

NOT VOTING—1

Cotton

The conference report was agreed to. The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. FLAKE. 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, for debate only, until 2:30 p.m. this afternoon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WRDA

Mr. FLAKE. Mr. President, I rise today to speak about drought legislation that is critical to the State of Arizona.

As everyone knows, water is a controversial issue in the West. Arizona and California have long been at odds on a number of water-related issues, particularly the Colorado River.

Since the beginning of this Congress, I have worked to advance Arizona's water priorities. That included working with our neighbors across the Colorado River to get a Flake-Feinstein amendment included in the Energy bill. This amendment, which was adopted on the floor, would allow dams to be more efficient and enhance water storage.

In addition to this amendment, I have introduced the Western Water Supply and Planning Enhancement Act in the Energy and Natural Resources Committee. I have worked with many of my colleagues on the committee to move this western drought bill through regular order, work that included attempting to find a way to reconcile this bill with the California drought bill in order to advance all of our priorities.

I am disappointed that instead of continuing with the committee process, a California-only deal was air-dropped into an unrelated WRDA conference report. This was done at the last minute, circumventing regular order, and leaving Arizona and other western State priorities out to dry.

Not only does the WRDA conference report disregard the good work the Energy and Natural Resources Committee has carried out over these past 2 years, but it also fails to address western water matters in a holistic way. Let me be clear, important Arizona water issues still need to be addressed by Congress, and I will continue to fight for these priorities.

For example, the Colorado River Basin States are very close to reaching a groundbreaking agreement to deal with the prolonged drought on the river. We will seek legislation to implement this deal early in the next Congress.

Our watersheds are also under great threat from catastrophic wildfires. I

will continue to push Congress and the Forest Service to move ahead to reduce fire risks in Arizona.

I look forward to continuing my work on these issues and to fighting for other water needs in Arizona.

ADA DRIVEBY LAWSUITS

Mr. FLAKE. Mr. President, in a driveby lawsuit, an attorney will drive by a place of business and look for technical ADA violations. These are usually minor violations that are easily correctable, like the width of a parking space or the height of a van accessible sign.

Oftentimes, if a technical violation exists, the attorney will either send a demand letter or threaten the business with a lawsuit. Oftentimes, the demand letter will request a settlement that is just under what it would cost the business to litigate, so the business owner picks the lesser of the two evils and pays the settlement.

The scope of the problem is only growing. From the first 6 months of 2015 to the first 6 months of 2016, there was a 63-percent increase in the number of suits filed under title III of the ADA. This year is on pace to see almost 7,000 of these cases brought forward—7,000. Compare 7,000 to the 4,800 lawsuits filed in 2015 and 2,700 in 2013, and we can see what a boon this has been for trial lawyers. In fact, this past Sunday, "60 Minutes" did a special report on driveby lawsuits and the toll they are taking on small businesses throughout the country. I would encourage anyone to watch that piece. It explains the problem very well.

While California, Florida, and New York have the highest incidents of these driveby lawsuits, my home State of Arizona has seen a dramatic increase in these suits over the last 3 years. In 2013, there were three ADA title III suits brought in Arizona—three. By 2015, that number was up to 207. As of September of this year, Arizona has already seen 284.

It is clear that the problem is only getting worse. My legislation would go a long way to solve it. If enacted, property owners must first be given notice of their alleged ADA violation, at which point they would have 120 days to cure the violation before a lawsuit could be brought. If the property owner fails to address the violation in a timely manner, then they can be sued. The bill also instructs the Department of Justice to promote further ADA compliance through education so small business owners know what is expected of them. I think these reforms will help business owners and persons with disabilities achieve their mutual goal of ADA compliance.

The ADA has been a great success in its 25-year history. It is essential that business owners continue to see it as a tool to ensure fairness for people with disabilities and not as a weapon to line the pockets of unscrupulous lawyers.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in morning business, with Senators permitted to speak for 10 minutes.

TRIBUTE TO HARRY REID

Mr. LEAHY. Mr. President, earlier today we heard a moving speech by the Democratic leader and my longtime friend, HARRY REID. He spoke of his life and his time here.

An amateur boxer turned police officer, turned lawyer, turned majority leader, that is the supercondensed outline of the life of HARRY REID. When the book closes on this 114th Congress, so too will it close on the congressional career of Senator REID. He is a fighter and a champion. That is an understatement.

He is a fellow country boy, but he had a much tougher upbringing in the isolated hamlet of Searchlight, NV. You can read about that in his book. That upbringing has bred traits that I have admired since he arrived in the Senate in 1987. His humble upbringing, raised in a shack with no indoor bathroom or hot water, sowed the seeds of a life in public service and of the perspective that has infused and driven his public service. He first came to Capitol Hill as a police officer, working nights to pay his way through George Washington University Law School. Little did he know he would end up being one of the longest serving majority leaders in the history of the U.S. Senate.

He can point to so many of the things he has done, including steering the Affordable Care Act to Senate passage. But I want to thank Senator REID for his strong support of justice bills that I have championed. An original cosponsor of the Violence Against Women Act Reauthorization that I introduced in recent years—to strengthen and renew the transformative and lifesaving work that is made possible under VAWA—he has always worked to combat the scourge of domestic violence, helping to shepherd the reauthorization of this vital legislation across the finish line. He has also supported vital grant programs to put more cops on the street in communities small and large and to keep them safe. His commitment to advancing our comprehensive immigration reform bill, we got it through the Senate by a large bipartisan majority. When the history books are written, one of the huge mistakes made was when that the House of Representatives did not take up that bill, even though they had the votes to pass it. These are all examples of how true