strengthen incentives and protections for whistleblowers in the financial industry and related regulatory agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mr. SCHUMER):

S. 2592. A bill to amend the Fair Credit Reporting Act by instituting a 180-day waiting period before medical debt will be reported on a consumer's credit report and removing paid-off and settled medical debts from credit reports that have been fully paid or settled, to amend the Fair Debt Collection Practices Act by providing for a timetable for verification of medical debt and to increase the efficiency of credit markets with more perfect information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 2593. A bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 2594. A bill to provide for the discoverability and admissibility of gun trace information in civil proceedings; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. WYDEN, Mr. MORAN, Mr. SCHUMER, Mr. ISAKSON, Mr. CASEY, Mr. BLUMENTHAL, and Mr. ROBERTS):

S. 2595. A bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. TESTER):

S. 2596. A bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel; to the Committee on Armed Services.

By Mr. BROWN (for himself and Ms. COLLINS):

S. 2597. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program; to the Committee on Finance.

By Ms. WARREN (for herself and Mr. MCCAIN):

S. 2598. A bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for Mrs. MCCASKILL):

S. 2599. A bill to prohibit unfair and deceptive advertising of hotel room rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself, Mr. CRUZ, Mr. RUBIO, Mr. SASSE, and Mr. CASSIDY):

S. 2600. A bill to amend the Military Selective Service Act to provide that any modification to the duty to register for purposes of the Military Selective Service Act may be made only through an Act of Congress, and for other purposes; to the Committee on Armed Services.

By Mr. KIRK:

S. 2601. A bill to direct the Secretary of Veterans Affairs to disclose certain information to State controlled substance monitoring programs; to the Committee on Veterans' Affairs.

By Mr. LEE (for himself, Mr. CORNYN, Mr. COTTON, Mr. CRUZ, Mr. PAUL, Mr. RUBIO, Mr. TILLIS, and Mr. SASSE):

S. 2602. A bill to prohibit the Federal Communications Commission from reclassifying broadband Internet access service as a telecommunications service and from imposing certain regulations on providers of such service; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself and Mr. BLUMENTHAL):

S. 2603. A bill to deny corporate average fuel economy credits obtained through a violation of law, establish an Air Quality Restoration Trust Fund within the Department of the Treasury, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S.J. Res. 31. A joint resolution relating to the disapproval of the proposed foreign military sale to the Government of Pakistan of F–16 Block 52 aircraft; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORKER (for himself and Mr. CARDIN):

S. Res. 375. A resolution raising awareness of modern slavery; to the Committee on Foreign Relations.

By Mr. MARKEY (for himself, Mrs. BOXER, Mr. ISAKSON, Mr. DURBIN, Ms. WARREN, Mrs. FEINSTEIN, Mr. REID, Mr. MERKLEY, Mrs. MURRAY, Mr. TESTER, Mr. DAINES, Mr. SCHUMER, and Mr. LEAHY):

S. Res. 376. A resolution designating the first week of April 2016 as ''National Asbestos Awareness Week''; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. Con. Res. 32. A concurrent resolution recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, who were killed or wounded in their barracks by an Iraqi SCUD missile attack in Dhahran, Saudi Arabia, during Operation Desert Shield and Operation Desert Storm, on the occasion of the 25th anniversary of the attack; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 239

At the request of Mr. ENZI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 239, a bill to amend title 49, United States Code, with respect to apportionments under the Airport Improvement Program, and for other purposes.

S. 386

At the request of Mr. BROWN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 391

At the request of Mr. PAUL, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 524

At the request of Mr. WHITEHOUSE, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 553

At the request of Mr. CORKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 553, a bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes.

S. 607

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 607, a bill to provide for a five-year extension of the Medicare rural community hospital demonstration program.

S. 1500

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1500, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1607

At the request of Mr. PORTMAN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1607, a bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes.

S. 1697

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1697, a bill to provide an exception from certain group health plan requirements to allow small businesses to use pre-tax dollars to assist employees in the purchase of policies in the individual health insurance market, and for other purposes.

S. 1865

At the request of Ms. BALDWIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1865, a bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes.

S. 1890

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1944

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 2173

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2173, a bill to amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

S. 2218

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2218, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2437

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2484

At the request of Mr. SCHATZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2484, a bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

S. 2539

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2539, a bill to amend the Social Security Act to provide for mandatory funding, to ensure that the families that have infants and toddlers, have a family income of not more than 200 percent of the applicable Federal poverty guideline, and need child care have access to high-quality infant and toddler child care by the end of fiscal year 2026, and for other purposes.

S. 2557

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2557, a bill to amend the Higher Education Act of 1965 to repeal the suspension of eligibility for grants, loans, and work assistance for drug-related offenses.

S. 2570

At the request of Mr. PORTMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2570, a bill to amend the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules and consideration of the least burdensome regulatory alternative, and for other purposes.

S. 2574

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2574, a bill to amend title IV of the Social Security Act to require States to adopt a centralized electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide grants to aid States in developing such a system, and for other purposes.

S. 2579

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2579, a bill to provide additional support to ensure safe drinking water.

S. CON. RES. 4

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 368

At the request of Mr. CARDIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 368, a resolution supporting efforts by the Government of Colombia to pursue peace and the end of the country's enduring internal armed conflict and recognizing United States support for Colombia at the 15th anniversary of Plan Colombia.

S. RES. 372

At the request of Mrs. GILLIBRAND, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. Res. 372, a resolution celebrating Black History Month.

S. RES. 373

At the request of Ms. HIRONO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 373, a resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

AMENDMENT NO. 3308

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of amendment No. 3308 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO:

S. 2580. A bill to establish the Indian Education Agency to streamline the administration of Indian education, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to speak about legislation that will streamline and modernize the Bureau of Indian Education.

The Bureau of Indian Education school system includes 183 elementary and secondary schools, and it serves roughly 48,000 students. Part of the school system falls under a cumbersome bureaucracy burdened with needless red tape. This has led to staffing and administrative issues at these schools, as well as problems with neglect at the facilities themselves. A lack of defined leadership at the Bureau of Indian Education has led to schools falling through the cracks. In the past 36 years, there have been 33 Bureau of Indian Education directors. Stability and clear structure are needed.

Last May, the Senate Committee on Indian Affairs, which I chair, held an oversight hearing on this topic. We heard testimony from Government Accountability Office officials that more accountability is needed at the Bureau of Indian Education to help students succeed.

That is why I am introducing the Reforming American Indian Standards of Education—or RAISE—Act. The RAISE Act separates the functions of the Bureau of Indian Education from the Bureau of Indian Affairs into an independent agency under the Department of the Interior. This agency would be led by a president-appointed and Senate-confirmed director and two assistant directors. Together, this leadership team will oversee the administration of Indian Education, curriculum for the schools and school-facilities management.

The RAISE Act will create better accountability for all. By having a leadership team that tribes can directly address for their school's needs, Indian students attending these schools will have a greater voice. The current Indian school system is managed in such a fragmented and complicated manner that it has failed students for many years. These students are our future, and they deserve our best efforts to address their educational needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reforming American Indian Standards of Education Act of 2016'' or the ''RAISE Act of 2016''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''Agency'' means the Indian Education Agency established by section 3(a).

(2) ASSISTANT DIRECTOR.—The term ''Assistant Director'' means, as applicable—

(A) the Assistant Director of Education Curriculum described in section 3(c)(1); or

(B) the Assistant Director of Facilities Management described in section 3(c)(2).

(3) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(4) DIRECTOR.—The term ''Director'' means the Director of Indian Education described in section 3(b)(1).

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

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department an independent agency to be known as the ''Indian Education Agency''.

(b) DIRECTOR.—

(1) IN GENERAL.—The head of the Agency shall be the Director of Indian Education.

(2) APPOINTMENT.—The Director shall be appointed by the President by and with the advice and consent of the Senate.

(3) PERIOD OF APPOINTMENT.—The Director shall be—

(A) appointed for a term of 6 years; and

(B) eligible for reappointment for an unlimited number of terms.

(4) REMOVAL.—The Director may be removed by the President before the expiration of the term of the Director only for cause.

(5) VACANCIES.—Any vacancy in the position of Director shall not affect the functions or authorities of the Agency, but shall be filled in the same manner as the original appointment.

(c) ASSISTANT DIRECTORS.—

(1) ASSISTANT DIRECTOR OF EDUCATION CURRICULUM.—

(A) IN GENERAL.—There shall be in the Agency an Assistant Director of Education Curriculum, who shall be appointed by the Director.

(B) DUTIES.—The Assistant Director shall be responsible for the functions of the Agency—

(i) relating to education curriculum; and

(ii) that the Director may delegate to the Assistant Director.

(2) ASSISTANT DIRECTOR OF FACILITIES MANAGEMENT.—

(A) IN GENERAL.—There shall be in the Agency an Assistant Director of Facilities Management, who shall be appointed by the Director.

(B) DUTIES.—The Assistant Director shall be responsible for the functions of the Agency—

(i) relating to facilities management; and

(ii) that the Director may delegate to the Assistant Director.

SEC. 4. TERMINATION OF BUREAU OF INDIAN EDUCATION; TRANSFER OF FUNCTIONS.

(a) TERMINATION OF BUREAU OF INDIAN EDUCATION.—Effective beginning on the date of enactment of this Act, the Bureau of Indian Education (including any predecessor office described in Federal law) is terminated.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Any function or authority relating to Indian education that, as of the day before the date of enactment of this Act, was performed or carried out by the Secretary or any bureau, office, or other unit of the Department is transferred to the Director.

(2) REFERENCES.—Any reference in any other Federal law to the Secretary, the Department, or any bureau, office, or other unit of the Department with respect to the functions or authorities transferred under paragraph (1) is deemed to refer to the Director or the Agency, as appropriate.

SEC. 5. REPORTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director, in consultation with affected Indian tribes, shall prepare a report describing the implementation of this Act, including—

(1) the activities of the Agency;

(2) an assessment of the effectiveness of this Act; and

(3) recommendations for legislation to improve the functioning of the Agency.

(b) SUBMISSION.—The Director shall submit each report described in subsection (a) to—

(1) the Committee on Indian Affairs of the Senate;

(2) the Committee on Natural Resources of the House of Representatives; and

(3) the Committee on Education and Workforce of the House of Representatives.

SEC. 6. REGULATIONS.

(a) IN GENERAL.—The Director shall promulgate such regulations as the Director determines are appropriate to perform the functions of the Director.

(b) AUTONOMY.—No regulation promulgated pursuant to subsection (a) shall be subject to approval or review by the Secretary.

SEC. 7. PERSONNEL.

(a) COMPENSATION OF DIRECTOR AND ASSISTANT DIRECTORS.—

(1) DIRECTOR.—The Director shall be compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) ASSISTANT DIRECTORS.—Each Assistant Director shall be compensated at a rate equal to that of level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) TRAVEL EXPENSES.—The Director and each Assistant Director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of their duties.

(b) STAFF.—

(1) TRANSFER OF PERSONNEL.—Effective beginning on the date of enactment of this Act, the personnel employed in connection with the functions or authorities transferred under section 4(b)(1) are transferred to the Director.

(2) ADDITIONAL PERSONNEL.—The Director may, without regard to the civil service laws, appoint and terminate such additional personnel as may be necessary to enable the Director to perform the functions of the Director.

(3) COMPENSATION.—The Director may fix the compensation of the personnel of the Agency other than the Director or the Assistant Directors without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(e) PREFERENCE.—

(1) IN GENERAL.—In the selection of each individual to be employed by the Director pursuant to section 3(c) and subsections (b)(2), (c), and (d) of this section, the Director shall give preference to members of Indian tribes.

(2) APPLICABILITY.—The preference described in paragraph (1) shall apply only to initial hiring, and shall not apply to promotion, lateral transfer, reassignment, reductions in force, or any other employment practice.

(f) CIVIL SERVICE LAWS.—All personnel of the Agency other than the Director shall be covered by the civil service laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director such sums as are necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 375—RAISING AWARENESS OF MODERN SLAVERY

Mr. CORKER (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 375

Whereas it is estimated that tens of millions of children, women, and men around the world are subjected to conditions of modern slavery;

Whereas the International Labour Organization estimates that modern slavery generates more than $150,000,000,000 in criminal profits each year;

Whereas despite being outlawed in every nation, modern slavery exists around the world, including in the United States;

Whereas around the world, 55 percent of forced labor victims are women or girls, and nearly 1 in 5 victims of slavery is a child; and

Whereas each year, individuals around the world join together to call for an end to modern slavery by symbolically drawing a red ''X'' symbol on their hands to share the message of the END IT movement: Now, therefore, be it

Resolved, That the Senate—

(1) commends each individual that supports the END IT movement on February 25, 2016;

(2) notes the dedication of individuals, organizations, and governments to end modern slavery; and

(3) calls for concerted, international action to bring an end to modern slavery around the world.

SENATE RESOLUTION 376—DESIGNATING THE FIRST WEEK OF APRIL 2016 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. MARKEY (for himself, Mrs. BOXER, Mr. ISAKSON, Mr. DURBIN, Ms. WARREN, Mrs. FEINSTEIN, Mr. REID, Mr. MERKLEY, Mrs. MURRAY, Mr. TESTER, Mr. DAINES, Mr. SCHUMER, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 376

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer, such as mesothelioma and asbestosis, and other health problems;

Whereas symptoms of asbestos-related diseases can take between 10 and 50 years to present themselves;

Whereas the projected life expectancy for an individual diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve the prognoses of those patients;

Whereas the United States has substantially reduced the consumption of asbestos in the United States, yet the United States continues to consume about 400 metric tons of the fibrous mineral each year for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas while exposure to asbestos continues, safety and prevention of asbestos exposure—

(1) has significantly reduced the incidence of asbestos-related diseases; and

(2) can further reduce the incidence of asbestos-related diseases;

Whereas thousands of workers in the United States face significant asbestos exposure, which has been a cause of occupational cancer;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas before 1975, asbestos was used in the construction of a significant number of office buildings and public facilities, including schools;

Whereas people in the small community of Libby, Montana, suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the designation of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2016 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General of the United States to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

SENATE CONCURRENT RESOLUTION 32—RECOGNIZING THE SOLDIERS OF THE 14TH QUARTERMASTER DETACHMENT OF THE UNITED STATES ARMY RESERVE, WHO WERE KILLED OR WOUNDED IN THEIR BARRACKS BY AN IRAQI SCUD MISSILE ATTACK IN DHAHRAN, SAUDI ARABIA, DURING OPERATION DESERT SHIELD AND OPERATION DESERT STORM, ON THE OCCASION OF THE 25TH ANNIVERSARY OF THE ATTACK

Mr. TOOMEY (for himself and Mr. CASEY) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 32

Whereas 217,000 members of the reserve components of the Armed Forces served alongside 470,000 members of the regular components of the Armed Forces during Operation Desert Shield and Operation Desert Storm;

Whereas the Army Reserve in Pennsylvania played crucial roles in Operation Desert Shield and Operation Desert Storm;

Whereas 69 soldiers of the 14th Quartermaster Detachment of the United States

Army Reserve, stationed in Greensburg, Pennsylvania, were deployed to Saudi Arabia during Operation Desert Storm, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia in 1991;

Whereas the unit was deployed to assist with water purification efforts in the final days of the Persian Gulf War;

Whereas the barracks of the unit in Dhahran, Saudi Arabia, were attacked by an Iraqi-launched SCUD missile;

Whereas 13 soldiers from the 14th Quartermaster Detachment were killed, and 43 wounded, in the attack;

Whereas the attack represented the deadliest attack on Americans during the Persian Gulf War, killing a total of 28 soldiers and wounding 99;

Whereas the unit suffered the greatest number of casualties of any allied unit during Operation Desert Storm;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorni III, 14th Quartermaster Detachment, of Hickory, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntington, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twenty-fifth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the tremendous sacrifice and dedicated, selfless service of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in the attack on Dhahran, Saudi Arabia;

(3) honors the 43 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were wounded during the attack;

(4) pledges its gratitude and support to the families of these soldiers; and

(5) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, the Army Reserve, the Marine Corps Reserve, the Navy Reserve, the Air National Guard, and the Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Mr. CRAPO (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3324. Mr. CRAPO (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF PESTICIDES; REPORT.

(a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342), the Administrator or a State shall not require a permit under that Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under this Act; or

''(B) the residue of the pesticide, resulting from the application of the pesticide.''.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

''(B) the residue of the pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) relevant to protecting water quality if—

''(i) the discharge would not have occurred without the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture, shall submit a report to the Committee on Environment and Public Works and the Committee on Agriculture of the Senate and the Committee on Transportation and Infrastructure and the Committee on Agriculture of the House of Representatives that includes—

(1) the status of intra-agency coordination between the Office of Water and the Office of Pesticide Programs of the Environmental Protection Agency regarding streamlining information collection, standards of review, and data use relating to water quality impacts from the registration and use of pesticides;

(2) an analysis of the effectiveness of current regulatory actions relating to pesticide registration and use aimed at protecting water quality; and

(3) any recommendations on how the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) can be modified to better protect water quality and human health.

SA 3325. Mr. KIRK (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

SEC. 44____. LINCOLN NATIONAL HERITAGE AREA BOUNDARY ADJUSTMENT.

(a) BOUNDARY ADJUSTMENT.—Section 443(b)(1) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 819) is amended—

(1) by inserting ''Livingston,'' after ''LaSalle,''; and

(2) by striking '' and Woodford counties'' and inserting '', and Woodford counties and the city of Jonesboro in Union County and the city of Freeport in Stephenson County''.

(b) MAP.—The Secretary of the Interior shall update the map described in section 443(b)(2) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 819) to reflect the adjustment to the boundary of the Lincoln National Heritage Area under the amendments made by subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2016, at 9:30 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 25, 2016, at 2 p.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Nomination of Dr. John King to serve as Secretary of Education.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 25, 2016, at 10 a.m., to conduct a hearing entitled ''Connecting Patients to New and Potential Life Saving Treatments.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 25, 2016, at 10 a.m., in room 428A of the Russell Senate Office Building to conduct a hearing entitled, ''An Examination of Changes to the U.S. Patent System and Impacts on America's Small Businesses.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 25, 2016 at 2 p.m.

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

SUBCOMMITTEE ON IMMIGRATION AND THE NATIONAL INTEREST

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration and the National Interest be authorized to meet during the session of the Senate on February 25, 2016, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Impact of High-Skilled Immigration on U.S. Workers?''

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

PRIVILEGES OF THE FLOOR

Ms. HEITKAMP. Mr. President, I ask unanimous consent that Olivia Cox, an intern in my office, be granted the privilege of the floor for the duration of today's session.

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

ORDERS FOR MONDAY, FEBRUARY 29, 2016

Mr. HOEVEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, February 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that at 5 p.m., the Senate resume consideration of the motion to proceed to S. 524, with the time until 5:30 p.m. equally divided between the two managers or their designees; finally, that notwithstanding the provisions of rule XXII, the Senate vote on the motion to invoke cloture on the motion to proceed to S. 524 at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 29, 2016, AT 3 P.M.

Mr. HOEVEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:49 p.m., adjourned until Monday, February 29, 2016, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DONALD W. BEATTY, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE CAMERON M. CURRIE, RETIRED.

DONALD C. COGGINS, JR., OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE JOSEPH F. ANDERSON, JR., RETIRED.

LUCY HAERAN KOH, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE HARRY PREGERSON, RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADLEY S. JAMES
COL. KURT W. STEIN