

whistleblower protections are so important.

Our bill will help make sure that the system protects those who come forward to expose the problems facing patients.

I am proud of the bill that my colleague and I have introduced, and I hope the Senate will take it up in the near future. While this is an important step, it is still just the first step. I will continue to consult with the nine tribes in South Dakota and with others to see what additional steps we need to take to fix the problems at the Indian Health Service once and for all. Our tribes deserve better than what they have been receiving, and I am not going to rest until all of our tribes are getting the quality care they deserve.

AVIATION SAFETY AND SECURITY

Madam President, before I conclude, I wish to take a minute to talk about some aviation security issues that were brought into sharp relief by the recent crash of an Egyptair flight.

Last week, 66 people died when Egyptair flight 804 from Paris, France, to Cairo, Egypt, crashed into the Mediterranean Sea off the Egyptian coast. With investigators still recovering evidence, it is too soon to come to any conclusions as to the cause of this tragic accident, but with the absence of evidence indicating an obvious technical failure, U.S. and Egyptian officials have suggested terrorism as a potential cause of the crash even without a credible claim of responsibility from any group.

Given the global risk environment and previous acts of terror, investigators are focusing their attention on anyone who may have had access to the Egyptair aircraft while it was sitting on the ground, including baggage handlers, caterers, cleaners, and fuel-truck workers.

At the Senate Commerce Committee, we have been very focused on this type of aviation safety and security issue over the last year.

In December of 2015, the committee advanced legislation to address insider threats posed by airport workers and enhanced vetting of airline passengers. As the Senate took up the FAA Reauthorization Act of 2016, we engaged in a constructive and open process to consider amendments. Ultimately, the Senate adopted a number of aviation security amendments, including a security amendment that I cosponsored with Commerce Committee Ranking Member NELSON, Senator AYOTTE, and Senator CANTWELL that would strengthen security at international airports with direct flights into the United States.

The amendment added a security title to the FAA bill that included legislation marked up in the Commerce Committee, as well as other initiatives. Among other things, the amendment requires TSA to conduct a comprehensive risk assessment of all foreign last-point-of-departure airports—foreign airports with direct flights to

the United States. The amendment also requires TSA to develop a security coordination enhancement plan with domestic and foreign partners, including foreign governments and airlines, and to conduct a comprehensive assessment of TSA's workforce abroad. It also authorizes TSA to help foreign partners by donating security screening equipment to foreign last-point-of-departure airports and to assist in evaluating foreign countries' air cargo security programs to prevent any shipment of nefarious materials via air cargo. These provisions are similar to those of H.R. 4698, the SAFE GATES Act of 2016, and, together with the other security provisions adopted, take concrete steps to confront the real terrorist threat that we are facing.

I believe these provisions in the FAA reauthorization bill will help make air travel from foreign countries to the United States safer and more secure. The Senate passed this legislation in April, and now it is time for the House of Representatives to act. The House of Representatives should take up our FAA bill without delay so that we can get a final bill with timely security and safety reforms onto the President's desk before the summer State work period.

Every day countless terrorists are plotting their next attack against the United States. There are measures we can take today that will help make Americans safer at home and while traveling from destinations abroad. Several of those measures are included in the FAA bill that we passed with over 90 votes in the U.S. Senate.

I call again on the House of Representatives to take up this bill so that we can continue our work to keep Americans safe.

I yield the floor.

RECESS

Mr. THUNE. Madam President, I ask unanimous consent that the Senate recess until 2:15 p.m. and that the time during the recess be charged to the proponents' side on H.J. Res. 88.

There being no objection, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in favor of the Congressional Review Act resolution regarding the Department of Labor's new fiduciary rule. This resolution, which provides Congress with an opportunity to express its disapproval with the administration's regulations, is important for a number of reasons.

On the substance, DOL's new rule is extremely problematic. As a number of

my colleagues have already attested, the rule, on its face, would unnecessarily impose a new set of regulations under the Employment Retirement Income Security Act, or ERISA, on a greatly expanded number of people.

Under current law, brokers and dealers who provide services to retirement plans are already heavily regulated. They are not automatically considered labor law fiduciaries, and, therefore, they are not subject to the increased liability provided under ERISA. Instead, these service providers are subject to regulations issued by the Securities and Exchange Commission to protect investors from fraud and to ensure transparency.

Under the new DOL rule, virtually any broker who provides investment advice of any kind to individuals regarding their individual retirement accounts, or IRAs, will be considered a pension plan fiduciary, subject to higher standards and greater liability.

As my colleagues have aptly noted, this rule will reduce the availability of investment advice for retirees and make the advice that is available more expensive, which will have a disproportionately negative effect on low- and middle-income retirees. Higher costs and a more burdensome system also mean more expenses for small businesses trying to sponsor retirement plans for their employees.

A 2014 study found that, as a result of these rules, many affected retirees—who, once again, are predominantly middle class or lower-income retirees—will see their lifetime retirement savings drop by between 20 and 40 percent, which will translate into a reduction of between \$20 billion and \$32 billion in systemwide retirement savings every year.

DOL's own analysis indicates that the rule will have a compliance cost. That is deadweight loss to the system of between \$2.4 billion and \$5.7 billion over the first 10 years, virtually all of which will be passed onto American retirees. I think it should go without saying that if anyone has an interest in understanding the cost of the DOL's regulations, it is the DOL itself.

All of these problems—and they are real problems—with the DOL's fiduciary rule are within the substance of the rule itself. I wish to take just a few minutes, however, to talk about the process by which the rule came into existence because it is no less problematic.

This regulation is an attempt to rewrite ERISA-prohibited transaction regulations for IRAs that have been in place since 1975. However, the prohibited transaction rules for IRAs are codified in the Internal Revenue Code which, generally speaking, would give Treasury regulatory jurisdiction over the matter.

That was the understanding in 1975 when the current regulations were first established. However, a 1978 Executive order transferred some of the Treasury's jurisdiction over prohibited

transaction rules—rules generally directed at preventing self-dealing and conflicts of interest—to the Department of Labor. In other words, the rule that DOL has rewritten with this new fiduciary regulation predated the Department's grant of jurisdiction.

While this might be a little arcane and in the weeds, this distinction is important, given the reported disputes between agencies on this rule. Indeed, according to a report released by the Senate Committee on Homeland Security and Governmental Affairs, career officials at the SEC and Treasury have expressed concern over DOL's course of action with regard to this rule. They also offered suggestions for improvements, most of which were disregarded by DOL in favor of a quicker resolution to the rulemaking process. Not surprisingly, this report found that political appointees at the White House played an outsized role in the rulemaking process.

Given these procedural concerns, not to mention the substantive concerns with the rule itself, I think that at the very least we should revisit whether DOL should have jurisdiction in this area in the first place. Put simply: IRAs, which are at the heart of these regulations, are creatures of the Tax Code. They should, therefore, be governed by the agencies responsible for overseeing the implementation of the Tax Code and not by officials outside of those agencies who, far more often than not, have agendas that are geared more toward business pension plans and not tax-deferred savings accounts set up at the individual level.

Toward that end, I have drafted legislation that would restore Treasury's rulemaking authority in this area in order to ensure that the proper expertise is brought to bear on these issues and that future rules governing financial advice and marketing are, at the very least, crafted with the broader financial regulatory framework in mind.

As it is, we have a rule that appears to have been drafted by those who lack expertise about the retail investment industry in order to achieve a goal that is, to put it kindly, at odds with the purpose of that industry and the interests of the individual savers who rely on it in order to obtain a secure retirement.

I urge my colleagues to support the resolution before us as it is the best near-term vehicle we have to putting the administration in check with regard to this rule. For the long term, I am hoping we can have a reasonable discussion about DOL's role in regulating IRAs to begin with. Ultimately, if that discussion takes place, I think more and more people will realize that the Labor Department should not be responsible for crafting what is essentially tax policy.

I plan to vote yes on this resolution, and I hope that all of my colleagues will do the same.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, as Senator HATCH has mentioned, in April the Department of Labor just issued its final conflict-of-interest, or fiduciary, rule, putting in place a framework of meaningful protections for Americans saving for retirement. The rule helps families save for retirement at a time when fewer and fewer workers have traditional pensions. Today my Republican colleagues are trying to block this rule.

I join Ranking Member MURRAY of the HELP Committee and Ranking Member WYDEN of the Finance Committee—on which the Presiding Officer and I both sit—to recommend that you vote no on the joint resolution.

It is important to remember why this rule is necessary. Since the enactment of ERISA and the creation of 401(k) plans and individual retirement accounts in the 1970s, there has been a dramatic shift from traditional pension plans run by employers—that is where when you retire, there is a so-called defined benefit where you can count on a certain number of dollars a month for the rest of your life and perhaps for your spouse—to defined contribution plans that workers are left to manage themselves.

Maximizing retirement savings and avoiding high fees and costs are more critical than ever. But most American workers need advice on how to prepare for retirement and navigate these plans, which can be both complicated and, maybe more importantly, risky.

The DOL's rule—the Labor Department's rule—makes sure brokers and advisers act “in the best interest” of their customers and minimize the potential for conflicts of interest that could eat away at a saver's nest egg. This doesn't mean that diligent brokers and advisers have not been helping their customers, but the rule creates structural protections to make sure that is always the case.

It is that simple: Customers come first. There is no alternative to that basic principle. Whether you are visiting your doctor or going to a lawyer, your interests come first.

Following the rule proposal in 2015, the DOL reviewed hundreds of comments, held days of hearings, and issued a final rule with extensive changes that address a variety of concerns that many of us have heard. The major changes include extending the implementation period, simplifying disclosure requirements, and clarifying the difference between education and advice. The full list of changes is much longer and resulted in significant improvement. Most of the industry recognizes that and has said so. Thankfully,

banks and brokers are already working on implementation. The Department of Labor is committed to helping companies figure out how to make the necessary changes and adapt to the rule.

Industry and some in Congress have called for the SEC to issue its own fiduciary rule before the Labor Department. The Wall Street reform bill required the SEC, the Securities and Exchange Commission, to consider its own rule. I urge them to move forward as well, but there is no reason for the Department of Labor to wait for the sometimes-too-slow SEC.

Congress gave retirement accounts tax-favored status and significant protections under ERISA. The Labor Department's rules build on the statutory framework under ERISA, and now the fiduciary rule reflects the reality of the modern retirement landscape. It is time to move forward to help protect this generation and future generations of American savers.

I urge my colleagues to vote no on the resolution so the implementation of this rule can continue to move forward to protect the interests of millions of hard-working Americans who are saving for retirement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

UNANIMOUS CONSENT REQUEST—H.R. 5243

Mrs. MURRAY. Mr. President, last week the CDC announced it is monitoring nearly 300 pregnant women in the United States and territories for possible Zika infections. That means nearly 300 families across our country are living through a true nightmare for expecting parents. They are waiting for news about whether their newborn will be safe and healthy.

Unfortunately, with almost 1,400 cases of Zika already reported, the number of expecting moms and dads in this awful position is only expected to grow. As a mother, a grandmother, and a United States Senator, I strongly believe it is our responsibility to act as quickly as possible for these families and the families who will unfortunately be impacted by the Zika virus in the weeks and months ahead.

Just to be clear, mosquito season has already started in some parts of our country, and we do not have any time to waste. In fact, we should have been able to act much sooner. President Obama's emergency funding proposal to support the Zika response has been available for everyone to see since February. Similar to many of my colleagues, I was disappointed the Republican leader refused to even consider it

and that instead they came up with one excuse after another to delay, even though public health experts and researchers have made it very clear this is truly an urgent public health crisis.

Some Republicans said Zika wasn't something they were willing to give the administration a penny more for, others said they would think about more money to fight Zika but only in return for partisan spending cuts, and others spent more time thinking about how to get political cover than actually trying to address this problem, but many of us knew how important this was and we didn't give up.

So I am very glad that after a lot of pressure from women, families, Governors, and scientists, and after a lot of pushing Republicans to get serious about dealing with this emergency, many of our Republican colleagues in the Senate finally joined us at the table last week to open a path for an important step forward.

I appreciate the work of Chairman BLUNT, who joined me to get this done, as well as all the Senators on both sides of the aisle who voted for it. While Democrats didn't get the full amount we had hoped for in this compromise, I am glad the Senate was able to pass a \$1.1 billion downpayment on the President's proposal as an emergency bill, without offsets.

Our agreement would accelerate the administration's work, and it would allow money to start flowing to address this crisis even as we continue fighting for more as needed. This agreement was supported by every Democrat and a little less than half of the Republicans in the Senate. So the Senate has a strong bipartisan first step ready to go.

Unfortunately, House Republicans went in a very different direction. They released an underfunded, partisan, and, in my opinion, mean-spirited bill that would provide only \$622 million—less than one-third of what is needed in this emergency—without any funding for preventive health care, family planning, or outreach even to those who are at risk of getting Zika. They are still insisting that funding for this public health emergency be fully offset, and the administration should somehow siphon money away from their critical Ebola response and other essential activities in order to fund the Zika efforts. House Republicans clearly feel this health care crisis is an appropriate moment to somehow nickel-and-dime and that it is a good opportunity to prioritize Heritage Action over women and families, but if you are 1 of nearly 300 mothers the CDC is monitoring for likely Zika infection or one of the almost 1,400 people infected so far or one of the millions of expecting mothers nationwide, I bet you would like to know your government is doing everything it can now to tackle this virus. So I am continuing to call on Senate Republicans to get our bipartisan Zika agreement to the House as quickly as possible. Senate Republicans have al-

ready said they would be willing to do this if we exchange it for Affordable Health Care Act cuts, and I think they should be just as willing to do it for the sake of women and families who are at risk.

This agreement has strong bipartisan support. It can move through the House, and it can get to the President to be signed into law so our researchers, our scientists, and those in the field can get to work. This Republican-controlled Congress has already waited far too long to act on Zika. We should not wait any longer.

Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5243, that all after the enacting clause be stricken; that the Blunt-Murray substitute amendment to provide \$1.1 billion in funding to enhance the Federal response and preparedness with respect to the Zika virus be agreed to; that there be up to 1 hour of debate, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senate majority whip.

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

I wish our Democratic colleagues would spend as much time working with us to try to solve problems as they do engaged in political theater and posturing.

Mrs. MURRAY, the Senator from Washington, has done good work working with the chairman of the Appropriations subcommittee, Senator BLUNT, in coming up with a piece of legislation that funds the Zika response at \$1.1 billion. That legislation has already passed the Senate. What remains to be done is the House and the Senate need to come together in a conference committee—which is the typical way where differences of approach are reconciled—to come up with a responsible piece of legislation.

In the meantime, I am glad the President has taken up our suggestion initially that until this can happen, they reprogram money—\$589 million—from the Ebola response that had not yet been expended and transfer that to the Zika response. I am confident that money has not been spent yet and plenty is available to deal with it while Congress does its business in an orderly sort of way.

I would have to say to my friend from Washington, my State is going to be directly in the crosshairs because this mosquito is not native to Washington State but it is to the warmer parts of our country—Texas and Louisiana. Thank goodness no one so far has gotten the Zika virus from a mosquito. It is people who have traveled to South America, Puerto Rico, or elsewhere and come back to the United States, but we all agree on a bipartisan

basis that this is a very serious matter and we can't waste time. There is \$589 million available to deal with it now.

Secondly, we are working—as we typically do—with the House to try to reconcile our differences and to do our work in a responsible sort of way. In the meantime, our Democratic colleagues are blocking legislation, like the Defense authorization bill. They are throwing obstacles in the way of our getting the Senate back to work in every way they possibly can, including this—which, I am sorry to say, is just political theater and posturing.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, let me just say this. This Zika virus is an emergency now, and though my constituents don't live in Texas, we have people in Washington State who have traveled to infected countries, gotten Zika transmitted through mosquito, have come home, and now they need to have tests to determine whether they have been infected. Those tests will not be available until we provide this money. The Ebola response money that was just referred to needs to be there because Ebola is not eradicated and can come back at any minute, and we are doing everything we can as a nation to protect American citizens.

What we are trying to do is move the bipartisan bill that has been approved in the Senate quickly to the House. Yes, it has been attached to an appropriations bill, but for us to sit back and wait until a conference committee is appointed on that and does the long negotiations over the summer into the fall is too late. We can deal with this now. That is what I ask to do today, and we will continue to push until we can assure people in our States across the country that we are doing everything we can as a nation to help protect our citizens from the Zika virus, particularly expectant mothers or possibly expectant mothers and families.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

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

USDA CATFISH INSPECTION RULE

Mr. BOOZMAN. Mr. President, I rise today to address the bait-and-switch being pulled on the American people in this Congress regarding catfish inspection. We have all been told by lobbyists for fish importers and the Socialist Republic of Vietnam that the catfish inspection program is “duplicative and trade distorting,” but that simply isn't true. This rule is not duplicative, this

rule is not distorting, and the program is working to keep food safe for Americans. There is nothing duplicative about this rule. The FDA no longer inspects any catfish. USDA's Food Safety and Inspection Service is the only agency inspecting catfish. Additionally, the USDA and the FDA operate under a memorandum of understanding to prevent duplication. For decades, USDA and FDA coordinated to prevent duplicative inspections with regard to seafood, beef, pork, and poultry.

The fact is that the FDA did not adequately inspect catfish. The FDA inspected less than 2 percent of catfish, and it lab tested an even smaller percentage. It would not be a stretch to argue that we had very little inspection at all. In contrast, the USDA's Food Safety and Inspection Service inspects all catfish, as they do with other farmed-raised meat.

This rule is not a WTO violation. Equivalent standards are applied to imported and domestic fish.

The USDA has been inspecting beef, pork, and poultry with this system for decades. Is that too much to ask for? Why should American consumers be subjected to harmful contaminants that we can prevent?

Contrary to what you may hear, this program is not costly. I have heard many different numbers thrown around, but the bottom line is that the Congressional Budget Office has determined that this resolution would not save the taxpayer a single penny.

If Congress votes to disapprove the USDA's catfish inspection rule, the food safety of the American people will be significantly undermined. This is a health and safety issue, pure and simple. With only a few weeks of inspection under its belt, the USDA has already denied entry of two shipments of imported catfish because they found crystal violet in one shipment and malachite green in another. Both are dangerous carcinogens.

Earlier today the American Cancer Society said they support keeping farm-raised fish inspection at USDA.

Overtaking the USDA's catfish inspection rule would set a bad precedent. Congress has never used the Congressional Review Act to overturn a rule that Congress explicitly directed by law. Additionally, if the rule is overturned, the law requiring USDA catfish inspection would remain in place. USDA simply would not have a rule to implement the law, which would lead to significant trade disruption.

Catfish farming is an important industry to Arkansas. Arkansas producers are proud to supply a safe product for American consumers. The bottom line is that our farmers aren't afraid of competition. They just want the security of knowing the domestic industry and imports are all safe.

Voting to disprove this rule would put consumers at risk. I strongly urge my colleagues who share my concerns about the security of our food system

to let this important food safety program continue to operate and continue to keep harmful carcinogens out of the food supply of Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Madam President, I rise in opposition to the resolution of disapproval of the Department of Agriculture's catfish inspection program on several grounds. This has become a rather heated issue. I think there are some issues we need to clear up, especially speaking from the privilege of being the chairman of the Senate Committee on Agriculture.

The amendment seeks to make changes to food safety inspection by eliminating the Department of Agriculture's inspection program of domestic and foreign-raised catfish. This program just started in March. Some of the comments about the expense of this program have been made as if they were on an annual basis. Most of the costs that were cited in the General Accounting Office report did not mention the fact that these were startup costs.

The program was created due to concerns related to food safety. The USDA has a very strong record of requiring meat that is imported to the United States to be processed in foreign facilities that are "equivalent" to U.S. meat processing facilities. The Department of Agriculture visits these facilities and conducts audits to ensure that their practices are in line with what we require in the United States. This is done to ensure that food coming into the United States is safe. That product is also inspected once it arrives at U.S. ports of entry.

Simply put, what we have here is a program that requires the same equivalency determination for foreign raised and processed catfish as we require for beef, chicken, lamb, pork, and all the other commodities or all the other animal products that you could imagine.

Just last week I was notified by the Department of Agriculture that their inspections of Vietnamese catfish found illegal drug residues in two shipments destined for the United States. I am sure that others who have spoken to this issue, especially Senator BOOZMAN and Senator COCHRAN, have repeated this. Had this program not been in place, this violation would not have been caught and the product would have been allowed to enter into commerce.

I am very surprised. I know this is an easy issue to bring up with regard to a GAO report for 10 years that said this duplicating what the Food and Drug Administration does. It is, but it is no longer because the Department of Agri-

culture is taking it over because they have a much more robust program. The Food and Drug Administration really only inspects 2 percent of the catfish. We are talking about a much higher percentage by the Department of Agriculture.

I hope those in the Senate who are trying to remove this important safeguard just 2 months into the program being enforced and on the tails of it paying off and preventing adulterated catfish from entering commerce—I remind my colleagues that this program was authorized in the 2008 and 2014 farm bills. That was delayed for a while. Startup costs started last year. Again, those costs that are mentioned in the General Accounting Office are not pertinent to what is happening today.

I want to say one other thing. Farm bills are developed through 5 years of thoughtful discussions and also negotiations. When a farm bill is passed, any producer of any product, including any animal product, expects—almost as if it is a contract—to be able to depend on it. If you have a burgeoning industry of domestic catfish, you want to make doggone sure that it is safe and that there are no imports that represent a health hazard, and that is exactly what happened in this particular instance. You do not want to open up farm bills willy-nilly on a specific issue that may make a headline or may make a good TV spot—to quote the General Accountability Office—which has not taken into consideration that this is just a startup kind of situation in terms of the money.

It is interesting to me that this was scored at zero. The Congressional Budget Office has scored it at zero. I think I understand all of this talk about wasting money. I don't know anybody in the Congress—House or Senate—who is for wasting money. One person's wasteful spending of money is another person's viable investment. So we have to look pretty close.

I ask that my colleagues vote no on the resolution and to maintain these important food safety protections and the carefully crafted 2014 farm bill. This is not the time to open up the farm bill. We will certainly begin discussions on that in the next year, and we will take up these matters in the following year and go over it with a fine-tooth comb.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I strongly urge the Senate to reject the motion to proceed to S.J. Res. 28. This resolution would overturn a catfish inspection rule that is working to protect American consumers. Congress directed the Department of Agriculture

to write this rule in both the 2008 and 2014 farm bills. It did so based on evidence that the inspection regime then in place was inadequate.

Almost all catfish consumed in the United States is raised on farms in controlled environments. The Department of Agriculture, or the USDA, is the most experienced and well-equipped agency to ensure that farm-raised meat products, including catfish, are as safe as possible.

Since assuming responsibility of catfish inspection just a few weeks ago, the Department of Agriculture has intercepted and impounded two large shipments of foreign catfish contaminated with cancer-causing chemicals banned for use in the United States. Prior to the implementation of the rule, less than 2 in 1,000 catfish products entering the United States was laboratory tested. If it were not for the rule that S.J. Res. 28 seeks to nullify, this dangerous foreign fish would be in the U.S. food supply today.

Sponsors of this resolution have said that the catfish rule is costly. This is not true. The Congressional Budget Office has said that this resolution won't save a dime. Sponsors of this resolution have said that the catfish rule is duplicative. This is untrue. The Food and Drug Administration ceased all catfish inspections on March 1 of this year. The Department of Agriculture is the only agency charged with inspecting catfish. Sponsors of this resolution have said that the catfish rule creates an artificial trade barrier. This is untrue. The Department has stated that the rule is compliant with the World Trade Organization's equivalency standard and would not violate its principles.

Adoption of this resolution would not change the law. It would only call into question and potentially halt the ability of the U.S. Government to carry on important activities authorized by law to keep American consumers safe.

It is clear that the inspection rule is working as intended to protect U.S. consumers. Congress was right in twice mandating these inspections, and reconsidering that decision would be a poor use of the Senate's time.

I hope Senators will reject the motion to proceed to this resolution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 5243

Mr. NELSON. Madam President, I have been on this floor many times talking about Zika. I think some people believe in the old adage "out of sight out of mind." It is equally as much, if not more, of a crisis—an international crisis—as was the Ebola crisis. Yet do you remember how everyone be-

came so suddenly concerned about Ebola when there were only a couple of cases that showed up in the United States? Remember how we in this body suddenly rushed in and appropriated on an emergency basis several multiples of billions of dollars to address the Ebola crisis? I remember how successful that was even though Ebola is still raging in parts of western Africa. We are continuing to try to help out those African nations so it will not spread across the world and especially to keep it from coming here to our shores.

The same thing is happening with the Zika virus, but people are not recognizing it. That is why this Senator continues to talk about it—because we need the resources necessary to stop the spread of Zika. It is only a matter of time before there is a local transmission in the continental United States. What is a local transmission? Well, we know they put a fancy name on it. It is called vector. What is vector? The vector is a strain of mosquito called the aegypti. And, by the way, it is math. What happens across a lot of the coastal United States and southern United States in June? It gets hot, the rains come, and what comes along with that? Swarms of mosquitoes.

Since this particular strain, the aegypti, is prevalent across the United States, up the west coast, the Pacific coast, up the Atlantic seaboard—much further than what you consider to be southern States—lo and behold, this strain of mosquito carries the Zika virus, and when it sticks its sticker into a human being and starts drawing blood, the virus is transmitted into the blood of the human being. Now you have a human carrier of the Zika virus that can be transmitted through sexual contact. But, lo and behold, if the carrier is a pregnant female, then that Zika virus—and the virus itself sometimes doesn't manifest itself in many ways; it might be like a mild form of the flu. But if it is a pregnant female, then there are some disastrous consequences coming ahead. Those are the horrible pictures we have seen—the microcephaly. The virus gets in and attacks the fetus and does not allow the fetus to develop, particularly with regard to the structure of the head and the brain, and that is what causes these terrible family tragedies.

Last week we voted for \$1.1 billion as part of an appropriations bill. We turned down Senator RUBIO's and my proposal of \$1.9 billion.

By the way, did you notice a Republican and a Democrat coming together, saying: This is tough in our State. In our State there are well over 120 cases. There are also multiple pregnant women in Florida who are infected.

Nationwide there are 1,200 Americans in 48 States that we know of who have been infected with the virus. We know that in Puerto Rico—the Centers for Disease Control tells us that 25 percent of that island's population of our fellow American citizens is going to be infected. That is in Puerto Rico alone—

800,000 people. As a result of that infection in Puerto Rico, we saw the first case of microcephaly linked to the Zika virus reported in Puerto Rico. That was determined because of a miscarriage, and the fetus had all the markings of microcephaly. Prior to that, the CDC had confirmed the first Zika-related death in the United States that had also occurred in Puerto Rico.

While we here in the Senate last week turned down \$1.9 billion, which was the administration's request, we appropriated \$1.1 billion. But guess what they did down at the other end of the hallway in the U.S. Capitol Building. They did only \$622 million. And they want this to go to a conference committee to be worked out over time? Folks, it is late May and summer is upon us. These cases are going to become increasingly apparent.

Now why don't we add Brazil into the mix? It is hot and humid. By the way, there is something happening in a few months in Brazil: People from all over the world are going to Brazil for the Olympics, and right now Brazil has more than 100,000 cases of Zika virus this year alone.

This is a very dangerous emergency, and we are playing around and delaying. Congress has not stepped up and is failing the American people by not treating it as an emergency. It ought to be clear that it is up to us to protect our constituents, to stop the spread of the virus, and to do everything the administration has requested, including replacing the multiple hundreds of millions they raided out of the Ebola fund to try to get a jump-start on this because the Congress was sitting around on its hands, not willing to give the money. They borrowed from the Ebola fund, and we need to replenish that fund. That is a part of the \$1.9 billion request.

So, Madam President, I am going to ask unanimous consent that we proceed to a vote on this emergency. We ought to be trying to do the right thing. We ought to give the President and the public health experts the resources they need, that they tell us they have to have to stop the spread of this virus.

Madam President, I ask unanimous consent that when the Senate receives from the House H.R. 5243, that all after the enacting clause be stricken; that the Nelson-Rubio substitute amendment to provide the \$1.9 billion in funding to enhance the Federal response and preparedness with respect to the Zika virus be agreed to; that there be up to 1 hour of debate equally divided between the two leaders or their designees; and that upon the use or yielding back of time, the bill, as amended, be read a third time and the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. ENZI. Madam President, reserving the right to object, this was debated extensively and considerably for

more than 1 hour, equally divided, just last week, and was resolved by a vote in this body.

I don't think there is anyone in this body who isn't worried about the Zika virus and who doesn't want to do everything that can be done in the quickest way possible. It was determined to be an emergency and was put into the bill that way. There was Senator NELSON's bill for \$1.9 billion, but it lacked specificity on how that was to be spent, so the \$1.1 billion was the one that got the vote.

I was hoping it would be the Cornyn vote that was passed because it was off-set with health prevention money we already have. Those funds can be used for just this kind of need. I don't know why there would be an objection to using that for the Zika virus, but there was. Even so, we resolved it. We resolved it without offsetting it, adding another \$1.1 billion to the deficit, and were able to move that project forward. So in light of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. NELSON. Madam President, the Senator from Wyoming knows my affection for him as a friend. The Senator from Wyoming is a great Senator from the State of Wyoming, and Wyoming does not have the threat as the southern States do in the United States as the summer comes upon us.

The Senator has referred to the Cornyn amendment. The Cornyn amendment allowed for \$1.1 billion, which was voted down. It was paid for by raiding the Affordable Care Act, and that is just not going to happen.

Whenever an emergency happens, the tradition of the U.S. Congress is, in fact, to provide for that emergency on a basis that you don't have to go and rob some other piece of funding in order to pay for it. When a hurricane hits and if it hits Florida, I certainly hope you all are going to appropriate emergency funds. If there is an earthquake or the eruption of a volcano, fires—whatever the natural or man-made disaster that occurs—that is what a government does. One of the functions of government is to protect the health and welfare of the people, and sometimes that calls for the funding of an emergency.

We don't have a lot of children with microcephaly that have been born from pregnant women here, but that is coming. We have already seen it. Wait until all of the Americans, including in the northern tier of States and the western United States, go to Rio for the Olympics. Wait until there is a further migration out of Puerto Rico, which is causing a brain drain because of the financial condition of that island and which we are not helping them with as we continue to dither about their financial distress. Wait until that migration of American citizens comes more and more from Puerto Rico to the continental United States and brings with them those infected with the Zika

virus. All of this is about to happen, and it is about to explode. This Senator suspects that a lot of the people who are objecting to moving on this on an emergency basis are going to rue the day when they see the consequences.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I have a fondness for the Senator from Florida, as well, and recognize that he is further south and that they, perhaps, have more mosquitoes than we do, although even Alaska would have a competition with that.

But we did pass emergency money for this. We did declare it an emergency and pass \$1.1 billion. That is \$1,100 million to work on this problem.

Before, we had the Ebola problem. That was the crisis of the year, and we allocated money to that. We allocated more money to that than it needed. That is why some of that money was brought over as an emergency into solving the Zika problem.

I have been doing some research as the Budget Chairman, and I found that we have about \$6 billion worth of emergencies every year. We ought to budget for what we know is consistent. Unfortunately, I had them look it up, and I found that we actually spend \$26 billion in emergencies every year. That ought to be a part of the budget and not just passed on to future generations. They are going to have their own emergencies that they are going to need to solve. Somehow we are going to have to get control of this. I am pleased we have a bipartisan effort going to see if there aren't some solutions that can be built into the budget process. But that is not what I came over here for to begin with.

Madam President, we have the right, when a government rule is finalized, if we don't agree with it, we can get a petition. If we can get enough Senators on a petition, we can get a guaranteed 10 hours of debate and an up-or-down vote on that rule. In America, we are trying to get people to save more for retirement, to invest more—and now this administration makes it harder to do so.

I rise to speak in support of H.J. Res. 88, expressing congressional disapproval of the rule submitted by the Department of Labor with respect to investment advice. How many people do you think are going to be willing to seek investment advice if they have to sign a contract before they can even see if that is the person they want to work with?

It is called the fiduciary and conflict of interest rule. We are all against conflict of interest. There aren't even a lot of people who know how to spell "fiduciary." That is to confuse people about what this is about.

We do have a retirement coverage gap in America. There are tens of millions of Americans who are not prepared for retirement. The regulation put forward by the Obama administra-

tion that we are debating today will limit the advice that individuals seeking access to retirement plans can receive. That will increase the size of this retirement gap.

This regulation will significantly impede the ability of low- and middle-income Americans to save for retirement. They will simply not have anyone to answer their questions and provide advice.

For many years, I have heard the goal of this regulation is to force financial advisers to work in the best interest of their clients. I am completely in favor of financial advisers doing so. I have cosponsored legislation requiring that practice in law. I have cosponsored it and tried to pass it. In fact, in my almost 20 years of working on retirement policy in the U.S. Senate, I have never met anyone who doesn't agree that financial advisers should act in the best interests of their customers.

The problem with this rule is, it goes far beyond requiring a best interest standard. It goes so far as to effectively prohibit the means by which low- and middle-income Americans receive retirement advice. A massive regulatory regime has been created by this rule. It will undoubtedly raise the costs in a \$24 trillion—or to put it in numbers that are easier to understand, a \$24 thousand billion industry. Sure, large companies and retirement savers with large assets will probably be able to deal with the increased costs, but what about the small investors, the small advisers, the people interested in retirement savings, the ones who have modest assets—like most of the cities and towns in Wyoming. This rule will negatively impact the services and choices available to investors. I can't imagine why limiting options, limiting choices, and limiting services is being touted as a victory for anyone.

My home State of Wyoming is hurting. Our energy-based economy is declining significantly, largely due to regulations added by the Obama administration. Now that same administration is issuing a regulation that will hurt the future savings of my constituents.

Wealthy Americans across America will not be affected by this rule. Yes, wealthy Americans will not be affected. They can go about receiving their retirement advice the same way they always have. However, many of my constituents will be affected by this rule. Their retirement savings will suffer. It is as simple as that.

There are approximately 28.8 million small businesses in America. Those businesses create two out of every three new private sector jobs and employ nearly half of America's workforce. I am a former small business owner. I know well what it takes to run a small business. This rule will hurt retirement coverage among small businesses. It will create burdens, limits, and options for small businesses trying to offer retirement plans. In my experience, that will result in one of two

things—either increased costs or no access to retirement advice.

The Obama administration is going to force small businesses to choose between paying increased fees, which could jeopardize the success of the business and therefore the jobs of the employees, or not providing access to retirement savings for their employees, which jeopardizes the lifelong income of those employees. It is a no-win situation for small employers that are trying to take care of their employees and grow their business.

I always say to learn from the mistakes of others as there is not time enough to make them all yourself. This regulation has been tried before. We have precedent to look to when examining the impact this rule will have on our economy. A very similar change was made in the United Kingdom just a few years ago, but this March the United Kingdom released a study which confirmed that there is a very disturbing retirement advice gap for low- and middle-income individuals, the very ones I am talking about that will be affected here in America.

I have read how this administration—as well as some of my friends on the other side of the aisle—has said that rule is different than that issued by the United Kingdom. Here is the thing: it is not all that different. The impact will be the same, and this is what has happened: Wealthy individuals are getting access to retirement advice while middle- and lower income individuals are not. I have not understood, nor will I understand, why this regulation was put forward and finalized.

The Department of Labor itself admitted on February 29 that relatively little is known about how people make planning and financial decisions before and during retirement, but that didn't stop them. The Department of Labor, which is the proponent of this rule, does not know how people make financial and planning decisions before and during retirement. Why would they go ahead with such a disastrous regulation? Why should such a seemingly disastrous regulation be put forward when it is unknown how many people it will affect? Perhaps they should start by finding out how average people make investment and retirement savings decisions.

The regulation we are debating today has been lauded as one that will help low- and middle-income individuals save for retirement. I refute that claim with two main points. First, an analysis of a very similar change to a retirement system has proven that the opposite has occurred. Second, the authors of this regulation know little or nothing about how many people this will impact or even in what ways. People who give investment advice give it just fine right now, but they can see what is coming. That is why they have been to my office and visited with me about what they are going to have to do with the people who come to them

for investment advice—or the people they want to provide services to.

There will likely be unintended consequences of this new regulation, and as we have seen those will likely be painful consequences. As I stated in the beginning of my remarks, we have a retirement coverage gap in America. I have been working for almost 20 years in the Senate to help close that gap. All this new regulation will do is limit retirement advice for the people who need it the most. I urge my colleagues to support this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ZIKA VIRUS

Mr. CARDIN. Madam President, on Monday I hosted a roundtable discussion at the Johns Hopkins School of Medicine in Baltimore to review, with experts from my community, the strategy we need to employ with regard to the Zika virus.

I pointed out at the beginning of that roundtable discussion that the World Health Organization has labeled the Zika virus as a public health urgency of international concern. The World Health Organization has estimated that as many as 4 million will be affected in the Americas. We know the current numbers of reported cases in the United States. As of last week, we had over 1,300 cases in the United States and our territories. Almost all of those that we have in the United States, in the Continental United States, are travel related.

We have 17 confirmed cases in Maryland. Those cases are going to go up dramatically. We know that. As the summer months and the warm, wet weather occurs, with the mosquito population occurring, we know the number of people affected by the Zika virus is going to go up dramatically.

This is the challenge. We know it is transmitted primarily through mosquito bites, through mosquitoes. For example, we know that in Puerto Rico, it is going to be very active. We also know in the United States the mosquito population could very well act as a major transmitter of the Zika virus, but the Zika virus is also transmitted through sexual intercourse. Therefore, people who have the Zika virus and who may not know they have the Zika virus—because many individuals who are infected don't know they have the virus—this could become a major problem in the United States.

What is at stake? We do know the Zika virus is directly linked to the birth defect microcephaly. That is a tragic circumstance affecting fetuses that could present a lifetime challenge for the child who is born with microcephaly. We know it from the

small skull. What I learned at this roundtable discussion is that the complications from microcephaly include lifetime disabilities. The brain is much smaller. It is not capable. In many cases, it leads to blindness and death. It is not unusual to have not only the human cost involved in this birth defect, but the actual lifetime cost is estimated as high as \$10 million for each child born with microcephaly. This is a huge challenge to our country with the spread of the Zika virus.

There are also other conditions that have been associated with the Zika virus, including Guillain-Barre syndrome. That is a nervous condition, a nerve damage condition that can lead to death.

What is the answer? In this roundtable discussion, we had the public health officers from Baltimore City, Anne Arundel County, Howard County, and Frederick County. We had experts dealing with mosquito control. We had experts who were dealing with the development of vaccines and treatments. We had a robust discussion as to what can be done.

First and foremost, there was strong understanding that public awareness is going to be critically important to dealing with the Zika virus. The public needs to know. If you are pregnant or intend to start a family, you need to know the risk factors.

It would be nice if you could have a test done to know whether you have the Zika virus, but the problem is the current state of development for the tests has produced two tests that the FDA has made available upon an emergency basis. One looks at the person's immune system that shows certain signs that person has the Zika virus. As I said before, it is not clear whether you will have any symptoms, even though you may have the virus. This one test looks at your immune system and is not 100 percent reliable by any stretch of the imagination, but it at least gives some indication. In many cases, you have to take the test more than once.

There is another test that can be given that if you actually have the virus in your system, it will show that, but there is a problem. The virus does not stay long in your system, but you still have the impact of the virus. So that could come back negative, but you still have the effects of the Zika virus.

Also, we are not sure as to how long the Zika virus can be transmitted through sexual contact. That issue is still being studied. So it is very possible that a person may have been infected by the Zika virus, does not realize they have been infected, and several months later, through sexual intercourse, transmits the Zika virus to his or her partner.

So these are all areas we want the public to know more about, and we are developing more and more scientific information on tests that can help us identify those who have the Zika virus, and hopefully we will develop some

way of dealing with those who are infected.

Obviously, we want people who want to start a family to recognize they should try to avoid areas where there is a large vulnerability to the Zika virus. That will be particularly important this summer.

Lastly, we want to develop a vaccine. I must tell you that I was very encouraged by the individuals involved in actual vaccine development who were at the roundtable discussion I had—I was encouraged about the fact that later this summer they will start clinical trials on vaccines that they hope will produce a way to immunize a population from being subject to the Zika virus.

That is very exciting, but before we get too excited, I was sobered by the discussion in which I was told that the first rounds of these vaccines are going to be rather difficult, that you may have to take it several times, that it may be of a very short duration, and that it will take more time before we can develop the types of vaccines that are efficient and where it will be perhaps once in a lifetime that you would need to take them to protect you from the Zika virus indefinitely.

And this is also the challenge: The experts who were there on Monday said this is not just a one-time-only situation; we can expect that the Zika virus will be with us in the future.

So let me give you some of the takeaways from this discussion that took place at Johns Hopkins Hospital, and Dr. Wen, who is the health commissioner for Baltimore City, made this point when we were talking about the money. I went through the \$1.9 billion the administration has requested. I went through the different agencies, both domestic and international, that would benefit from that \$1.9 billion. I then compared it to the \$1.1 billion which has been acted on by the Senate and showed the differences.

For example, if my math is correct, NIH would receive \$77 million less under the \$1.1 billion than the \$1.9 billion. We had people from NIH at that roundtable talking about the research being done right now to develop medicines and treatments that we hope will minimize the risk of a birth defect for those who have been affected. No, we don't know how to cure it. We don't have a treatment that can cure the Zika virus, but we are hopeful that we will be able to develop the medical protocols to minimize for those who are infected the risk of having a child with a birth defect or developing the neurological damage. We certainly don't want to slow that down, and so what I take away from that discussion is that we want to make sure they have all the tools they need in order to deal with this crisis.

Dr. Wen pointed out that if you take a look at some of the action in the House of Representatives where they are taking additional monies away from the funds that go to our local

health departments, that is counter-productive. Dr. Wen pointed out that the money she receives from the public health emergency preparedness funding has been cut—cut—in order to pay for the Zika funds. Well, it is the emergency preparedness funds that are used by our local health departments to reach out and deal with the vulnerable populations, to make sure they understand the risk factors and do what they can to prevent the risk factors.

I must also tell you that I was talking to our representative from Maryland at the Department of Agriculture, which does mosquito control. Several people talked to me about mosquito control. One of the things you want to do is have a comprehensive plan to eradicate mosquitoes during the season. That is very effective. The problem is that these budgets are capped. They do not have the resources to do what they need to do. And they were telling me that we were better prepared a couple of years ago than we are today in dealing with mosquito control. So we need to coordinate that effort and do a better job on mosquito control. We can't take money away from these programs.

Mr. President, they made this point very clearly: The crisis is now. It is here. It is here in America today, and it is going to get worse every month. We know that. We need to act now on the funding in an emergency supplemental appropriations bill that can get to the President's desk today, not in an appropriations bill that has to go through the process, and that usually takes until the fall before we can make those funds available.

I want to just go over a point that was made to me by one of the individuals who was at this roundtable and who is an expert on cost issues. He was explaining the mathematics to me. Dr. Bruce Lee, a Johns Hopkins University associate professor of international health, modeled the cost issues. He used the most conservative estimates and said that our delay in dealing with the Zika virus will add an additional \$2 billion in cost. As I said, for every child born with a birth defect, we estimate the cost to be about \$10 million. If we can avoid 100 of these children born with a birth defect, that is \$1 billion. The first issue, of course, is the human cost of the Zika virus and the impact it has on families and on those who are directly affected.

This, as Dr. Lee said, is an investment. The money we are making available is an investment. What do we need to do? We need to make sure money is available for mosquito control. That is one way we can stop the spread of the Zika virus. We have to make sure money is available for our local health departments because they are reaching out to pregnant women.

Dr. Wen made a very important point to me: In many cases, we are dealing with low-income families. They do not have air-conditioners. In some cases, they do not even have screens. And

they are going to be more susceptible to the Zika virus because of mosquitoes. So they have to reach out and do the things local health departments can do. And the Baltimore City Health Department has a leader on all of this, but they need their resources. So we need to make certain we fund our local health departments. We certainly can't cut the funds being made available.

We are also proud of the work done at NIH and the Centers for Disease Control. We have to make sure they have the funds they need so they can develop the ways we can test to make sure we know who has the Zika virus and hopefully develop protocols for people who have the virus and develop a vaccine as quickly as possible that is efficient and can be widely used to prevent the Zika virus from moving forward.

All that is possible. I left the discussion in Baltimore with hope. There is a way of dealing with it, but we have to express the urgency this crisis demands. And, yes, we need to be an international leader. Part of this is U.S. leadership globally. This is not the last crisis we are going to have. U.S. leadership helped avoid a worse international crisis than we saw with Ebola. As a result, we have now developed health capacities in many countries around the world to deal with the next pandemic. We know there will be another episode in the future. We need to prepare today for this.

There is no more fundamental responsibility of the government than to keep our people safe. We have the opportunity to respond in the right way to the Zika virus, but it requires Congress to provide the tools so that the experts in this area can do their work and develop the medical protocols that deal with this, get the information out to the public so they can protect themselves in the best way possible using pesticides, using insect repellants, using common sense, and not traveling to areas that are high-risk areas, particularly if they are pregnant or intending to start a family. They can take the right precautions, and we can develop a vaccine that will protect people not only in this country but globally from this health care crisis. I am convinced we can get it done. Let's start today by passing the funding necessary so our agencies can do the work.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to discuss the Department of Labor's fiduciary rule.

Over the past year Nebraska's small business owners, retirees, insurance and financial professionals, and individuals in a wide range of other industries have expressed their concerns regarding this fiduciary rule. Unfortunately, the negative feedback I hear has only grown since the final version of this rule was published last month.

This dense and complicated rule would change the definition of a fiduciary and what constitutes investment advice. In short, the rule could make it more difficult for many individuals to open and to maintain IRAs. It could also lead to fewer companies offering 401(k) plans for their employees.

If the rule is implemented, lower income savers may face a disadvantage compared to wealthier consumers with higher account balances. It is often convenient for regulators in Washington to claim they are protecting the middle class, but that is the very segment which stands to lose the most from this new rule. Wealthier consumers and larger businesses often have the resources to comply with costly regulations, but small businesses are already struggling to stay afloat. This rule could further hamper their operations by pricing them out of the market.

Because of these and other concerns, I joined my colleagues to cosponsor the Senate version of the joint resolution of disapproval of this rule. An identical resolution passed the House on April 28 by a wide margin, and later today the Senate will vote to pass the House resolution and send it to President Obama's desk.

Congress has already offered responsible solutions to the problems this rule is trying to address. For example, I am a cosponsor of legislation introduced by Senator MARK KIRK, the Strengthening Access to Valuable Education and Retirement Support—or SAVERS—Act, as well as legislation introduced by Senator ISAKSON, the Affordable Retirement Advice Protection Act. Both of these bills would protect Americans who are saving for retirement without forcing them into the fixed-fee arrangements the fiduciary rule would, in many circumstances, mandate. These arrangements could create new roadblocks, making it harder—it will make it harder for consumers to receive financial advice.

Nebraskans depend on this financial guidance to plan their futures and also to provide for their families. Washington bureaucrats should not be dictating whom you can hire and what investments you can make. It is time to draw the line and to stop this injection of government into the free market.

I am proud to fight on behalf of Nebraskans and their families for their freedom to make the best financial decisions for their own future, and I urge my colleagues to vote with me in support of this resolution of disapproval.

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

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

ZIKA VIRUS

Mr. RUBIO. Mr. President, a poll last month found that 4 in 10 Americans had heard little or nothing about the Zika virus, and many others were unaware that it was a risk to the United States. The likely reason for this is that the virus isn't yet being transmitted locally here in the United States.

But for all of us in Congress, this is not an excuse for inaction. Our job is to anticipate threats, not just to respond to them. We have all the information we need to know that the Zika virus is bad and is potentially about to get worse.

In fact, I believe it won't be long before virtually all of our people have heard of this virus, are concerned about it, and want to know why their leaders aren't doing more to fight it. They want to know what we are doing now. Sadly, the answer is not enough. Even though the problem has been steadily getting worse, Congress has refused to treat it with the urgency I believe it deserves.

There was a time when Zika was considered a foreign virus, but that is no longer the case. As of today, there are now 544 cases in the mainland United States, with more being confirmed almost daily. All of those so far are travel related, but there are also 832 cases locally transmitted in American territories, mostly in Puerto Rico. If the problem is there, it won't be long before it is here on the mainland.

Just this week, the National Institute of Allergy and Infectious Diseases, which is the government's top authority on these issues, warned that mosquitoes carrying Zika will begin infecting Americans in the next "month or so." Once those mosquitoes are here, they are going to reproduce. As soon as we have one case of Zika transmitted locally by a mosquito, there will be others that will follow shortly thereafter.

Just a few days ago, the Centers for Disease Control announced that 157 pregnant women in the United States and another 122 in U.S. territories have shown signs of infection from the Zika virus. This should be another wake-up call for the Congress. Knowing that there are at least 279 pregnant women in the United States with likely Zika virus infections means we also potentially have at least 279 unborn children at risk of microcephaly, and we should be doing all we can to save these human beings.

So we have a limited amount of time to brace ourselves and get a headstart on confronting this threat. Keep in mind that there is not yet a vaccine for Zika. There is no cure for the conditions and for the birth defects it causes. So for all of us as Americans but especially for all of us as elected leaders, it is long past due to take this virus seriously, because the virus is not just serious; this virus is deadly serious, and so far the Congress is failing this test.

I am proud of the work done here in the Senate to pass a funding measure. It may not have been as much as we may ultimately need, but at least at \$1.1 billion, a significant amount of money is going to go toward fighting this threat.

To date, in the House, the story is different. Last week, the House passed a \$622 million package. This is about a third of what was originally requested. The funds were secured by redirecting money approved to respond to the Ebola outbreak in 2014. I want to be wrong about this, but I fear that \$622 million is simply not going to be enough to deal with this problem if it heads in the direction that the doctors and the experts are telling us it is headed.

So I come here on the floor of the Senate today to urge our colleagues in the House and its leadership to realize that this threat is knocking on our door and the opportunity to get out ahead of this problem is quickly slipping away. Within a month, we are likely to have a very different situation on our hands with regards to Zika. Not only have we delayed action for far too long already, but we are not expecting any action this week before Congress goes into recess next week. In other words, it is likely Congress will let at least—at least—another 2 weeks go by on this issue without any action.

So I urge the American people to make next week a tough one on those who are home from Congress who have refused to take meaningful action to confront Zika because they need to hear from you.

To any Members of Congress who don't receive pressure at home next week, you should know that you soon enough will. While only a portion of our constituents are currently concerned about Zika, that will change the moment the first case locally transmitted by a mosquito is confirmed in the mainland United States. Then we are going to have to answer to those who want to know why we didn't act, and, quite frankly, we are not going to have a satisfying answer. Waiting to act until we have a panic on our hands is not leadership.

So I encourage the House to act on the scale the American people need it to act, and I urge Congress to send a bill to the President as soon as possible regarding this matter. I hope we will properly fund this fight so we can win it.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 4:45 p.m., all time be expired on H.J. Res. 88.

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

Mr. MCCONNELL. For the information of all of our colleagues, we expect two votes at 4:45 this afternoon. The first vote will be on the passage of H.J. Res. 88, and the second vote will be on the motion to proceed to S.J. Res. 28.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, today Americans have enough to worry about. Questioning the advice they get for their retirement savings accounts should not have to be one of them.

We finally have a new protection on the books that would help protect seniors' retirement savings from biased retirement advice. It is called the fiduciary rule, and it is pretty simple. It says if financial advisers are giving people advice on their retirement accounts, they should put their clients' best interests ahead of their own. But with the resolution that is before us, Republicans want to prevent that rule from ever helping people to save up for retirement. Instead, they are dead set on saving the status quo that has allowed financial advisers to line their own pockets at the expense of people trying to save for their retirement. After a lifetime of hard work, all seniors should have the chance to live out their golden years on firm financial footing and with peace of mind.

Once again, I urge my colleagues to vote no.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, all time has expired on H.J. Res. 88.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. RUBIO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

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

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Kirk	Tester
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Daines	McCain	Toomey
Donnelly	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—41

Baldwin	Heinrich	Nelson
Bennet	Hirono	Peters
Blumenthal	Kaine	Reed
Booker	King	Reid
Boxer	Klobuchar	Schatz
Brown	Leahy	Schumer
Cantwell	Manchin	Shaheen
Cardin	Markey	Stabenow
Casey	McCaskill	Udall
Coons	Menendez	Warner
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NOT VOTING—3

Carper	Cruz	Sanders
--------	------	---------

The joint resolution (H.J. Res. 88) was passed.

The PRESIDING OFFICER. The Senator from Arizona.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE—MOTION TO PROCEED

Mr. MCCAIN. Madam President, I move to proceed to S.J. Res. 28.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 479, S.J. Res. 28, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

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

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

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

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—57

Alexander	Flake	Menendez
Ayotte	Franken	Murray
Baldwin	Gardner	Nelson
Bennet	Grassley	Peters
Blumenthal	Hatch	Reed
Booker	Heinrich	Reid
Burr	Heller	Risch
Cantwell	Hirono	Rubio
Cardin	Isakson	Sasse
Casey	Johnson	Schumer
Coats	Kaine	Shaheen
Coons	King	Sullivan
Corker	Kirk	Tillis
Cornyn	Klobuchar	Toomey
Crapo	Lankford	Udall
Daines	Lee	Warner
Enzi	Markey	Warren
Ernst	McCain	Whitehouse
Feinstein	McCaskill	Wyden

NAYS—40

Barrasso	Graham	Portman
Blunt	Heitkamp	Roberts
Boozman	Hoeven	Rounds
Boxer	Inhofe	Schatz
Brown	Leahy	Scott
Capito	Manchin	Sessions
Cassidy	McConnell	Shelby
Cochran	Merkley	Stabenow
Collins	Mikulski	Tester
Cotton	Moran	Thune
Donnelly	Murkowski	Vitter
Durbin	Murphy	Wicker
Fischer	Paul	
Gillibrand	Perdue	

NOT VOTING—3

Carper	Cruz	Sanders
--------	------	---------

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

The PRESIDING OFFICER (Mr. GARDNER). Pursuant to the provisions of the Congressional Review Act, 5 USC 801, and following, there will be up to 10 hours of debate, equally divided between those favoring and opposing the resolution.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleagues for their vote to move to this resolution. I think we can count this, frankly, as a victory for the American taxpayer rather than certain special interests.

I would like to begin by making clear in the RECORD the groups that are supporting this resolution: the National Retail Federation, the Food Marketing Institute, Taxpayers for Protection Alliance, National Taxpayers Union, Taxpayers for Common Sense, the Heritage