

Southeastern States even though the Tennessee Valley Authority has announced publicly that it does not need the power. Yet the subsidies for wind are so large that developers are continuing with wind projects anyway. Arkansas objects to the project. Tennessee does not need the power. But the Federal Government is attempting to use Federal eminent domain to proceed. According to the Congressional Research Service, this would be the first time that Federal eminent domain authority has been used for electric transmission lines over the objection of a State.

The wind production tax credit is as bad for taxpayers as giant wind turbines are bad for the environment. Clean energy research can help us lower the cost of energy, clean the air and improve health, reduce poverty, and deal with climate change. Let's end the wind production tax credit this year instead of 2019 and authorize the \$8.1 billion in basic energy research to find more ways to ensure that the United States has reliable sources of cheap, efficient, and carbon-free electricity.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 526—CALLING FOR ALL PARTIES TO RESPECT THE ARBITRAL TRIBUNAL RULING WITH REGARD TO THE SOUTH CHINA SEA AND TO EXPRESS UNITED STATES POLICY ON FREEDOM OF NAVIGATION AND OVERFLIGHT IN THE EAST AND SOUTH CHINA SEAS

Mr. GARDNER (for himself, Mr. MCCAIN, Mr. COTTON, Mr. SULLIVAN, Mr. RUBIO, and Mrs. ERNST) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 526

Whereas, on July 12, 2016, the Permanent Court of Arbitration (PCA) of the International Tribunal of the Law of the Sea (“Tribunal”), constituted under the United Nations Convention on the Law of the Sea (UNCLOS), done at Montego Bay December 10, 1982, issued a legally binding ruling on the parties in the case brought at the request of the Republic of Philippines against the People’s Republic of China concerning a dispute over the maritime jurisdiction in the South China Sea;

Whereas the Tribunal supported the Philippines’ claim that China breached its sovereign rights, ruling that “China has, by promulgating its 2012 moratorium on fishing in the South China Sea, without exception for areas of the South China Sea falling within the exclusive economic zone of the Philippines and without limiting the moratorium to Chinese flagged vessels, breached Article 56 of the Convention with respect to the Philippines’ sovereign rights over the living resources of its exclusive economic zone”

Whereas the Tribunal invalidated China’s so-called “nine-dash line” sovereignty claims over the South China Sea, concluding that “as between the Philippines and China, China’s claims to historic rights, or other sovereign rights or jurisdiction, with respect

to the maritime areas of the South China Sea encompassed by the relevant part of the ‘nine-dash line’ are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China’s maritime entitlements under the Convention”;

Whereas, on January 22, 2013, arbitration began when the Philippines served China with a Notification and Statement of Claim pursuant to the UNCLOS provisions concerning the resolution of disputes and the arbitration procedure;

Whereas, on February 19, 2013, China rejected and returned the Philippines’ Notification and since that date has refused to participate in the arbitration proceedings;

Whereas, on June 21, 2013, the Tribunal was constituted pursuant to the procedure set out in Annex VII of the UNCLOS to decide the dispute presented by the Philippines;

Whereas, on October 29, 2015, the Tribunal held that “both the Philippines and China are parties to [UNCLOS] and bound by its provisions on the settlement of disputes,” that “China’s decision not to participate in these proceedings does not deprive the Tribunal of jurisdiction,” and that “the Philippines’ decision to commence arbitration unilaterally was not an abuse of the Convention’s dispute settlement procedures”;

Whereas the South China Sea is one of the world’s most strategically important commercial waterways, and almost 30 percent of the world’s maritime trade transits the South China Sea annually, including approximately \$1,200,000,000,000 in ship-borne trade bound for the United States;

Whereas, according to the United States Energy Information Administration, there are approximately 11,000,000,000 barrels and 190,000,000,000,000 cubic feet of proven and probable oil and natural gas reserves in the South China Sea;

Whereas, according to the United States Department of Defense, “[a]lthough the United States takes no position on competing sovereignty claims to land features in the region, all such claims must be based upon land (which in the case of islands means naturally formed areas of land that are above water at high tide), and all maritime claims must derive from such land in accordance with international law.”;

Whereas, according to the Department of Defense, “[s]ince Chinese land reclamation efforts began in December 2013, China has reclaimed land at seven of its eight Spratly outposts and, as of June 2015, had reclaimed more than 2,900 acres of land”;

Whereas, according to Director of National Intelligence: “China continued its land reclamation efforts at Subi and Mischief Reefs after 5 August 2015, based on commercial imagery. Between that date and late October, when reclamation activity ended, China reclaimed more than 100 additional acres of land.”;

Whereas, according to the Director of National Intelligence: “We assess that China has established the necessary infrastructure to project military capabilities in the South China Sea beyond that which is required for point defense of its outposts. These capabilities could include the deployment of modern fighter aircraft, surface-to-air missiles (SAMS), and coastal defense cruise missiles, as well as increased presence of People’s Liberation Army Navy (PLAN) surface combatants and China Coast Guard (CCG) large patrol ships.”;

Whereas, according to the Director of National Intelligence: “We assess that China will continue to pursue construction and infrastructure development at its expanded outposts in the South China Sea. Based on the pace and scope of construction at these outposts, China will be able to deploy a

range of offensive and defensive military capabilities and support increased PLAN and CCG presence beginning in 2016.”;

Whereas, on May 30, 2015, Secretary of Defense Ashton Carter stated at the Shangri-La Dialogue in Singapore, “[T]he United States will continue to protect freedom of navigation and [overflight—principles] that have ensured security and prosperity in this region for decades. There should be no mistake: the United States will fly, sail, and operate wherever international law allows, as United States forces do all over the world.”;

Whereas, in October 2015, January 2016, and May 2016, the United States Navy conducted three freedom of navigation operations (FONOP) in the area, transiting inside the 12-mile nautical zone of the contested features in the South China Sea;

Whereas Article 5 of the Mutual Defense Treaty Between the United States and the Republic of the Philippines, signed on August 30, 1951, states that “an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific”;

Whereas the United States reiterates its security commitment to Japan and reaffirms that Article 5 of the United States-Japan Treaty of Mutual Cooperation and Security covers all territories under Japan’s administration, including the Senkaku islands; Now, therefore, be it

Resolved, That the Senate—

(1) supports the July 12, 2016, ruling issued by the Tribunal as binding on all parties in the case, and calls on all claimants to pursue peaceful resolution of outstanding maritime claims in the South China Sea consistent with international law;

(2) urges all parties to take action to implement the Declaration on the Conduct of Parties in the South China Sea and take steps towards early conclusion of a meaningful Code of Conduct, which would provide agreed upon rules of the road to reduce tension among claimant states;

(3) opposes any actions in the South China Sea to change the status quo by coercion, force, or the threat of use of force;

(4) calls on the Government of the People’s Republic of China to cease all reclamation and militarization activities in the South China Sea and end provocative actions in the East China Sea, which undermine peace and stability in the region;

(5) reaffirms Article V of the Mutual Defense Treaty Between the United States and the Republic of the Philippines;

(6) reaffirms Article V of the Treaty of Mutual Cooperation and Security between the United States and Japan;

(7) urges the Secretary of State to utilize all diplomatic channels to communicate worldwide unwavering United States support for freedom of navigation and overflight in the South China Sea; and

(8) urges the Secretary of Defense to routinely enforce freedom of navigation and overflight in the East and South China Seas, which is critical to United States national security interests and peace and prosperity in the Asia-Pacific region.

Mr. GARDNER. Mr. President, I rise to speak about American leadership in the Asia-Pacific region, an area that will be more and more critical to our economy and national security for generations to come.

Earlier today, an international tribunal issued an important ruling regarding maritime claims in the South China Sea, which can potentially have

lasting consequences for peace and stability in that region and global security in general as the world chooses between an order of rule or an order of lawlessness. Today, the tribunal ruled in favor of our ally the Philippines and against the People's Republic of China, which has refused to recognize and participate in the tribunal altogether, a tribunal sanctioned under international agreement both nations are a party to.

The tribunal began its work on January 22, 2013, when the Philippines served notice to China in international court regarding the violations of its sovereignty and China's claims in the South China Sea.

On February 19, 2013, China rejected and returned the Philippines' notification, and since that date, China has refused to participate in the arbitration proceedings.

On October 29, 2015, the tribunal held that despite China's nonparticipation, it has the jurisdiction to deliver a binding legal ruling in this case since both nations are treaty participants.

Today, the panel ruled that China "breached the sovereign rights of the Philippines" with regard to maritime disputes between the two nations. More importantly, the tribunal invalidated China's sovereignty claims over almost the entirety of the South China Sea, stating that "China's claims to historic rights or jurisdiction, with respect to the maritime areas of the South China Sea encompassed by the relevant part of the 'nine-dash line' are contrary to the Convention and without lawful effect."

While the United States is not directly a party to this dispute and takes no position on the sovereignty claims among the various claimants, this ruling is important for many reasons:

First, the South China Sea is one of the most important commercial waterways in the world. Almost 30 percent of the world's maritime trade transits the South China Sea annually, including approximately \$1.2 trillion in shipborne trade bound for the United States.

Moreover, according to the U.S. Energy Information Administration, there are approximately 11 billion barrels and 190 cubic feet of proven and probable oil and natural gas reserves in the South China Sea itself which China wants to claim.

Second, the ruling reinforces the right of our military to operate freely in the region, utilizing our longstanding rights of international transit on the high seas—the rights long established by international law.

On May 30, 2015, speaking at the Shangri-La Dialogue in Singapore, Secretary of Defense Ash Carter stated:

The United States will continue to protect freedom of navigation and overflight—principles that have ensured prosperity and security in this region for decades. There should be no mistake: The United States will fly, sail, and operate wherever international law allows, as U.S. forces do all over the world.

The United States has since conducted three freedom of navigation op-

erations—or FONOPs—in the area in October of 2015, January of 2016, and May of 2016, transiting inside the 12-mile nautical zone of the contested features in the South China Sea.

Last month, I attended the Shangri-La Dialogue along with a number of my Senate colleagues, and we heard a tremendous amount of concern from regional leaders, not only about the South China Sea but also about whether or not the United States can endure regionally and globally. The South China Sea and what happens there are important tests of American leadership and our ability to support our close allies in the face of aggression that is outside of international norms.

So we need to start this conversation, as well, by asking the simple question: How did we get here?

I wish to point out a chart that helps show what is going on in the South China Sea. The situation in the South China Sea stems from a Chinese claim called the nine-dash line. It is the red dash line here in the South China Sea, which covers more than 90 percent of the South China Sea. We can see it on the chart, within the lines.

China has never offered any detailed explanation or any legal basis for this claim. As the ruling stated today by the tribunal:

As far as the Tribunal is aware, China has never expressly clarified the nature or scope of its claimed historic rights. Nor has it ever clarified its understanding of the meaning of the "nine-dash line."

For decades we did not pay much attention; the U.S. did not pay much attention to these groundless claims because, while there are certainly incidents and skirmishes, China did not take the highly coercive actions to enforce its claims that we see today. However, over the last several years, China has significantly upped the ante and undertaken a massive effort to reclaim a number of the disputed features in the South China Sea and to militarize these islands.

According to the Department of Defense, "[s]ince Chinese land reclamation efforts began in December of 2013, China has . . . reclaimed more than 2,900 acres of land" and "has deployed artillery, built aircraft runways and buildings and positioned radars and other equipment."

According to the Director of National Intelligence:

We assess that China has established the necessary infrastructure to project military capabilities in the South China Sea beyond that which is required for point defense of its outposts. These capabilities could include the deployment of modern fighter aircraft, surface-to-air missiles, and coastal defense cruise missiles, as well as increased presence of Peoples' Liberation Army Navy surface combatants and China Coast Guard large patrol ships.

With these capabilities, China could easily intimidate and, if needed, overpower its much smaller and less capable neighbors.

So let me point out the second chart here today. In the next year, we will be

able to see just how fast the Chinese can build these islands.

According to reports and expert assessments, what we are seeing here is "an artificial island"—what it looked like in the very beginning, the original structure—"covering 75,000 square yards—about 14 football fields—including two piers, a cement plant and a helipad, at a land formation called Hughes Reef. . . . The reef, which is above water only at low tide, lies about 210 miles from the Philippines and 660 miles from China."

So here is what this looked like in 2014—this original structure right here, the Hughes Reef. We can see what it looked like here, and in January of 2015: 75,000 square yards of land reclamation activities, the helipad over here, the original structure—we can see it right here—and the cement plant. There are 14 football fields worth of land reclamation on a structure that is only 210 miles away from the Philippines yet 660 miles away from China.

These actions not only show blatant disregard for the rights of the other claimants in the South China Sea, but it undermines international law.

This is what the international tribunal confirmed today. Now it is up to the United States and the world to address the question as to what comes next.

Make no mistake, through these activities, China has sent a message not only to its neighbors but also to America as a Pacific power, and we must be ready to answer.

So today I am proud to submit a resolution with my colleagues, Senators MCCAIN, COTTON, SULLIVAN, RUBIO, and ERNST, that offers some policy guidelines moving forward on how to address the challenge of the South China Sea. Our resolution, first of all, supports the July 12, 2016, ruling issued by the tribunal as binding on all parties and calls on all parties to pursue peaceful resolution of outstanding maritime claims in the South China Sea consistent with international law. It urges all parties to take action to implement the Declaration on the Conduct of Parties in South China Sea and take steps toward early conclusion of a meaningful, binding code of conduct which would provide agreed-upon rules of the road to reduce tension among claimant States.

It states that we will oppose any actions in the South China Sea to change the status quo by coercion, force, or the threat of use of force.

It calls on the People's Republic of China to cease all reclamation and militarization activities in the South China Sea and to end provocative actions in the East China Sea, which undermine peace and stability in the region.

Furthermore, the resolution reaffirms article V of the Mutual Defense Treaty between the United States and the Republic of the Philippines, and article V of the Treaty of Mutual Cooperation and Security between the United States and Japan.

It urges the U.S. State Department to utilize all diplomatic channels to communicate worldwide, unwavering U.S. support for freedom of navigation and overflight of the South China Sea, and it urges the U.S. Department of Defense to routinely enforce freedom of navigation and overflight in East and South China Seas, which is critical to U.S. national security interests and peace and prosperity in the Asia-Pacific region.

It is my sincere hope that instead of an escalation, China chooses the opposite track and abides by this ruling and immediately ceases its destabilizing activities. But should that not come to pass, the United States and our allies must be ready to lead and defend our allies, our values, and our principles.

The world is better served when those of us around the globe recognize rules of international behavior, international law, and that we can together reinforce responsible behavior. And we will know going forward from this ruling if China is going to be a responsible rising power that respects the rules of international law, or if the history books will later look back at this time period and show a nation that decides to ignore international law, to ignore the law that binds itself with its neighbors and, instead, acts out of self-gain and self-interests.

No matter what happens going forward, the United States must show leadership, resolve, and we must show our allies that we are committed to making sure that international law is respected and upheld.

Mr. President, I yield the floor.

SENATE RESOLUTION 527—RECOGNIZING THE 75TH ANNIVERSARY OF THE OPENING OF THE NATIONAL GALLERY OF ART

Mr. UDALL (for himself, Ms. MIKULSKI, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 527

Whereas March 17, 2016, marked the 75th anniversary of the opening of the National Gallery of Art (in this preamble referred to as the "Gallery");

Whereas the Gallery is the culmination of the dream of Andrew Mellon to endow a true national gallery in Washington, DC;

Whereas President Franklin Delano Roosevelt and the 75th Congress recognized the importance of this monumental gift to the people of the United States by quickly accepting the gift of Mr. Mellon on behalf of the United States;

Whereas the landmark buildings of the Gallery were given to the people of the United States as gifts by Andrew Mellon and his children, Paul Mellon and Ailsa Mellon Bruce;

Whereas the agreement to place the Gallery on the National Mall, side-by-side with the monuments most meaningful to the people of the United States, symbolized the importance of art in the life of the United States;

Whereas the extraordinary collection of Mr. Mellon of 153 works of art served as a

magnet to attract other gifts from across the United States and established the highest standard of quality for the works of art, resulting in one of the finest collections in the world, with more than 144,000 works;

Whereas the collections of the Gallery have grown entirely through private donations from generous individuals in service to all of the people of the United States;

Whereas the Gallery epitomizes the fruitful collaboration of the United States Government and the people of the United States in creating a great institution dedicated to art, education, and service;

Whereas all subsequent Presidents and Congresses have supported the Gallery by providing for the protection and care of the collection;

Whereas Federal support and donations of extraordinary art from generous individuals in the United States have resulted in the most successful public-private partnership in the United States, hosting more than 250,000,000 visitors from every State and from other countries to demonstrate the commitment of the United States to promoting the shared cultural heritage of all humanity;

Whereas the permanent collection of the Gallery comprises masterpieces of art from Europe and the United States from the Renaissance period to the present day;

Whereas some 1,200 temporary exhibitions have brought great art from throughout the world, from a wide range of cultures and time periods, to the people of the United States;

Whereas the Gallery has set a standard of generosity in lending works of art to museums throughout the United States and in sending those works as ambassadors of good will to countries throughout the world;

Whereas, for 75 years, the Gallery has served as both trustee of the fine arts collection of the United States and as an active and vigorous educational resource, serving hundreds of thousands of students who visit Washington, DC;

Whereas, since its founding, the Gallery has provided art education programs without charge to students in elementary and secondary schools and at institutions of higher learning in every State;

Whereas, through the support of Andrew Mellon and his son Paul, the Gallery serves as an international center for scholarship and research and is a leader in internationally published conservation and research;

Whereas the Gallery is home to a superb center for advanced studies in the visual arts that brings new insights to the humane heritage of mankind both nationally and internationally;

Whereas the Gallery has created a major art research library, housing a collection of more than 400,000 books, periodicals, and documents on the history, theory, and criticism of art and architecture, and an image collection of some 13,000,000 photographs, slides, negatives, and microform images of Western art and architecture;

Whereas, since 1942, the Gallery has sponsored more than 3,100 free Sunday concerts featuring the National Gallery Orchestra as well as musicians and ensembles from around the world for the enjoyment of more than 1,000,000 visitors, creating what is considered the oldest continuous series of free weekly concerts in Washington, DC;

Whereas, to facilitate learning, enrichment, enjoyment, and exploration, the Gallery has expanded its educational mission by providing free downloads of more than 45,000 digital images of works from its collection through its innovative web service, NGAImages; and

Whereas the Gallery provides permanence in an ever-changing world, maintaining a tangible record of human aspirations and

values for the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the opening of the National Gallery of Art;

(2) acknowledges the contribution of the National Gallery of Art to the cultural life of the United States;

(3) applauds the work of the National Gallery of Art to collect and preserve art, educate people in the United States, and bring exciting exhibitions for all to enjoy;

(4) commends the work of the staff of the National Gallery of Art to ensure that all of the people of the United States have access to the highest quality art; and

(5) continues to support the National Gallery of Art, a great national treasure.

SENATE RESOLUTION 528—COMMENDING THE TENNESSEE VALLEY AUTHORITY ON THE 80TH ANNIVERSARY OF THE UNIFIED DEVELOPMENT OF THE TENNESSEE RIVER SYSTEM

Mr. ALEXANDER (for himself, Mr. BURR, Mr. COCHRAN, Mr. CORKER, Mr. ISAKSON, Mr. KAINE, Mr. PERDUE, Mr. SHELBY, Mr. TILLIS, Mr. WARNER, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas the Tennessee Valley Authority (in this preamble referred to as the "TVA") was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of floods and flood damage, provide low-cost electricity, and promote environmental stewardship and economic development in the region;

Whereas the TVA submitted a plan to Congress in March of 1936 to improve navigation of the Tennessee River and to help control flooding in the Tennessee Valley;

Whereas Norris Dam, the first dam constructed by the TVA, began to operate on July 28, 1936;

Whereas the integrated management of the Tennessee River system by the TVA provides a wide range of benefits that include electrical power, reducing floods, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the TVA has improved navigation of the Tennessee River system and facilitated freight transportation;

Whereas the TVA has reduced the risk of flood damage through the construction of locks, dams, and reservoirs throughout the Tennessee Valley;

Whereas the TVA provides reliable and affordable electricity and has stimulated economic growth;

Whereas the TVA continues to promote economic development by helping companies and communities attract investments that bring good jobs to the Tennessee Valley region; and

Whereas the TVA continues to serve more than 9,000,000 customers in Alabama, Georgia, Tennessee, Mississippi, Kentucky, North Carolina, and Virginia: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tennessee Valley Authority on the 80th anniversary of the unified development of the Tennessee River system;

(2) recognizes the important role of Norris Dam, the first dam constructed by the Tennessee Valley Authority, which was completed on July 28, 1936;