

we cannot forget what this legislation means to the families of victims.

It has been 15 years since Ms. Terry Estrada lost her husband Tom, who worked in the North Tower. Terry didn't just lose a husband, she lost a father to a young son 7, daughter of 4, and a newborn baby boy. She lost a loving father and her best friend. Terry and her children have championed this bill for over a decade. I thank them and all the other families—especially Monica Gabrielle, Mindy Kleinberg, Lorie Van Auken, Kristin Breitweiser, Patty Casazza—for their tireless advocacy and patience. Of course, no compensation could ever repair the broken hearts of a family who lost a loved one to such mindless hate, but as Jane Bartels, a mother from Staten Island who lost her husband Carlton on that sunny morning 15 years ago put it recently, “We just want our day in court.” “We just want our day in court.”

The victims of 9/11 and other terrorist acts have suffered such pain and heartache, but they should not be denied their day in court. They should not be denied their pursuit of justice.

There is always an excuse not to do something, but as Senator CORNYN and I have explained, the chief argument used by JASTA's detractors is not strong. In fact, it is flimsy. When weighed against the moral imperative, we have to do right by the families of the 9/11 victims. The choice is clear. I urge my colleagues to override.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The question is, Shall the bill (S. 2040) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required under the Constitution.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

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

The yeas and nays resulted—yeas 97, nays 1, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—97

Alexander	Casey	Feinstein
Ayotte	Cassidy	Fischer
Baldwin	Coats	Flake
Barrasso	Cochran	Franken
Bennet	Collins	Gardner
Blumenthal	Cooms	Gillibrand
Blunt	Corker	Graham
Booker	Cornyn	Grassley
Boozman	Cotton	Hatch
Boxer	Crapo	Heinrich
Brown	Cruz	Heitkamp
Burr	Daines	Heller
Cantwell	Donnelly	Hirono
Capito	Durbin	Hoeben
Cardin	Enzi	Inhofe
Carper	Ernst	Isakson

Johnson	Murphy	Shaheen
King	Murray	Shelby
Kirk	Nelson	Stabenow
Klobuchar	Paul	Sullivan
Lankford	Perdue	Tester
Leahy	Peters	Thune
Lee	Portman	Tillis
Manchin	Reed	Toomey
Markey	Risch	Udall
McCain	Roberts	Vitter
McCaskill	Rounds	Warner
McConnell	Rubio	Warren
Menendez	Sasse	Whitehouse
Merkley	Schatz	Wicker
Mikulski	Schumer	Wyden
Moran	Scott	
Murkowski	Sessions	

NAYS—1

Reid

NOT VOTING—2

Kaine

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1.

Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

The PRESIDING OFFICER. The majority leader.

FUNDING FOR FLINT, MICHIGAN

Mr. MCCONNELL. Mr. President, earlier this month, the Senate voted to help families affected by lead poisoning in Flint as part of the Water Resources Development Act, or WRDA. We are glad to see that progress is being made in the House as well to pass a WRDA bill that also includes help for Flint families. I have worked closely with Speaker RYAN and Leader PELOSI to encourage that progress, and I made it clear to them that I was extremely serious, and I just mentioned that again to Senator STABENOW—very serious about defending the Senate position in conference and ensuring that Flint funding remains in the final bill.

We have a path forward to getting our work done, and if we keep working together, we will.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the Republican leader and I have had a number of conversations. I yield to the senior Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank the majority leader for his comments and for the conversations we have had—publicly and privately—and our Senate Democratic leader, as well, for being such a stalwart, as well as all of our colleagues.

We in the Senate have done the right thing and moved forward on a WRDA bill that has an important package for Flint and other communities that have lead-in-water issues.

At the beginning of this week, there was a House bill that did not include anything for Flint or anything around that contamination. We now have a

commitment. There is going to be something in the House WRDA bill and a commitment that the final bill will include the work that we did in the Senate.

So I wish to thank again Senator INHOFE, Senator BOXER, and all of our colleagues. This is a very positive step forward.

I will just remind people that folks in Flint are literally bathing with bottled water every single day, and the sense of urgency only grows. So I am anxious to work with our leadership to get this done.

Thank you.

Mr. MCCONNELL. Mr. President, we expect to start voting on the CR around 2 o'clock, and with a little cooperation, we should be able to get that over to the House this afternoon.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I wish to yield 1 minute to our ranking member on the Environment and Public Works Committee, Senator BOXER. I wish to yield to her for 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my leader very much. Yesterday, Senator INHOFE and I were on the floor and I stated that if I felt there was an ironclad commitment to take care of the Flint, MI, problem and the lead in water across this Nation, I would support the CR. I interpret the strong language from my leader, HARRY REID, and the Republican majority leader, Senator MCCONNELL, as an ironclad commitment. They spoke to the powers that be in the House.

I know that Senator INHOFE and I are bound and determined to fix this, and believe me, I want to send a message to the people of Flint and to their Senators, who have worked their hearts out: This will happen. If it doesn't happen, I have some ideas of how I am going to protest it, but it will happen. I take it as an ironclad commitment.

I yield the floor back to my colleague, Senator REID.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 2912

Mr. JOHNSON. Mr. President, I rise today to ask my colleagues to honor the life of Trickett Wendler, pictured here, who was a young mother of three who fought and lost her battle with ALS disease, and the lives of so many others who want the right to try to save their lives by passing the Trickett Wendler Right to Try Act of 2016.

Now, like so many of my colleagues, we are often visited by our constituents, people who are battling their own diseases, whether it is ALS or Duchenne muscular dystrophy, or different forms of cancer.

This is a very simple bill. What it is trying to do is very simple. It is trying to restore freedom. It is trying to give patients and their families hope—the freedom and hope that is being denied them right now by our Federal bureaucracy.

This is a bill about people. Coming from my own standpoint, I think all of us recognize ALS as—initially, in its original name—Lou Gehrig's disease. I certainly understood a little bit more about ALS when I heard about Tom Watson's caddy. Then in Oshkosh, WI, a family member of our Lourdes High School family was stricken with ALS—Doug Potarske. He courageously battled the disease and lost his fight as well.

I met Trickett Wendler on May 23, 2014, when she came to Washington, DC, with a group of other advocates for ALS cures. Simply talking about my meeting with the Goldwater Institute and the bill they were promoting through the States—the Right to Try—and indicating to her my support for it, tears began streaming down her cheeks. She wanted that hope.

But along this path, as I have advocated for the Right to Try bill, I have met other individuals—people like Matt Bellina, a former Navy pilot who testified before our committee just yesterday. He is a father of two, with his wife expecting their third child. He is also fighting ALS. He wants hope.

During our press conference, when I introduced this piece of legislation, a man from Pennsylvania, Frank Mongiello, asked to say a few words. Already pretty far advanced in his ALS, it was difficult to understand Frank, but he quoted Abraham Lincoln. Abraham Lincoln said: "If you get shot, you die once. If you dream, you die over and over again." He made the point that not having access to some of these treatments for ALS is like dying over and over again. He wants some hope to be able to stay alive for his wife and six children.

This bill isn't only about ALS, though. It is about other incurable diseases. It is about other terminal patients who have no further treatment options—little boys like Jordan McLinn, who also testified before our committee with his mother, Laura, a volunteer firefighter, and who is suffering from Duchenne muscular dystrophy, a disease that is also terminal.

This disease in particular indicates the problem we have with the FDA. There were more than 50 patients and advocates for an effective treatment, something that is being proven to be effective to extend the muscle function of these little boys. The FDA had an advisory committee meeting and listened to the testimony of over 50 Americans begging the FDA to allow and approve that treatment. The FDA advisory committee voted 7 to 3 and said no, we are not going to give you that right; we are not going to give you that hope.

Now, fortunately, I was overjoyed a couple of Mondays ago when the FDA overruled that advisory committee and actually approved those drugs and provided some hope.

If we want to understand how broken the process is, let me give a couple of metrics. In the decade of the 1990s, it

took about 10 years from discovery to approval of a new drug. Today that time period stands at about 14 years. In today's dollars, in 2004, it cost about \$1 billion for a successful drug to go through that approval process. Today, it costs about \$2.6 billion to have a drug approved. That indicates there is something wrong with the system. The Right to Try bill addresses what is wrong. It is not a panacea, but it is a good first step.

The last person I wish to speak about is someone I consider a hero, someone I consider as a whistleblower, a courageous oncologist from Houston, TX, whose name is Dr. Ebrahim Delpassand. Dr. Delpassand was part of a clinical trial treating neuroendocrine cancer with a therapeutic agent called LU-177 octreotate. He was, in his opinion, successfully treating these cancer patients. He was extending their lives, but he butted up against a limit in terms of a clinical trial of 150 patients. So he requested from the FDA to expand that to include another 78 of his patients who were terminal, who were dying from this aggressive form of cancer. The FDA said no.

Now, fortunately, for that doctor and those 78 patients, Texas had passed a Right to Try bill. The problem is the FDA has not weighed in. We don't know whether the FDA will challenge these Right to Try bills. I could not get an answer from the FDA bureaucrats as to whether or not they are going to challenge it. So Dr. Delpassand took it upon himself and, on behalf of his patients, courageously began treating those additional 78 patients. They are alive today because of his courage, with no help from the FDA.

Thirty-two States now have enacted their own individual Right to Try legislation. In those States, 4,186 legislators—both Democrat and Republican—have voted on those bills. Only 108 have voted no, and 4,078 legislators—97.4 percent of legislators in 32 States—have voted yes to Right to Try. There is nothing partisan about this. This is a completely bipartisan effort—again, trying to restore freedom, trying to restore hope.

The latest State was California. Governor Brown just signed that bill into law. We had in front of our committee last week State assembly majority leader Ian Calderon—a Democrat, I might add—who is a sponsor of that Right to Try bill.

So all I am asking—we have 42 cosponsors of this bill in the Senate. I have asked my other colleagues to join us as cosponsors. I realize that some of them don't want to go that far. All I am asking is that no Senator stand up and object to providing a little bit of freedom, a little bit of hope to patients who simply have no other avenue.

Now, to be respectful of people's time, let me move to my request. I see Senator BARRASSO is here, and if he would also like to speak to this bill, I would like to give him that opportunity.

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2912 and the Senate proceed to its immediate consideration; and I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

THE PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I reserve my right to object.

THE PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I understand the seriousness of my friend's proposal. I understand the urgency that patients and their families feel who are desperate for new treatments. I could go through a litany of people who have been in predicaments like this, like this young lady here where we see her picture.

I remember Wendy Rockenfeller. I went to see her in Boulder City. She was all dressed up, knowing that I was coming, in bed. She, at a very young age, was stricken with Lou Gehrig's disease. She died 5 days after I saw her. She loved politics. She was involved in my campaigns. But this dread disease took her.

Her husband was desperate. He took her to Mexico for some treatment that didn't work, of course. But as my friend from Wisconsin said, he was looking for hope. Her husband Uwe Rockenfeller.

Bob Forbuss was a young school teacher in Las Vegas, but he had a great knack for business. Without going through a lot of detail, he worked part time with an ambulance company. He wound up owning that big, big ambulance company. He was very successful, made a lot of money, but he was stricken with Lou Gehrig's disease, and he died—not as fast as Wendy, but he died. I went to see him the day before I saw Wendy.

So I understand the urgency of the patients, but also we have a situation here. There are ways to improve the access process so it works better and faster for patients. My friend talks about 40 or 42 cosponsors. Basically, virtually every one of the Republicans are cosponsors but not Democrats. Why? Because, there are major players in this bill that simply haven't had an opportunity to tell us what is wrong with the bill. They have told me personally.

I believe we should do what we need to do in order to have a good, responsible piece of legislation. I also want everyone to understand it is really difficult to comprehend when we have had 7 weeks—we just finished a break here and we are going to take 10 more weeks. Why didn't we take the time to have a hearing on this?

I think we should have had a hearing on Merrick Garland. Why haven't we had a hearing on Merrick Garland? The reason my Republican friends have not

had a hearing on Merrick Garland is that they know that if they had a hearing on Merrick Garland, people would see who he is, and having seen or listened to this man, they would be hard-pressed to vote against him. That is why they are not doing a hearing.

So, for all these reasons, that we haven't had a vote on Merrick Garland, we had absolutely no workout on this process. As desperate as the situation is, and I understand it, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, this is beyond disappointing that the minority leader would refer to this as potentially a partisan bill. Let me reiterate. In 32 States, where 4,186 State legislators have voted on this, 4,078 have voted yes, Republicans and Democrats alike—97.4 percent. This is a bipartisan effort. It provides freedom, it provides hope, and it is beyond disappointing that the minority leader would object.

I would ask my colleague Mr. BARRASSO, the Senator from Wyoming, who has been a real leader on the issue, for example, with Duchenne muscular dystrophy, what has he heard from patients and his constituents in terms of the hope that this bill will provide them?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, people ask for hope. They want hope and need hope. As a young doctor in my training, I worked at a children's hospital in the muscle disease clinic, and what I saw were families because muscular dystrophy, specifically Duchenne's, runs in families.

Families come into the clinic, and you knew the day you were seeing that young person it was going to be the best day that person ever had because this is a progressive disease and they are looking for hope and they look to you as a physician for hope and they look to the researchers for hope.

That is what this Right to Try legislation does. It provides hope. I believe it goes further than that. It is not just hope, it is also help because the research we have seen with this drug for muscular dystrophy, for Duchenne muscular dystrophy—and when you talk to the parents and talk with the patients, and I have met with the parents and met with the patients, what they are seeing is that day in the clinic is not their best day with declining after that, they have actually seen a reversal, which is miraculous. I am talking about working in a muscle disease clinic when I was in my twenties. We are talking a long time ago in my professional career working with people with muscle disease. This is the first thing I have actually seen that has actually reversed that declining trend that we see in young people with Duchenne muscular dystrophy, where they go from being able to walk to then walking more slowly, to then graduating to a wheelchair. So all we

are asking for is hope, when we know there is hope that is available and it may provide help.

The State of Wyoming passed the Right to Try law. The attorney general for the State of Wyoming is with us today. He knows about this. He knows it is bipartisan. There was nothing partisan about this, I would say to my colleague from Wisconsin. There was overwhelming bipartisan support by the legislature. It was signed by our Governor. Yet we see the minority leader come to the floor and object to a vote, which is something that would pass incredibly. He did it because his reasoning was something about a nominee of the President to be on the Supreme Court.

We are talking about people who are dying today, such as the woman whom this legislation is named after with amyotrophic lateral sclerosis—Lou Gehrig's disease. People did the ice bucket challenge. We saw Bill Gates have somebody pour a bucket of cold ice water over his head in an effort to try to help someone with amyotrophic lateral sclerosis. The minority leader came and named a couple of people who lost their lives. We all know people who lost their lives. The Senator from Alaska had a relative who lost his life to amyotrophic lateral sclerosis. Every time I go to mail a letter at the Post Office in Casper, WY, and drive down Randy Maxwell Boulevard, it is named after a postal worker who lost his life to amyotrophic lateral sclerosis. He would have loved the right to try.

So I come to the floor in support of my colleagues, in support of this legislation, and I am so sorry and sad to see the minority leader, the Senator from Nevada, stand and object to an opportunity to give the Senate the right to try, to give patients the right to try, at a time when we know there is actually potential cures available and there are people who are looking for the hope and looking for the help those potential cures provide.

I would say to my friend and colleague from Wisconsin, thank you for your leadership. Thank you for bringing to the floor the beautiful face of the patient from your home State who lost her life in the fight, who didn't have a chance to try.

Thank you for your leadership on the Duchenne muscular dystrophy front and for all people who are suffering around this country who need hope, who need help, and we know there is actually help available. Thank you for your caring and your work on this, and I continue to stand with you and your efforts, as do many Members of the U.S. Senate and many, many Americans. I thank you for your continued leadership and your determination. I thank the Senator from Wisconsin for his incredible efforts, and I say this with profound disappointment in the minority leader to see that he would come to the floor and object to people having a right to try to save their lives.

Thank you, Mr. President.

Mr. JOHNSON. Mr. President, I thank the Senator from Wyoming for his leadership on this issue. I want to also point out how bad I feel and how sad it truly is because some of those individuals I spoke of—some of those patients and families—were watching on C-SPAN today. They had their hopes up that the minority leader would not play politics with this issue, would not play politics with their lives. In the last 15 minutes, those hopes have also been dashed. I care about that.

I note for the RECORD that in my committee we have held two hearings on this Right to Try bill so the minority leader is simply incorrect when he says we have not held hearings. We have fully vetted this piece of legislation.

I once again point out how bipartisan this has been in the States—97.4 percent of State legislators who voted on this have voted in support of it.

I have another colleague, the Senator from Indiana, who has joined me in a number of instances in writing to the FDA to try and break the logjam on some of these treatments, making them available to people, giving them hope.

I would ask the Senator from Indiana what stories he has to tell about his constituents who are asking for that freedom, that right to try, that right to hope?

Mr. COATS. I thank the Senator from Wisconsin, a great friend and someone whose passion has been brought to the U.S. Senate.

Based on issues where people are hurting, I just can't thank him enough for bringing to this body the kind of energy and the kind of passion that is directly related to the pain people are suffering with in his State—whether it is loss of a job, the death of a child or something related to education or whether it is something related to just every day, Senator RON JOHNSON has been on top of it.

This is a perfect example of the kind of passion he brings. He refuses to say: I can't go any further. He refuses to take and accept the minority leader's objection to this—along with my colleague from Wyoming and others—to this bipartisan supported measure. How can the minority leader come down and give an example of why every parent deserves the right to try, to try to save their children, to take advantage of medicines and procedures that might be that miracle cure, and then say: No, we are not going to take it up. We are not going to give that to you because we know you are in a tight race. Essentially, that is what he is saying. We know you are in a tight race so we are not going to do anything.

Put yourself in the shoes of a parent who is trying to save the precious life of a child. How can you put an election in a State that is up for grabs—how can that trump the kind of sorrow and clinging to the last hope parents are making?

I commend the Senator. I have had the great privilege of serving together with him since 2010, and we have become friends. His passion, whether it is the national debt or whether it is any number of issues, but particularly on this, that goes right to the heart and soul of every parent in this country who is doing everything they possibly can to save their child, and to be denied that opportunity because of a political situation just astounds me.

I commend Senator JOHNSON. I know he will not give up. I know he will fight this to the end. We stand with him. There is nothing partisan about this issue, and there is no reason we can't come down as a body and endorse and pass by unanimous consent what Senator JOHNSON is asking. There is no reason whatsoever. I am with him to the end. We are all with you to the end. I think we ought to just keep asking because I don't believe a Senator here can understand why politics should trump something like what you are trying to do.

Mr. JOHNSON. I certainly thank the Senator from Indiana for his support on this issue. I will conclude by saying, this is a sad day for the U.S. Senate; that the minority leader would turn his back on terminal patients and their families, deny them that freedom, that right to try, that right to hope, to score a political point—it is a sad day for the U.S. Senate.

I yield the floor.

Mr. LEAHY. Mr. President, people talk about partisan gridlock and the do-nothing Congress. There is plenty of justification for it. Judge Merrick Garland, nominated to the Supreme Court on March 16, has been waiting for a hearing, not to mention a vote, for more than 6 months. None of the appropriation bills to fund the government in 2017 will be enacted before the end of this fiscal year, just 2 days from now, even though every one of them has been reported by the Appropriations Committee. We are once again voting on a stopgap continuing resolution to keep the government running until December 9.

As part of the continuing resolution, I proposed including a provision that would give American businesses a level playing field against their foreign competitors.

Right now, the Export-Import Bank cannot approve financing totaling more than \$10 million, because the Republicans have refused to vote on the President's nominee for the third member of the Ex-Im Bank's board of directors. Under current law, that means the Bank lacks a quorum, and it is severely limited in what it can do.

My provision would have permitted the current board members to approve financing over \$10 million, for the period of the continuing resolution.

This was not a farfetched idea. In fact, both House and Senate fiscal year 2017 appropriations bills that are waiting for a vote include a similar provision. By including it in the continuing

resolution, we would simply be doing what majorities in both appropriations committees have already agreed to.

According to the Ex-Im Bank, it currently has a pipeline of more than 30 transactions, each of which exceeds \$10 million, valued at over \$20 billion in total that are stalled because of the quorum requirement.

In other words, the Republican leadership is blocking financing to U.S. companies that are ready to compete for contracts to sell their products and services overseas. They may not get the chance.

One would think, since Republicans regularly insist that they are the party that cares more about American business, this would not be difficult. They talk about wanting to help U.S. companies so they will not move offshore. They talk about standing up for American workers. They talk about a lot of things.

But did they include it? No. There wasn't even a debate. They just said no dice because a tiny minority of their members opposes it.

That is what has happened to the Congress. Because the Republican leadership either supports or is unwilling to challenge obstructionists on their fringe, nothing happens. There are countless examples of it.

I hope the American people are paying attention. I hope businesses around the country that pay taxes and need support from the Ex-Im Bank are paying attention. Elections do matter, and this is just one of many reasons.

Ms. STABENOW. Mr. President, I rise today to talk about the continuing resolution that the Senate will soon be voting on, which regretfully, I am unable to support.

For the past year, I along with my colleague from Michigan, Senator PETERS, worked to craft a bipartisan agreement with funding to help fix the city of Flint's water system that exposed 100,000 people to lead laced drinking water. And thanks to the leadership of Environment and Public Works Committee Chairman INHOFE and Ranking Member BOXER, the Senate a few weeks ago voted 95-3 to approve the Water Resources Development Act with this desperately needed funding.

Unfortunately, the CR before us today addresses disaster funding for flooding in Louisiana and other communities, but asks the families of Flint to wait at the back of the line again. I cannot support a CR that includes funding for other communities but not Flint, whose residents have waited too long for much-needed aid.

However, because of the stalwart support of my colleagues—particularly vice chairwoman of the Senate Appropriations Committee BARBARA MIKULSKI, Environment and Public Works Committee Ranking Member BARBARA BOXER, and Democratic leaders HARRY REID and NANCY PELOSI—Republicans in the House of Representatives have agreed to a path forward for enacting legislation this year that contains assistance for the people of Flint.

I would also thank Majority Leader MCCONNELL for his commitment to ensuring that Congress does not adjourn this year without enacting WRDA legislation that contains the Senate approved funding for fixing Flint's water pipes and addressing drinking water problems that communities across the country face.

While the absence of assistance for Flint prevents me from supporting the continuing resolution, I am very pleased that it contains \$1.1 billion to combat the spread of the Zika virus.

More than 2,000 pregnant women in the Nation and our territories have evidence of being infected by Zika, more than 20 babies have been born with Zika-related birth defects such as microcephaly, and at least six pregnancies ended because of the virus. In Puerto Rico, the Surgeon General said that 25 percent of residents will be infected by Zika virus by the end of this year. In southern Florida, health officials are combating the mosquitoes spreading the virus there in the hopes of slowing the virus's path. With funding to combat Zika now secured, the hard work begins to end the threat Zika presents to our families.

I am also grateful that the short-term spending agreement contains the Military Construction and Veterans Affairs Appropriations bill, which provides funding to ensure that our military facilities are mission ready and that Michigan's 698,000 veterans can access the care and benefits they have earned.

The fiscal year 2017 Military Construction and Veterans bill includes \$11.3 billion more in mandatory funding and \$2.6 billion more in discretionary funding than last year's budget. Although discretionary funding for the Department of Veterans Affairs is below the amount that was included in the bill approved by the Senate earlier this year, the total amount in the CR still exceeds last year's enacted level by \$2.9 billion. I strongly support this funding that provides for essential medical care, disability compensations, mental health services, long-term care, veteran specific medical research, and claims processing improvements.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

#### THE NATIONAL DEBT

Mr. FLAKE. Mr. President, a few weeks ago, I was asked to act as emcee for the Arizona Distinguished Young Women's Scholarship Program. During the self-expression portion of the evening, meant to showcase how quickly these women could think on their feet, the participants were asked the following question: If you could live a day without rules and consequences and do something truly outrageous, what would it be?

Remember, these are high school seniors. As I stood on stage and called on

each of the young women to answer the question, Alexis, from Tempe, confidently took the microphone and said:

I would fly to Washington, DC, go to the United States Senate floor, and ask each Senator this question: "What do you plan to do about the national debt?"

The audience roared its approval, and I was put on the spot. This is a topic that has received scant attention in this political season, this election season, but it was put front and center at a scholarship program.

We shouldn't be surprised by this. For every day that we adults continue our obsession over emails and birth certificates, these high school seniors recognize that we are spending \$1.4 billion more than we are taking in. This will result in nearly a \$500 billion deficit this year, which will be added to our burgeoning \$19 trillion debt. They know this and understand this because this is the debt they will be left with long after our political careers are over.

I have long believed that of the myriad problems we face in this country—from terrorism to nuclear proliferation, to infectious diseases, to climate change, to aging infrastructure, to unaffordable health care—our looming debt and persistent deficit are our most urgent challenge. If we don't put our fiscal house in order and put ourselves on a sustainable fiscal path forward, we will not be able to address any of the problems and the challenges I just listed.

If we continue in our current state of denial, one day in the not so distant future, we will wake up and discover that the financial markets have already decided we are no longer a good bet. When this happens, the low interest rates that have made our debt manageable over the past couple of years will begin an upward march. For every quarter point that interest rates go up, an additional \$50 billion will be required annually just to service the debt for every quarter point the interest rates go up.

The Congressional Budget Office estimates that if we don't address our fiscal imbalance and interest rates return to where they traditionally have been, within a decade nearly all of our discretionary budget will be swallowed up with just one item—paying interest on the debt.

Think about that for a minute. How do we fight a war on terrorism without spending any money on national defense? That is part of our discretionary budget. How do we replace aging infrastructure when there is no money left after we have paid our monthly installment on our credit cards? Infectious disease-carrying mosquitoes will not stop at our borders out of concern for our fiscal predicament.

Once national interest rates begin their inevitable rise, the control over our fiscal situation will pass from this body, from Congress, and from the executive branch to our creditors. We will then enter an austerity cycle that

will negatively impact the global economy, and it will worsen our own fiscal outlook.

How do we avoid this gloomy picture? If we want to put ourselves on a sustainable fiscal path, we can't just nibble around the edges. Discretionary spending has been largely held in check over the past several years, but the retirement of the baby boomer generation has led to huge increases in our so-called entitlement programs.

Discretionary spending represents an ever-shrinking percentage of our total spending. Putting ourselves on a sustainable fiscal path has to involve a grand bargain of sorts, such as the one contemplated by the National Commission on Fiscal Responsibility and Reform, more commonly known as Simpson-Bowles. Of course, this outline will need to be updated to take into account the nearly \$7 trillion of debt that has accumulated just in the past 6 years, but it is a good place to start.

It is tempting for both Republicans and Democrats to say: Well, we will deal with this debt problem if voters give us control of both Chambers and the White House. Believe me when I tell you that this will not happen. No one party, Republican or Democrat, will take the political risk that is inherent in dealing with our debt problem—not my party, not the party on the other side of the aisle. Midterm elections are never more than 2 years away.

No, it will take buy-in from both parties. Both parties have to be willing to hold hands and jump together.

With divided government over the past 6 years, we have had the conditions necessary for a long-term budget agreement, but we have lacked the political courage to get it done. We cannot afford to squander that opportunity any longer.

If the results of the November elections produce divided government once again in January, here is hoping that while we may publicly grumble, we will privately see it as an opportunity to redeem ourselves as stewards of this institution and put the country back on a sustainable fiscal path.

#### NATIONAL HISPANIC HERITAGE MONTH

Mr. President, I rise to recognize National Hispanic Heritage Month, which is celebrated from September 15 to October 15. Originally signed into law in 1968 to be just 1 week, it was expanded by President Ronald Reagan as a month-long recognition in 1988.

This month recognizes the social, economic, and cultural contributions of the more than 57 million Latinos living in the United States. In my home State of Arizona, the Latino population has nearly tripled in the past 25 years, and now it stands at just over 2 million people. This is nearly one-third of the State's population, and Hispanic children already make up more than half of the K-8 public school students in Arizona.

From an economic view, Hispanic-owned small businesses are growing at

a rate of two or three times the national averages and now roughly total 125,000 statewide. Businesses owned by Hispanic women are growing even faster.

In Arizona, Hispanic Heritage Month is celebrated through historic lectures, movie screenings, culinary and arts festivals, gallery exhibitions, and musical celebrations. These are but a few items to highlight when noting the contributions of those of Hispanic heritage.

I am pleased to have a moment on the Senate floor to talk about National Hispanic Heritage Month.

With that, I yield back the remainder of my time.

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

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, as we are temporarily winding down here, I am told we will be back in November, passing a short-term continuing resolution or funding for the government until we do return. Then, after the election, we will deal with the longer term. I wish to take advantage of this remaining time to once again, for the 52nd time in this last 2 years, come to the Senate floor to talk about the waste, fraud, and abuse that exists within the Federal Government and what its impact is on taxpayers' hard-earned tax dollars.

I have talked about everything from the very serious ways in which Medicaid, Medicare, and Social Security have been violated and spent, wasting billions of dollars through checks going to people who are dead, people who don't qualify, and on and on. We have talked about some ridiculous examples of expenditure of Federal dollars.

Today, I was thinking: Well, this is kind of a small amount. We are only talking about \$1 million here, and we have been talking about billions.

All of a sudden it hit me that \$1 million is not a small thing. We have lost perspective here in terms of these numbers. What do they mean to us?

People say: Do you want to be a millionaire? Well, that would be unbelievable if I could be a millionaire. I mean, of course I would want to be a millionaire. If you are a millionaire, you are living in high cotton.

But we dismiss \$1 million as change, just a few pennies here and there when it is compared to billions of dollars, hundreds of billions of dollars, and even trillions of dollars.

In just the last 8 years under the Obama administration, we have taken our national debt—that is money we borrow to pay for things we have expended. We don't have the revenue to cover it, so we have to borrow that money. As my colleague from Arizona was just discussing, interest has to be paid.

When we arrived at the beginning of this administration, it was about \$10 trillion, and it has literally doubled—almost doubled. In just 8 years of time,

230-some years since the beginning of this country, we have doubled the debt from \$10 trillion to nearly \$20 trillion.

It is hard to grasp what a million is, let alone a billion, let alone a trillion. So, yes, this is just “a million dollars,” but every penny that is wasted is taken from taxpayers or is money not applied to essential functions of the Federal government, such as our national defense, health care, or whatever. This is one of these ridiculous wastes of a million dollars.

The Department of Education has paid money for the creation of a video game called ECO. The Department of Education is trying to have classrooms use this game for students, literally for ideological purposes. Obviously, what they were basing ECO on is what happens in Washington, DC. They were creating a virtual government through a video game. The students could vote by a majority vote as to whether to add something to this government in terms of what their policies were or take it away, but the game rules also ruled that the group’s operator could act as a king, issuing all rules by himself or herself. If the king didn’t like what the students did by majority vote, the king would simply say: Fine, that means nothing. I am going to implement it anyway.

It sounds an awful lot like what we have been through under this administration. The vote of the peoples’ representatives in the House of Representatives and the Senate essentially has been bypassed in many instances by the President of the United States.

Once again, through an ideological decision made by members of the administration, we now are teaching students that this is really how it works. If you want to make a difference, we need to give that king all kinds of authority.

I define this as a waste. I define this as a waste of taxpayers’ money.

The function of government is not to brainwash students, through video games, into a form of government that violates our Constitution, violates all precedents in terms of how we operate around here. Yet time and again I have stood on this floor, Members have stood on this floor, and simply said: This is the function of the people’s representatives. This is a function of how they vote, yea or nay. This is a function of how it works through the process of defining a law, ultimately landing on the President’s desk. Yet we have a President who simply says: The heck with all that stuff. I am just going to implement whatever I want to do, and, by the way, let’s spend taxpayer dollars to teach children that this is how government should work. I think it is not just a shame, I think it is ridiculous. It is way over the top.

We are adding not a huge amount to the number, but through these 52 weeks we have accumulated \$328 billion of waste, fraud, and abuse. It just keeps on going. I could come to the floor every day. I could come here every

hour of every day to try to describe the volume of certified waste, fraud, and abuse we have collected in our office. As long I have the opportunity to be able to do that, I am going to keep doing it, pointing out how government is mishandling the money that the taxpayers are sending to Washington.

#### THE ECONOMY

Mr. President, in the time remaining that I have, let me simply say that while the White House spin that the economic recovery from the Great Recession is a huge success, to use their words, poll after poll—from The Economist to YouGov, to Reuters, to Ipsos, to Rasmussen—shows that nearly two-thirds of Americans think our economy is on the wrong track.

The White House spin is one thing, but the facts clearly define the Obama administration’s record of low economic growth numbers. So we hear the rhetoric coming out of the President’s spokesman and the President himself and some Members of the Senate that things are working very well. Well, let’s look at the facts. The truth lies in the facts, not on what somebody wants to tell you the truth is.

Fact: Under the Obama administration, real growth continues to average only half the growth of an average recession recovery over the last half century. We have had many recessions, but the surge of economic activity post those recessions has been twice as much as what has happened over this recession, which took place in late 2008 and early 2009. It has been nearly 8 years, and we have had half of the average growth of all other recessions over the past half century.

Fact: Productivity growth has slumped under President Obama.

Fact: Business dynamism has slowed down significantly.

Fact: Today, a smaller number of Americans are working than before the recovery began.

Fact: For those Americans who have been able to get jobs, a larger number are working part time.

While President Obama is touting recent gains in household income, the facts show that the median American household is still bringing home less money than it was before the recession began almost 9 years ago.

Based on these facts, it is clear that the economic policies employed by the Obama administration have not worked.

It is one thing to come down here and listen to the President or Members say: Look, these policies have worked, and it is a great success; it is another thing to look at the reality of what has happened and say: No, it is not a success.

Too many Americans feel there is no end to this current cycling of mediocrity. It has almost become the new normal that we are going to grow at 1, 1.5, or 2 percent a year instead of normal post-recession growth of 3.5 or 4 percent or even more.

There is a reason why these policies, in my opinion, have not worked. I

think it is also a major reason why the American people simply say: Look, you had your shot. You said you knew how to run government. You said you knew how to grow the economy. You put these policies in place. Well, it hasn’t worked.

When something doesn’t work, you don’t just keep perpetuating it—which is what I think the election is all about, frankly—you turn to other policies that worked successfully before.

I want to name three things that I think should substantially improve the growth of the economy in the United States.

Clearly, taxes are too complex, regulations are tying the hands of job creators, and the ever-growing Federal debt is crowding out private sector investment. All these are facts.

So it is time to change this truth, take a long-term look at why the Obama administration policies have failed, and employ new policies. Let me outline three new policies.

First, our broken Tax Code is punishing job creators.

We have the highest combined corporate tax rate in the developed world—all of our competitors have a much lower corporate tax rate than we do—and that puts us at a disadvantage. Of course that is why we have an imbalance in our trade accounts. Small business owners face mind-numbing complexity in rates as high as 44.3 percent due to Obama tax increases.

Reducing business tax rates, both large and small, and simplifying the 74,000 pages in the Internal Revenue Code—the Tax law—will help American companies retain their competitive edge in the face of globalization so that we can expand and create new jobs. We have been talking about this for years. It hasn’t happened. Tax reform is absolutely necessary to get our economy growing again.

Secondly, policymakers in the administration need to streamline and reduce burdensome regulations that are holding our economy down.

The Obama administration continues to issue regulations at a record-setting pace. This flood of redtape wastes time and resources, stifles jobs and new business startups, and dampens economic growth. The businesses I visit in Indiana have story after story saying: We are swamped with regulations. Instead of producing or selling our product, we are filling out paperwork and sending it to Washington, going through months and months of waiting for approval of this, that, or whatever.

Regulatory reform is absolutely essential if we are going to get our economy to grow.

Third and last of the three major issues: Growing Federal debt is crowding out the private sector.

Over the years, as I have said, President Obama has nearly doubled our national debt, racking up more debt in the 8 years of this administration than in all previous years of every President who preceded this 44th President.

Think about that. The amount of debt we have incurred under this President exceeds all of the other debt since the beginning of this country under 43 previous Presidents.

When we put these three together, I believe that is the direction in which we need to go. Hopefully, as we are closing out this administration, that is the direction we will be able to take to get our people back to work, get our economy growing again, and make America great again.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### PRESCRIPTION DRUG OVERDOSES

Mr. MANCHIN. Mr. President, we have come to a crisis point in our country, and I speak about this on a weekly basis. It is drug overdose, legal prescription drug overdose. When I talk about legal prescription drug overdose, these are well-noted, good pharmaceutical companies that make a lot of products that save people's lives and help them immensely. It is done with the approval of the Food and Drug Administration, and then it is administered and basically recommended by the most trusted person next to your most trusted family members—your doctor. Then we look around and we have a product on the market that basically is killing Americans every day.

In West Virginia, drug overdose deaths have soared by more than 700 percent since 1999. We lost 600 West Virginians to opiates last year alone—more than any other form that has terminated people's lives in that State. Of the 628 drug overdose deaths in the State in 2014, most were linked to prescription drugs; 199 were OxyContin related, while 133 were attributed to hydrocodone. West Virginia had the highest rate of prescription drug overdose deaths by any State last year—31 per every 100,000 citizens. The next closest State was New Mexico, with 25 deaths per 100,000.

In West Virginia, providers wrote 138 painkiller prescriptions for every 100 people. I want to repeat that. The providers, our doctors, wrote 138 painkiller prescriptions for every 100 people. That doesn't even sound feasible. It doesn't even sound right. It is the highest rate in the country.

Between 2007 and 2012, drug wholesalers shipped more than 200 million pain pills to West Virginia. My State has a population of a little less than 1,850,000. So we have about 1,800,000 people and prescription drug wholesalers shipped more than 200 million pain pills to my State. Think about that—200 million pain pills and we have fewer than 2 million people. Unbelievable. That is 40 million per year. And

this number doesn't include shipments from the two largest drug wholesalers, so it is even higher than that.

Every day in our country, 51 Americans die from opioid abuse. People are dying as we speak. Here are the national drug abuse facts:

Drug overdose was the leading cause of injury and deaths in 2013. Among people 25 to 64 years old, drug overdose caused more deaths than motor vehicle crashes.

There were 41,982 drug overdose deaths in the United States in 2013. Of those, 22,767—or almost 52 percent—were related to prescription drugs.

Drug misuse and abuse caused about 2.5 million emergency department visits in 2011. Of those, more than 1.4 million were related to prescription drugs. Among those emergency visits, 420,000 were related to opiate analgesics.

Nearly 2 million Americans ages 12 or older either abused or were dependent on opiates in 2013, and on top of that, they are recommending giving hydrocodone to children as young as 12 years of age.

Of the 2.8 million people who used an illicit drug for the first time in 2013, 20 percent began with the nonmedical use of prescription drugs, including pain relievers, tranquilizers, and stimulants.

The United States makes up only 4.6 percent of the world population. With over 7 billion people who live in the world, we have about 320, 330 million people, so that is a little less than 5 percent. Yet we consume 80 percent of the opiates. This Nation, which is less than 5 percent of the world's population, consumes over 80 percent of all the opiates that are produced and consumed in the world—how did we become so addicted?—and 99 percent of the world's hydrocodone, which is Vicodin. Opiate abuse has jumped 287 percent in 11 years. We are not very pain-tolerant anymore.

In 2012, health care providers wrote 259 million prescriptions for painkillers—enough for every American to have a bottle of pills.

Misuse and abuse of prescription drugs cost the country an estimated \$53.5 billion per year in lost productivity, medical costs, and criminal justice costs. Ask any law enforcement—town, county, or State police—and they will tell you that 80 to 90 percent of all the calls they go on are related to some kind of drug use or abuse.

Since 1999, we have lost almost 200,000 Americans. If that is not an epidemic, I don't know what is. And why we are not up in arms—everybody in this country—fighting this epidemic is beyond me. I have always said this is a silent killer. It doesn't matter whether you are Democratic or Republican. This is not a partisan killer. Whether you are a liberal or a conservative, whatever your religious beliefs, whatever your race is, this one has no home. This goes after everybody. But it is a silent killer because we keep our mouths closed because we don't want

to admit to anybody outside of our family that we have a problem. My son has a problem. My daughter has a problem. My niece or my nephew, my mom or my dad, my uncle or my aunt has a problem. We think we will keep that in. We won't talk about it. Well, we don't talk about it, and it continues to grow and grow.

We have a lot of bills in the hopper right now.

The LifeBOAT Act. If I hear 1 time a day, I hear 10 times a day: There is no place to get treatment. I want my child to get treatment. I want my parents to get treatment. There is no place to send them.

I have said we need to do something about that. We need to get a permanent funding stream. So I have introduced a bill that says that one penny for every milligram of opioids that is produced in the United States of America will go to a treatment plan. That means every part of the country that has been affected will be able to get treatment. They will have a funding mechanism.

Some people say: Well, that is a tax. We don't want to put a tax on it.

Well, I am sorry, we do it on cigarettes and we do it on alcohol. We know this is killing people all over the country. No State is immune. Yet we are afraid to move forward.

I am hoping we can come together as a body and find a pathway forward so that we can treat addiction as the illness that it is and try to get people back into productive lives and, most importantly, save their lives. This would be one way to do it and do it in a way that we can all look at ourselves and look at what we have done for our constituents and say: We helped you.

The Promoting Responsible Opioid Prescription Act. This bill would decouple hospital and physician payments. Right now, if an addict comes in and they don't get what they want, they will report you for bad service. They will report a doctor and they will report a hospital or a clinic, and that basically determines the type of reimbursement they get from Medicaid or Medicare. That is ridiculous. If addicts don't get what they want, they are going to be mad at everybody. So we need to change that.

The Changing the Culture of the FDA Act. The FDA should not be putting products on the market that we know are going to alter your life or alter the community or destroy your life. They are there to protect us. If they give a stamp of approval, it should be done because it is a product that we know will not deteriorate or destroy our lives.

The FDA Accountability for Public Safety Act will require the FDA to seek advice. I will give a perfect example. They continue to put opioids on the market every day. There are people who are applying to put more products on the market. We don't need any more products. We have enough painkillers, and we are consuming 80 percent of the

world production now. How many more do we need? They come out with tougher and stronger products. I can't even understand why they do it, but they say it is needed for different purposes. And then what happens on top of that is that it is against the advice of their own advisory committee. The experts in their field are saying: Don't put this product on the market, but they do it anyway. We are saying: Stop that practice. And they will not be able to do that anymore if we pass this piece of legislation.

My good friend from Louisiana, who is a doctor, understands Jessie's Law. Jessie's Law basically would say this: If you have a member of your family—a child, and you are the guardian or the parent and you go to the hospital, both the child who is trying to recover from an addiction and the parents sign that this child has an addiction and this child is in recovery right now, so be very careful what you administer. Red flag that. Make sure—the same as if they were allergic to penicillin—that everyone who handles their chart knows.

A young girl named Jessie Grubb in my State of West Virginia died because the discharging physician was not made aware of her condition and prescribed 50 oxycodone. She used 10 of them, and she was dead at 1 o'clock in the morning, the same day she got discharged. This can be prevented. This piece of legislation should have been passed, and I am hoping we can come to grips with that.

I am going to read one letter, if the Senator from Louisiana will indulge me, my good friend and colleague from Louisiana. I am going to read the obituary of Emmett Scannell. This obituary was written by Emmett Scannell's father. No father should ever have to write his own child's obituary.

I have spoken with Mr. Scannell. He has given me permission to share his son's story as part of his ongoing efforts to break down the stigma surrounding addiction. The first thing you break down is the silence. Parents are willing to speak out now. They want help. They want us to recognize that they need help, and we need laws to help protect them.

On April 20, 2016, our 20 year old son, Emmett J. Scannell, lost his battle to Substance Use Disorder and died due to a heroin overdose. Emmett had been in recovery and sober in Alcoholics Anonymous for 2 years when he went off to college in late August 2014. Within 6 weeks, heroin came into his and our lives, stole him from us, and Substance Use Disorder killed him in only 18 months.

Adored brother of Zachary Scannell and Alice D'Arpino of Mansfield. Beloved son of Aimee Manzoni-D'Arpino (and her husband John A. Manzoni-D'Arpino) of Mansfield and William E. Scannell (and his life partner, Brenda Rose) of Bridgewater; Nephew of Paula Mountain and Brian Mountain of Raynham and Brian Scannell of Raynham; grandson of Peter and Patricia Campos Manzoni of Easton and Paul Scannell and Nora Scannell, both of Raynham; loving

cousin of Josie Mountain, Scott Mountain, and Carley Scannell, all of Raynham.

Emmett was a National Honor Society student who graduated from Bridgewater Raynham Regional High School in May 2014. Unfortunately he is not the first member of his class to die from Substance Use Disorder. Emmett was a sophomore at Worcester State University, where he was studying computer science on a full academic scholarship. But most recently he had, and died from, Substance Use Disorder.

Emmett was a caring, funny, smart young man with the potential for greatness. He loved his brother and sister, biking and snowmobiling and had a smile and charm that could light up a room, but it won't ever again because he had and died from Substance Use Disorder.

You see, Substance Use Disorder is not something to be ashamed of or hidden. It is a DISEASE that has to be brought out into the light and fought by everyone. It continues to cut down our loved ones every day. Please do whatever you can to fight it so that you never have to feel what every one of us who has lost a loved one is feeling right now. We all thank you for your condolences and prayers and ask that you continue to pray for Emmett's soul and our family. . . . Please come to the church where he and his Dad attended their 12-Step Recovery Program together and enjoyed the best years of their lives together. . . . Our family cannot begin to express how much the outpouring of love and support we have received means to us. Knowing our son was loved by so many simply means the world to us!

No parent should ever have to write their child's obituary, especially when it was preventable.

We have to come to grips with this as a society. We are losing a generation. We are losing a generation that could be helping us economically, that could be helping us find new cures for diseases, that could be helping us in maintaining the superpower of the world and the world order.

I look at this, and every day people are pleading for help. They need help.

I ask all of you to pray for Emmett and his family, but also, if you have a problem in your family, speak out about it. Let's get the help that is needed. We have professionals who want to help. As a body, let's do the right thing and find a funding source so that we can put the clinics and the treatment centers around the country that are needed.

In the State of West Virginia, my colleague Senator CAPITO knows very well that we have a challenge and we have a problem and we have a killer, and we are going to stop it, rid it, and wipe it out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I have spoken on the floor twice now to tell the stories of the devastation caused by the great flood of 2016 and the depth of need the families of Louisiana have.

Since I last spoke, about 10,000 more people have applied for individual assistance through FEMA, and now about 150,000 folks in Louisiana have applied for individual assistance. This is a serious, immediate issue, and we need help for those who are in great need.

In all of the debate back and forth, some people have forgotten or never realized how massive this disaster was—an unprecedented event. The National Weather Service deemed this as a once-in-a-thousand-years event. Twenty parishes have been declared disaster areas. In the city of Denham Springs, 90 percent of homes flooded, and in about half of the structures flooded, it will cost owners over 50 percent of the value of the building to repair. Ninety percent of the housing stock in this town has been flooded.

According to the estimates by the Advocate newspaper—the paper in the Baton Rouge area—as many as 12,000 Baton Rouge area businesses flooded. The National Flood Insurance Program has found that when businesses floods, as much as 40 percent of them never reopen. For a small business to reopen their doors, there is great cost, and this can prove too great to rebuild. The consequence of this is to the owner of the business, but it is perhaps felt more greatly by the employees—and their families—who lose their jobs.

This flooding caused \$8.7 billion in damage. If you take out hurricanes, this has been the most expensive natural disaster to happen in the United States in the last 100 years. Let me repeat that. Take out Sandy and Katrina, and we have the most expensive natural disaster in the last 100 years—\$8.7 billion.

No one was prepared, and it is not their fault. Less than a quarter of the population had flood insurance because the flood occurred in areas more than 50 feet above sea level. One fellow who called me lives 7 miles from the river, and he got 4 feet of water. He did not expect to have a flood and was not required to have flood insurance. Why would you when you are 7 miles away from the river?

Thousands of families were completely caught off guard by a thousand-year flood and are now struggling to pick up the pieces. They need our help. They are trying to make a decision whether to rebuild or just move on: We can't afford to repair our house. We owe more than it is worth. Let's just walk away from our mortgage, buy a trailer, and hopefully be able to do something different in the future.

Here are a couple of examples of families affected. This is a street. This is not a lake; this is a street. This is a family being evacuated by volunteers. The water was too deep for them to get out. You can imagine, if this is on the street, it is also in the house. And that which most people keep—wedding dresses, picture albums, toys, clothes—is flooded too. When the water recedes and the water goes out of the house, also what goes out are these heirlooms, picture albums, clothes, and piles of debris on the side of the road.

Let me also remind you of Dorothy Brooks. She is 78 years old. In this picture, she was being rescued out of 3 feet of water. You can see the water here next to the deputy's leggings. This

is in Tangipahoa Parish, and this is Sergeant Thomas Wheeler. Dorothy relies on a wheelchair. As you might guess, she could not evacuate, nor could she prepare for the flooding.

Dorothy is not the only person who is handicapped or who is a senior citizen who was affected. At their age, they have been unable to evacuate but also unable to carry out the repairs once the floodwaters recede. One example of this is Roy and Vera Rodney—both in their eighties—who had 4 inches of water in their house. It was not a whole lot, but 4 inches. The FEMA inspector told them their home was habitable, so they were denied repairs and rental assistance. Being in their eighties and having no family in town, they couldn't gut and repair their home on their own. The water sat, and there was damage to the carpet. Their belongings sat. Mold came in, mold spread, and now their house is too unhealthy to live in. They have evacuated to family who live far away, and while there, they are not available to let volunteers come in to gut their house. In the weeks that they have been forced to wait, the house has remained ungutted and mold has continued to spread. Because they could not get their aid in time, the cost of recovery has grown.

The Rodney story is the story of the whole region. Dollars to help that come sooner will have a greater impact than the same amount of money that comes later. Again, if the Rodneys had been able to take out 4 inches of wet baseboard, furniture, carpet, wood flooring, their home would have dried and they would have rebuilt. Because they could not, mold spread, the damage increased, and now the whole house has to be remediated. The same amount of money sooner has a greater impact than later. That is the story of us seeking funding for Louisiana in the CR.

Helping each other is a fundamental American value. I ask all my colleagues to support this continuing resolution with the money for disaster relief for families—not just in Louisiana but also in Louisiana—who have been faced with natural disasters, to help families like these who have lost everything put their lives back together. Let's do what is right and pass this legislation so we can help relieve these flood victims.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I thank my colleague from Louisiana for all the hard work he has done to try and make sure those folks he talked about, and those tragedies he has brought to light for all us, are getting the best assistance they deserve.

I think every State, whether it is Louisiana, West Virginia, Georgia, or wherever we live, we are all subjected to a national emergency at some point. It could be a flood, fire, large snowstorm, windstorm, or tornado—any of these events could happen to any of us.

That is why I have always, through the course of my legislative career, looked favorably to try and help particular areas of this country that need extra assistance. Senator CASSIDY has been particularly effective here, and it has been my pleasure to work with him and others on this subject.

I have already talked on this topic earlier in the week. We are close to having a vote on this legislation, and hopefully it will pass so we can bring badly needed relief not only to Louisiana, West Virginia, and other places but to also have the funding that will carry us through December.

I am a member of the Appropriations Committee, and the Senator from Louisiana is a member as well. I think we are both frustrated that we are at a point where we have a continuing resolution after passing our appropriations bill out of the Appropriations Committee in a bipartisan way. I think we worked well together to provide the greatest impact and voice on individual bills, but unfortunately that process broke down. We are where we are, and in between the time of those appropriations bills, West Virginia suffered one of the worst floods we have seen.

A State like West Virginia has small communities, such as Clendenin, Rainelle, Richwood, and Clay. These are small towns much like every small town in America, and there are people who are still not able to get back into their homes and water systems that have not been running since June. Banks of creeks and water systems are still in disrepair.

In order for folks to get their needed assistance, we need to pass this continuing resolution. Our Governor has identified 310 million additional dollars through the Federal Community Development Block Grant Program, and an overwhelming amount of this—90 percent of the homes that have now been impacted—was not covered by flood insurance. The \$310 million, which the State has identified as a real need, was supposed to go to putting folks back in their homes, new homes, and homes that any one of us would want to live in, but unfortunately they were not able to do that.

More than 5,000 homes in the State of West Virginia were identified as a loss. Twenty-three people lost their lives in the flood because it came so suddenly. West Virginia has beautiful hills, but we also have some valleys as well. When the water rushes, it rushes fast and quickly fills those valleys, and unfortunately some of the families had very tragic circumstances. Many families, thousands of them, lost everything. Small businesses are unsure if they can rebuild and workers don't know if they still jobs. I know the town of Clendenin—19 miles from where I live in Charleston—has a very uncertain future, and that is why it is very important that we get this downpayment of emergency relief for our State and States like Louisiana and Texas.

We are going to work together to make sure we can secure additional funding, if that is what our Governors—and I think both of our Governors have identified additional problems.

I thank the leader, Senator MCCONNELL. I think this has been a week of pushes and pulls and ups and downs. I think he was very skillful by working with the Democratic leader and the leaders over in the House, and we now have a good pathway forward. I wish to express my appreciation to him for his leadership and his ability to, I think, find an answer to some very difficult questions.

I also thank our Appropriations chair, Senator COCHRAN, for his work on this bill.

I wish to speak about Flint, MI, for a few minutes. Nearly 7 months ago, I was one of the very first cosponsors of the bipartisan legislation that Senator STABENOW introduced, along with Chairman INHOFE and Ranking Member BOXER, that would direct resources to address the serious water problem in Flint. I strongly supported the inclusion of the Flint provisions in the Water Resources Development Act, as did many of us, and the vote was 95 to 3, 2 weeks ago.

I know the leadership is committed to taking final action to help Flint later in the year, and I wholeheartedly support that. Unfortunately, West Virginia had a water crisis, too, and although the impact we had was different than what we saw in Flint, we know how devastating it is for businesses and residents to not have clean drinking water. This also has critical funding for our veterans and the opioid and heroin crisis we see sweeping across the country.

I see my colleague from Maryland is here. Her State has also had some flooding as well. We are right next door to one another, and I thank the Senator for her leadership.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of voting for the continuing resolution. Over the last several days, there have been votes I have had to oppose, but I think we have arrived at a place where both sides of the aisle can support this continuing resolution. Is it perfect? No. Is it acceptable? Yes. Is it necessary? Absolutely.

The first thing we need to do is make sure we do not have a government shutdown or a government slamdown. Those wonderful men and women who work for the Federal Government, those who are keeping our Social Security offices open, those who serve our veterans, and those who are working at NIH right this minute on a cure for cancer or helping people with Alzheimer's need to know we are not going to play partisan politics with last-minute dramatic efforts to get one party or the other to stare each other down.

This continuing resolution, which will be before our colleagues shortly, meets three goals that we Democrats have laid out. No. 1, it keeps the government open through December 9 so we can finish the work on government spending and what they call an omnibus bill, meaning all of the subcommittees that would fund the U.S. Government; No. 2, that we do it in a way that abides by the balanced budget agreement of 2015; No. 3, ensure that it does not contain draconian poison pill riders, which is true with one regrettable exception, the SEC political disclosure rider, which is where we tell corporations that if they give money to political parties, they need to disclose it.

The bill does do important things. First of all, it fights Zika with \$1.1 billion worth of emergency funding without objectionable riders restricting funding. It also contains funding for our veterans so they get the health care they deserve and have earned so we can shrink the disability backlog and that we don't leave the veterans stranded while waiting to see a doctor.

I wish to compliment those who worked on that particular funding. I also want to say it does contain disaster relief for flooded communities like Louisiana and West Virginia, but the bill does not respond to the compelling needs in Flint, MI. However, we do have leadership on both sides of the aisle and both sides of the dome pledging to get money to Flint during the lameduck session.

I commend Senators STABENOW and PETERS for their advocacy—those of the Senators from Michigan—for their constituents. There are still 100,000 people in Flint, MI, waiting for their water pipes to be clean and safe. Small business owners are trying to keep their doors open, and mothers are worried about whether their children will suffer any cognitive damage as well as slow growth and development in the future due to the lead in their water.

When we were fighting for Flint, we were fighting for the 100,000 people who needed to be able to count on their government so we could get the lead out of what we do and get the lead out of their waters. We were disappointed about Flint, but we do know it contains an approach that is acceptable to the Senators and the Members from Michigan.

This bill includes \$1 billion for Zika funding that I talked about, and it also funds money for our veterans. I could elaborate on this more, but what I want to say is this. Through a conversation that was arrived at by talking across both sides of the aisle, we were able to get through this legislation.

I thank the Republican leader, Senator MCCONNELL, for his work and talking with me as well as working with our leadership to achieve a bill I think we can support. We want to make sure we finish the job today so we can keep the government open and that we pass the omnibus in December, among the

other bills we are going to be dealing with, which will be very important, and I will have more to say about it. What I am saying now, to my side of the aisle, is that this is an acceptable compromise. It might not be the most desirable, and we could continue to debate and dispute that, but it is acceptable.

I urge my colleagues to vote for the bill, and I look forward to keeping our government open and working on the final product of an omnibus bill with my chairman of the Appropriations Committee, the Senator from Mississippi, who again wants to achieve compromise and do it in a way that is civil.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

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

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to the motion to reconsider the motion to invoke cloture on Senate amendment No. 5082 to H.R. 5325.

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

The motion was agreed to.

Mr. MCCONNELL. I move to reconsider the motion to invoke cloture on Senate amendment No. 5082 to H.R. 5325.

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

The motion was agreed to.

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

The bill 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 Senate amendment No. 5082 to H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Roger F. Wicker, Thom Tillis, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

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

The question is, Is it the sense of the Senate that debate on amendment No. 5082, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.R. 5325, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote "yea".

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

The yeas and nays resulted—yeas 77, nays 21, as follows:

[Rollcall Vote No. 149 Leg.]

#### YEAS—77

Alexander	Durbin	Murphy
Ayotte	Enzi	Murray
Baldwin	Ernst	Nelson
Barrasso	Feinstein	Portman
Bennet	Fischer	Reed
Blumenthal	Flake	Reid
Blunt	Gardner	Risch
Boozman	Gillibrand	Roberts
Boxer	Grassley	Rounds
Brown	Hatch	Rubio
Burr	Heinrich	Schatz
Cantwell	Hirono	Schumer
Capito	Hoeven	Shaheen
Cardin	Isakson	Shelby
Carper	Johnson	Sullivan
Casey	King	Tester
Cassidy	Kirk	Thune
Coats	Klobuchar	Tillis
Cochran	Leahy	Toomey
Collins	Manchin	Udall
Coons	McCain	Vitter
Corker	McCaskill	Warner
Cornyn	McConnell	Whitehouse
Cotton	Mikulski	Wicker
Crapo	Moran	Wyden
Donnelly	Murkowski	

#### NAYS—21

Booker	Inhofe	Perdue
Cruz	Lankford	Peters
Daines	Lee	Sasse
Franken	Markey	Scott
Graham	Menendez	Sessions
Heitkamp	Merkley	Stabenow
Heller	Paul	Warren

#### NOT VOTING—2

Kaine Sanders

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21.

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

Cloture having been invoked, the motion to commit falls.

The majority leader.

AMENDMENTS NOS. 5083 AND 5085 WITHDRAWN

Mr. MCCONNELL. Mr. President, I ask unanimous consent to withdraw amendments Nos. 5083 and 5085.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, all postcloture time is expired.

#### VOTE ON AMENDMENT NO. 5082

Mr. MCCONNELL. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 5082.

The amendment (No. 5082) was agreed to.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I move to proceed to the motion to reconsider the motion to invoke cloture on H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the motion to invoke cloture on H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

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

The bill 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 H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Thom Tillis, Roger F. Wicker, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

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

The question is, Is it the sense of the Senate that debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

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

The yeas and nays resulted—yeas 77, nays 21, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—77

Alexander Collins Hoeven
Ayotte Cooms Isakson
Baldwin Corker Johnson
Barrasso Cornyn King
Bennet Cotton Kirk
Blumenthal Crapo Klobuchar
Blunt Donnelly Leahy
Boozman Durbin Manchin
Boxer Enzi McCain
Brown Ernst McCaskill
Burr Feinstein McConnell
Cantwell Fischer Mikulski
Capito Flake Moran
Cardin Gardner Murkowski
Carper Gillibrand Murphy
Casey Grassley Murray
Cassidy Hatch Nelson
Coats Heinrich Portman
Cochran Hirono Reed

Reid Shaheen Udall
Risch Shelby Vitter
Roberts Sullivan Warner
Rounds Tester Whitehouse
Rubio Thune Wicker
Schatz Tillis Wyden
Schumer Toomey

NAYS—21

Booker Inhofe Perdue
Cruz Lankford Peters
Daines Lee Sasse
Franken Markey Scott
Graham Menendez Sessions
Heitkamp Merkle Stabenow
Heller Paul Warren

NOT VOTING—2

Kaine Sanders

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21.

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

The majority leader.

Mr. McCONNELL. Mr. President, I know of no further debate on H.R. 5325.

The PRESIDING OFFICER. Is there further debate on the measure?

If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

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

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—72

Alexander Daines Moran
Ayotte Donnelly Murkowski
Baldwin Durbin Murphy
Boxer Enzi Murray
Bennet Ernst Nelson
Blumenthal Feinstein Portman
Blunt Fischer Reed
Boozman Gardner Reid
Boxer Enzi Roberts
Brown Ernst Rounds
Burr Hatch Grassley
Cantwell Heinrich Hatfield
Capito Hirono Schumer
Cardin Hoeven Shaheen
Carper Isakson Shelby
Casey Johnson Sullivan
Cassidy King Tester
Coats Kirk Thune
Cochran Klobuchar Tillis
Collins Manchin Toomey
Cooms McCain Udall
Casey Grassley Murray
Cassidy Hatch Nelson
Coats Heinrich Portman
Cochran Hirono Reed
Crapo Mikulski Wicker

NAYS—26

Booker Leahy Scott
Corker Lee Sessions
Cruz Markey Stabenow
Flake Menendez Warren
Franken Merkley Whitehouse
Graham Paul Wyden
Heitkamp Perdue
Heller Peters
Inhofe Risch
Lankford Sasse

NOT VOTING—2

Kaine Sanders

The bill (H.R. 5325), as amended, was passed.

The PRESIDING OFFICER. The Senator from Alabama.

MORNING BUSINESS

Mr. SHELBY. 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.

UNANIMOUS CONSENT REQUEST—PRESIDENTIAL NOMINATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Banking Committee be discharged from further consideration of PN1053, the nomination of John Mark McWatters, of Texas, to be a Member of the Board of Directors of the Export-Import Bank; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

ONE-YEAR ANNIVERSARY OF UMPQUA COMMUNITY COLLEGE SHOOTING

Mr. WYDEN. Mr. President, I want to thank Senator MERKLEY and Senator PETERS for their courtesy to speak for a few minutes.

In a few days, it will be exactly 1 year since the tragic shooting that took nine innocent lives and left nine more injured at Umpqua Community College, outside of Roseburg, OR. Senator MERKLEY and I will be there in a few days. We understand that for the families and the friends of those lost or injured—the students, faculty, and staff—this time is going to be a painful reminder of an extraordinarily difficult day.

Senator MERKLEY and I are so proud of that community. We call it "UCC Strong." Yet we want to remember those individuals whose lives were ripped away that day and all in the