put the $500 million in for Louisiana, but the fund for Flint and other communities is totally paid for. So it adds insult to injury to families in Flint who have waited so long.

Again, I trust the chairman completely. What I don't trust is what I am hearing from the House of Representatives. Given that fact and given the fact that we have the ability to actually help them right now through the CR, I believe we should do that.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

The PRESIDING OFFICER. The Democratic leader.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, this Republican Senate that had such promise, according to the Republicans, has been a flop. The Senate hasn't kept its word to the Nation. When Republicans assumed the majority in the Senate, the Republican leader made grand promises to the American people. He pledged bipartisanship. He promised to bring an end to the Senate's dysfunction, which he spearheaded.

As I mentioned this morning on the floor, how many filibusters Lyndon Johnson overcame in his 6 years as a majority leader is debatable—there was one for sure and maybe two—but it is easy to figure out as far as when I was majority leader for 8 years. There were 644 Republican filibusters.

The Republican leader pledged that the Senate would do its work. For all his lofty rhetoric, the Republican leader has failed to fill his promises time and time again. There is no better example than the Senate Republicans' refusal to consider the nomination of Merrick Garland to be a member of the U.S. Supreme Court. Chief Judge Merrick Garland was nominated by President Obama 195 days ago. For 195 days, Republicans have blocked this good man from getting a hearing or a vote in spite of the fact that Merrick Garland is extremely qualified.

Some ask, why wouldn't they hold a hearing? It is obvious. Merrick Garland would show the American people what kind of a man he is, what kind of a judge he would be, and it would be very hard for the Republicans to vote against him. So they decided to double down and not even allow a hearing. Even Republicans can't dispute his qualifications. The senior Senator from Utah, who formerly chaired the Judiciary Committee, said that there was ''no question'' that Garland could be confirmed and that he would be a ''consensus nominee.'' No one questions Judge Garland's education, his qualifications, his judicial temperament, his experience, or his integrity, but Senate Republicans refuse to give this person a hearing. It is shameful.

So I ask, where is the bipartisanship? The Republicans and Democrats agree that this man is exceptionally qualified. Yet his nomination languishes day after day, week after week, now month after month.

Where is the end of the dysfunction? Where is the regular order? There is no bipartisanship. There is a lot of dysfunction. There is no end to it. Where is the regular order? It doesn't exist. No Supreme Court nominee in modern times has waited this amount of time without at least getting a hearing. This is unprecedented.

As legal analyst Jeffrey Toobin has noted, there is only dysfunction to be found in the Republican leader's actions. This is what he said: ''Such premeditated obstruction by a Senate leader, aimed at a President with nearly a full year remaining in his term, [is] without precedent.''

Where is the hard-working Senate? With Republicans acting as they are, we have established that bipartisanship is really elusive. We have established that the dysfunction hasn't ended. We have established that there is no regular order. Now we have established that we are not working hard, and that is an understatement.

The Senate isn't attending to one of its basic constitutional duties—providing its advice and consent on the President's Supreme Court nomination. Instead, this Senate has worked the fewest days of any Senate in modern history. After we have this next 10-week break, it will be the longest break in some 80 years. How about that?

Chief Judge Garland deserves a hearing; he deserves a vote. Across the street from where we are standing now, at the Upper Senate Park, at 5 o'clock, Democratic Senators will be gathering at a rally in support of Merrick Garland. The people there are of good will, only interested in our country. At that time, they are going to call on Republicans, as we will, to heed their constitutional duty and act on Garland's nomination.

Republicans have another chance to keep the promises they made to the American people. Republicans should right this historic wrong on Judge Garland. They should give him a hearing and a vote, and they should do it right now.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with what the Democratic leader said. We have waited far too long.

I would like to give some history. Eleven years ago this week, following the death of Chief Justice Rehnquist, the Senate confirmed John Roberts to the Supreme Court and as Chief Justice. He had his Judiciary Committee hearing in September and was given full and fair consideration by the Senate. He was confirmed about 2 weeks later, September 29. All of us, whether or not we supported John Roberts, felt it was important to get this done so that the Supreme Court was not missing a Justice when it began its term on the first Monday in October, as it always does. The Senate acted responsibly. That was 11 years ago. There was a Republican in the White House. I was one of those who voted for Chief Justice John Roberts. There are others who voted against him, but he was confirmed. That is what we did then with a Republican President but not today. In fact, under Republican leadership, the Senate is deliberately leaving the Supreme Court shorthanded. None of us, whether for or against Justice Roberts, felt we should delay and have the Court come into session with a four-four makeup.

I believe Chief Judge Merrick Garland deserves the same consideration that Chief Justice Roberts received 11 years ago. What is the difference? There was a Republican President then, a Democratic President now. This is playing politics with the U.S. Supreme Court, and it hurts the credibility of our whole Federal court system.

Like Chief Justice Roberts, Chief Judge Garland is eminently qualified. Like Chief Judge Roberts, he hails from the Midwest. He is a D.C. Circuit judge who has earned the respect and admiration of those who work for him. But, unlike Chief Justice Roberts, who was confirmed in about 2 months, Chief Judge Garland has been pending before the Senate for more than 6 months. I mentioned that to my colleagues. I went back and checked the history. No Supreme Court nominee in the history of our country has waited that long. There has been no hearing, no vote, no consideration at all by the Senate because the Senate refuses to do its job—the job we are required to do under the Constitution.

Maybe the Republicans feel this somehow benefits their party. It doesn't. Our independent judicial branch is fundamental to our constitutional system of government. The Senate's duty to consider judicial nominations under the Constitution is not a political game. This Republican obstruction has consequences for all Americans. Because Senate Republicans refuse to do their jobs, the Supreme Court has been repeatedly unable to uphold its essential constitutional role as a final arbiter of the law. The uncertainty in the law has been harmful to businesses, and it has been harmful to law enforcement and to families and children across our country.

I don't know if the American people realize how much this refusal of the Republican leadership to do their jobs has hurt them. This term, the Supreme Court will consider cases that will impact our voting rights—all of us—our

religious rights, our access to fair housing, even the ATM fees we pay. The Court may also decide to hear important cases on the right of transgender students to be treated equally, environmental protection and climate change, women's reproductive health, and money in politics. The Supreme Court should be at full strength and provide the American people certainty and clarity of our rights under the Constitution.

The same Republicans who expedited consideration of Chief Justice Roberts have since February used the excuse of the election year to justify their unconstitutional, prolonged obstruction. Yet there is no election-year exception in the Constitution for the President's duty to nominate Supreme Court Justices. The Constitution says the President shall nominate. The President did that. It also says that every one of us who held up our hand and took a solemn oath to uphold the Constitution—it says that we shall give advice and consent on these nominations. There is no election-year exception in the Constitution. None of us hold up our hands and say we will uphold the Constitution, so help me God, except in an election year. There is no election-year exception in the Constitution for the Supreme Court's role as the final arbiter of the law. Our history proves this case.

There have been more than a dozen vacancies in election years—in fact, most recently, Justice Kennedy. I was here. We had a Democratic-led Senate. It was President Reagan's last year in office. It was a Presidential election year, and it took a Democratic Senate just over 2 months to confirm Justice Kennedy.

President Obama's nominee, Chief Judge Garland, has been pending in the Senate with no action for 195 days; 195 days and we haven't done one solitary thing. When we had a Democratically controlled Congress and a Republican President's last year in office, we confirmed him in 65 days.

The Judiciary Committee plays an important role in the examination of Supreme Court nominees, reviewing the nominee's records and holding public hearings so that the American people can hear from that individual. Ever since the Judiciary Committee started holding public confirmation hearings of Supreme Court nominees more than a century ago, the Senate has never denied a Supreme Court nominee a hearing and a vote. The current Republican leadership has broken with this century of practice to make its own shameful history.

Even when a majority of the committee has not supported a Supreme Court nominee, the committee has still sent the nomination to the floor so that all 100 Senators can fulfill their constitutional role of providing advice and consent on Supreme Court nominees. When I became chairman of the Judiciary Committee in 2001 during the Bush administration, I and Senator HATCH—who was then the ranking member—memorialized in a letter this agreement regarding President Bush's Supreme Court nominees.

This is an important point. Senators are free to make their own decision to vote against a Supreme Court nominee, but that does not justify the complete refusal to provide any process whatsoever. I have heard the other side offer the example of some Republican Senators pledging to vote ''no'' on Justice Fortas's nomination to replace Chief Justice Warren in an election year as justification for their obstruction today. That example does little to prove their point. In 1968, there was no current vacancy on the Court, as Chief Justice Warren's resignation was conditional upon the confirmation of his successor. That meant that there was never any fear that the Supreme Court would be operating at less than full strength. Just as importantly, public hearings went forward and the full Senate was able to consider the nomination. Everett Dirksen, the Republican leader who also served as the ranking member of the Judiciary Committee at the time, did not sign on to that pledge and proceeded to work with the chair of the committee to move forward with hearings.

We worked across the aisle to ensure that the Supreme Court would be fully functioning with Chief Justice Roberts' nomination 11 years ago. Thirty years ago, the Senate voted to confirm both Justice Scalia and Chief Justice Rehnquist. More than a dozen Supreme Court justices have been confirmed in the month of September. That is not surprising given that the Supreme Court begins its terms on the first Monday in October.

By the standards the Democrats gave to Republicans, Chief Judge Garland should have been confirmed by Memorial Day. We have had more than 6 months to examine his record. It is not as though the Senate has been consumed and overworked considering other nominees; the last time we confirmed any judicial nominee was on July 6.

Republicans refuse to allow votes even on uncontroversial district court nominees who have been pending more than a year, even those supported by Republicans in their States, and our independent Federal judiciary is suffering as a result of this unprecedented obstruction, as a result of the Senate not doing its job. It is long time past for the Senate to do its job. We have to treat our coequal branch of government with respect. There is no reason the Senate should not do its job in an election year. There is much work to be done.

Senate Republicans are calling for another very long recess. The resolution introduced today by the senior Senator from Connecticut would keep the Senate here to do its job for Chief Judge Garland's nomination. It should not require a resolution to keep us accountable to the oath we all swore to uphold the Constitution. The Senate majority leader should let us get to work for all American people. We have had more recesses than anytime since I have been here. Why not take a few days and immediately consider Chief Judge Garland for the Supreme Court of the United States? Our highest Court should not be diminished further by Republican obstruction in the Senate. When the Supreme Court comes into session on the first Monday in October, the American people deserve to have nine members on the Supreme Court. The Supreme Court deserves to have nine members, and the American people deserve to have us do our job.

Mr. President, I ask unanimous consent that the letter I referred to from myself and Senator HATCH be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 29, 2001.

DEAR COLLEAGUE: We are cognizant of the important constitutional role of the Senate in connection with Supreme Court nominations. We write as Chairman and Ranking Republican Member on the Judiciary Committee to inform you that we are prepared to examine carefully and assess such presidential nominations.

The Judiciary Committee's traditional practice has been to report Supreme Court nominees to the Senate once the Committee has completed its consideration. This has been true even in cases where Supreme Court nominees were opposed by a majority of the Judiciary Committee.

We both recognize and have every intention of following the practices and precedents of the Committee and the Senate when considering Supreme Court nominees.

Sincerely,

PATRICK J. LEAHY,
Chairman.
ORRIN G. HATCH,
Ranking Republican Member.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues for coming to the floor this afternoon for a historic presentation.

I just spent this last weekend—an enjoyable weekend—being a babysitter. My wife and I were able to babysit our 5-year-old grand-twins. It is always a kick to hear what is on their minds and have conversations. We spend a lot of time discussing the concept of fiction and nonfiction. They were trying to figure out which things were fiction and which were nonfiction. We went back and forth through superheroes and all the rest of it, and it was a lot of fun.

I thought about that as I came to the floor today because when it comes to looking for fiction and nonfiction, the Executive Calendar of the U.S. Senate on our desk would have to fall in the category of fiction. It is not true because in this calendar, you will find the nominations sent from the committee to the floor of the Senate to be considered. At least that is what you think

you are going to find, but instead what we find are the names of 30 nominees to become Federal judges and have cleared the committees, such as the Judiciary Committee, and languish on this calendar never to be called by the Republican majority. Some have been here for a year. They cleared the committee with bipartisan votes. Many of them were nominated and approved by Republican Senators, but when they come to the floor, it comes to a full stop.

Senator MCCONNELL, the Republican leader, is not scheduling votes for Federal judges under President Obama. He argues that whether it is the Supreme Court or other Federal district courts, this is a lameduck President, and he has no obligation, being of the opposite political faith, to give this President anything when it comes to judges. That is the Republican Senate position, that is Senator MCCONNELL's position, but it is totally inconsistent with two things.

The tradition of the Senate is the first issue. When George W. Bush was in his last term in office and the Democrats were in control, we approved 68 judges in that last Congress—in his ''lameduck'' Congress. So far this Congress Senator MCCONNELL has allowed only 22 judges to come through the Senate, and 30 of them are sitting on the calendar. By the tradition of the Senate, where the Senate fills the vacancies when they need to be filled, regardless of the President's party or the year of his term—Senator MCCONNELL ignores that. We have 91 Federal judicial vacancies across the United States that need to be filled. Nearly half of them are emergencies. The caseload is overwhelming and justice is not being served in those districts, but Senator MCCONNELL says no.

The most egregious example is the vacancy on the U.S. Supreme Court. You can almost look through the windows and outside of the doors of the Chamber here and see that beautiful building, the Supreme Court, and realize that in a matter of days they will reconvene to consider the most important cases pending before the United States of America. What is different about this Supreme Court is that there are only eight Justices seated on the Court. The untimely passing of Antonin Scalia in February led to a vacancy on the Supreme Court. President Obama met his obligation under the Constitution. Article II, section 2 says the President shall nominate someone to fill the vacancy on the Supreme Court. President Obama did it. As the Constitution directs him, he sent that name to the U.S. Senate for advice and consent 195 days ago.

Senator MCCONNELL announced he would not fill that vacancy and would not even give that nominee, Merrick Garland of the D.C. Circuit, a hearing so he could be asked the basic questions about his service on the Court. In fact, Senator MCCONNELL took another step and said: I will not even meet with him. How many times has that happened in the history of the U.S. Senate? Never. Politicians are careful when they use that word—''never.'' We have never had a President submit the nominee to fill a pending vacancy on the Supreme Court who has been denied a hearing in the Senate—never.

Why? Senator MCCONNELL says: Well, President Obama is leaving soon, as if he were elected only for a 7-year tenure and isn't entitled to be President in his eighth year, but the real reason is pretty obvious. Senator MCCONNELL and the Republicans are praying that Donald Trump will be able to fill this vacancy on the Supreme Court. After watching the performance last night, can you imagine that man choosing a Justice for life on the Supreme Court? That is what they are counting on. That is why they are leaving these vacancies open, too, so that Donald Trump can fill those vacancies.

It is a sad moment in the history of this country. It is the most accurate reflection of the dysfunction of the U.S. Senate I can think of—that the Senate Republican leadership would ignore the Constitution and the traditions of the Senate, leave these poor judicial nominees languishing for up to a year on the calendar, and refuse to meet their constitutional obligation to give Merrick Garland—even though the American Bar Association deemed him as being unanimously ''well qualified''—his time to come before the Senate for an open hearing, answer questions under oath, and receive a vote on the floor of the Senate.

The Republicans in the Senate want to brag about their great record of performance this year as the party in control of the U.S. Senate, but what they cannot explain or live down is the embarrassment they brought to this institution by refusing to meet their constitutional responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to join my colleagues who have already noted that we are now at an unbelievable, unprecedented 195 days—over 6 months—since the President nominated Judge Merrick Garland to the Supreme Court.

Do you know what else could have happened in this time period? We could have gone through the confirmation process for the last Republican-nominated Justice twice and still have 11 days leftover. We could have sailed around the world almost four times or flown to the moon and back 30 times, but Senate Republicans have refused to even hold one hearing for Judge Merrick Garland.

By allowing this absurd political game to continue, Republicans are preventing the rest of us from upholding our constitutional duty to consider the Supreme Court nominee. Senate Republicans will not say that their historic obstruction is because they are opposed to Judge Garland; they are just refusing to consider him, even though many Republicans have met with him and admitted that Judge Garland's distinguished career and work history show that he is, without a doubt, someone who deserves fair consideration by all of us here in the U.S. Senate. He deserves a hearing and a vote. I should add that by refusing to do their jobs and by saying they want to leave it to the next President, Republicans are telling the American people they would rather save the seat for their Presidential nominee to fill than give a strong nominee a fair hearing and a vote. We all know what that means.

This is far too important to the people of this country to hold off any longer. They have now seen the results of a short-handed Supreme Court with split decisions and continued uncertainty about important issues. The Court is now days away from beginning its October session. With every day that goes by and every Supreme Court decision that comes down without a full bench, the need for action is clearer and clearer. This gridlock and dysfunction that has dominated too much of our time and other work here in the Congress should be pushed aside right now. Republicans blocked the Zika emergency funding bill for 7 months, and the gridlock has once again brought us far too close to another manufacturing crisis—a government shutdown.

I hope Republicans will realize how ridiculous this partisan gridlock is. After 195 days of being one Justice short on the Supreme Court of the United States, I urge our colleagues to fulfill our constitutional responsibility, hold a hearing for Judge Merrick Garland, and give him a vote. We owe that to the people we represent, and it is simply the right thing to do.

Washington State families should have a voice. Families across America should have a voice. They have waited long enough—nearly 200 days—to have nine Justices serving on the highest Court in the land, and they deserve better.

SHOOTING IN BURLINGTON, WASHINGTON

Mr. President, while I have the floor, I want to bring another issue to my colleagues' attention, and that is the anguish of the people in a community in my home State of Washington, the city of Burlington. This is yet another community that is hurting after another senseless act of violence in a mall—a shooting that left five people dead. This is a headline that has become all too common in our country.

I urge everyone listening today to keep the victims, their families, their friends, and their coworkers in their thoughts and prayers. I implore everyone in this Chamber to come together and address the scourge of gun violence that has devastated one too many communities once again. Enough is enough.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF MERRICK GARLAND

Mr. BOOKER. Mr. President, I thank my colleague from Washington for her remarks. As for me, this is the third time this month that I have come to the Senate floor to speak about the Supreme Court nomination currently pending before the judiciary and the judicial vacancy crisis as a whole in our country.

It has been 7 months since Chief Judge Merrick Garland's nomination to the Supreme Court, and it is still pending. It has been about 19 months since Judge Julien Neals was nominated to the District Court of New Jersey, and it is still on hold.

As was the case in the last two times I have come to the floor to speak, our country is not only operating with an incomplete Supreme Court, but it is also operating with a judicial vacancy crisis across the Nation in multiple Federal courts.

The Supreme Court's term is about to begin next week, and without action to schedule a vote and confirm Judge Garland's nomination, the Supreme Court will still be operating without a ninth Justice, just as it has been for the past 7 months. I do not believe that was the intention of our Framers. I do believe that because this body is not doing anything about this nomination, it is having a material effect on another branch of government, which I believe is a subversion of the framing of our Constitution and the functioning of our government.

By failing to hold the vote on Judge Garland's nomination, we are continuing to cripple one of our coequal branches of government. It is unacceptable that we would consider taking a 7-week break from the business of the Senate before ensuring that one of our coequal branches of government is operating as it was intended by our Framers.

There is no credible reason for the refusal of a vote for Judge Garland's nomination, and this kind of wait for a Supreme Court Justice's confirmation is unprecedented in our history.

Republicans and Democrats have clearly stated over the years how well qualified Judge Garland is as a nominee. In fact, we have seen multiple people remark that he is not just well qualified, but in the grand scheme of the partisan divides in our country, he is relatively moderate in his judicial history. Unfortunately, though, with that, we are still failing to see an up-or-down vote in this body.

There is no reason this distinguished body should not confirm Chief Judge Garland so that we have a full complement of Justices on the Supreme Court when the next term convenes. We also know that across the country, as I said earlier, Federal judges are overworked and, of course, understaffed because of the vacancy crisis.

The last time I came to the floor on this issue, I noted that we faced 90 judicial vacancies in our courts across the country, 35 of which have been deemed judicial emergencies. A judicial emergency is not some subjective conclusion; it is an objective conclusion by judicial experts and judicial staff that has nothing to do with the partisan politics of our land. Yet we are seeing no action being taken.

There are 30 nominations currently pending on the Senate Executive Calendar, and all but two were voted out of committee by unanimous vote. That includes 20 district court nominees. Both Republicans and Democrats in this body gave a unanimous vote in the Judiciary Committee. The nominations pending on the Executive Calendar are from States all across the country, from east to west. These places include New Jersey, New York, California, Rhode Island, Pennsylvania, Hawaii, Utah, Massachusetts, Maryland, Oklahoma, Louisiana, Wisconsin, Indiana, North Dakota, South Carolina, and Idaho. Today, when we are perhaps days from adjourning for another long recess—7 weeks—I rise, as I said, for the third time not only to ask Republicans with great respect and reverence for all nominations going on in the Senate, but also to ask that we push this bipartisan package of well-qualified nominees that includes two people who are next on the list, Ed Stanton and Julien Neals, the two longest waiting judicial nominees from Tennessee and New Jersey, as well as nominees from New York, California, Rhode Island, and two nominees from Pennsylvania, again supported in a bipartisan fashion in the Judiciary Committee. The nominees from New Jersey and Tennessee are the two longest waiting nominees currently before the Senate, and as such, deserve to be the next two scheduled nominees up for a vote. I have rejected or stood up in opposition to any efforts to skip those two nominees.

Mr. Stanton is the nominee for the Western District of Tennessee. He is highly qualified, and his experience will suit him well as a judge in the Federal court. Mr. Stanton is a highly regarded member of the Memphis community and someone recommended to the President by my colleague Senator LAMAR ALEXANDER.

Judge Neals is the nominee for the U.S. District Court for the District of New Jersey, possessing undeniably strong qualifications. He possesses significant legal experience, a distinguished judicial career, and an unwavering commitment to justice. His skill, legal aptitude, and unique thoughtful perspective are needed on the Federal bench now more than ever. I know Julien Neals personally. I worked by his side for close to a decade when I was a mayor—7 years to be exact—and I have seen the thoughtfulness of this individual. He is one of the more impressive people I have met in my professional journey.

There is no reason why Judge Neals or Edward Stanton, the two longest waiting nominees, have had to wait so long to be confirmed. So I hopefully and simply ask that the Senate promptly vote on the next two nominees in line, making sure our judicial system is functioning at its highest capacity. This isn't a Republican or Democratic issue. It is an American issue.

I have been honored to serve people in New Jersey in the Senate for nearly 3 years. During my time in this body, I have been surprised, inspired, and challenged by colleagues on both sides of the aisle, but I have come to a point of hope and hopefulness that when it comes to real issues, such as the functioning of another branch of government, we can come together, and we have the capacity to do the right thing.

I know this body is better than a tit-for-tat process, where we measure how many nominees President Bush got versus President Obama. This was not the intention of the Constitution, not the intention of our Framers, and it is not something that has been the tradition of our country.

I know the good the Senate can do for Americans across the country. Part of our obligation is to ensure a functioning judicial system that can deliver justice for America. This Senate is failing to uphold its duty now and has plunged our Nation into a level of judicial crisis that is unacceptable. We can and we must do better.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

Today I join my colleagues in rising to remind the Republican majority of its abject failure to fulfill its constitutional duty.

I first spoke on the floor urging the majority to schedule a hearing and vote on the vacant Supreme Court seat on February 23 of this year, over 7 months ago. Just to remind everyone, that was before Judge Garland was even nominated by the President. We shouldn't forget that, even before the nominee was named, the Republican majority told the American people they were planning to ignore their responsibility to consider a Supreme Court nominee. That is the one promise they have actually kept.

Unlike their promise to ''get the Senate back to work,'' they have kept their promise not to do their jobs when it comes to the Supreme Court and so many other issues. It certainly is not because they have been too busy. In the last 200 days since the President nominated Judge Garland, instead of giving him a fair hearing and vote, the Republican Senate has taken the longest recess in 60 years; spent time fighting partisan battles over Planned Parenthood, instead of combatting Zika; neglected to act on economic issues for working families, such as college affordability; done nothing to address the influence of special interest money in politics; and failed to take action to keep guns out of the hands of terrorists. Make no mistake, the Republican

Senate has not done its job, and that failure has real consequences.

With the Nation's highest Court shorthanded and often deadlocked, it has been unable to serve its constitutional function as the final arbiter of the law. Because of Republican obstruction, the Court was unable to reach a decision on the final merits in seven cases in its last term, leaving millions of families and children, law enforcement, and businesses uncertain of the law. From immigration to consumer privacy to a case about whether lenders can discriminate against married women, the Court has been unable to produce a final verdict.

The Supreme Court handles ''the people's business'' as President Reagan put it. Every day that goes by without a ninth Justice is another day the American people's business is not getting done.

Now we are only a week away from a new Supreme Court term, during which it will hear another docket of important cases involving voting rights, racial discrimination in housing, and cases that will impact women's reproductive rights and the rights of transgender children in schools. Because Republicans will not schedule a hearing and a vote on Judge Garland to the Supreme Court, the Supreme Court will again go into these cases shorthanded.

Seven months later, I again say to my Republican colleagues, to the distinguished majority leader, and to the chairman of the Judiciary Committee: Schedule a hearing and a vote on Judge Garland. Because you refuse to do your job, the people's business is not getting done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I come to the floor to speak again about the dangerous effects of leaving the current vacancy on the Supreme Court unfilled and the real consequences that the current vacancy has caused for this country.

It has now been more than 6 months since President Obama nominated Judge Merrick Garland to fill the current vacancy on the Supreme Court, and we still haven't had a hearing, much less a vote. As a result, Judge Garland is now the longest pending Supreme Court nominee in history.

Since the Senate has not acted, the Supreme Court will still be without a full complement of Justices when it begins its October term next week. There is a lot at stake in the Supreme Court's upcoming term. The cases that the Court will hear focus on significant issues that affect Americans' everyday lives.

Among those cases are important questions involving voting rights and discrimination in housing. The Court will also take up cases on immigration and environmental protection that would impact millions of people across the country. We know they have been taking less cases, and we also know there have been a number of split decisions, including a recent one on a death penalty case.

Further delay in the confirmation of a new Justice will compromise the Court's ability to resolve these questions of law effectively. If we do not have a fully staffed Court in the next term, we risk more cases in which the Court is unable to issue binding precedent and in which access to justice is denied for too many Americans. In some decisions where there is a 4–4 split, the result is effectively the same as if the Supreme Court had never heard the case. That is certainly not what our Founding Fathers intended with the Constitution.

But more split decisions are not the only risk that we are facing here. The current vacancy on the Supreme Court also has implications for the number of cases that the Court is able to take in the first place. We saw this played out many times last spring. In March of last year, the Supreme Court granted certiorari on eight cases. This year, it only did so for two. Indeed, we have seen time and again over the Court's last term that the Supreme Court simply cannot function well without a ninth Justice—with split decisions, diminished decisions, delayed decisions, and no decisions.

With only eight Justices, the current Court could not reach a final decision on the merits in seven cases during its most recent term. In five of these cases, the Court deadlocked in split decisions with four Justices on either side. In the other two cases the Court had to remand the case back to the lower courts when it was unable to render a decision on the merits.

The lower courts rely on the Supreme Court as the final decision-maker. There are courts all over the Nation that may have different decisions, and they are waiting for the final word from the Supreme Court. That is how our system of justice has worked. But what is most important is that in each of these cases the Court was unable to carry out its constitutional obligation.

The potential for worse during the Court's next term is real. For instance, what if some of the landmark cases that are familiar to citizens, such as Miranda v. Arizona, were a 4-to-4 decision? Or an emergency case like Bush v. Gore—what if that were 4 to 4? Or Brown v. Board of Education?

Former President Ronald Reagan recognized the importance of having a fully staffed Supreme Court in 1987. He said: ''Every day that passes with the Supreme Court below full strength impairs the people's business in that crucially important body.''

President Reagan made that statement around the same time he nominated Justice Kennedy, who was confirmed unanimously by the Senate, which was controlled by the opposite party—the Democratic Party—in the last year of a Republican Presidency.

Over the past several months, I have tried to put myself in my colleagues' shoes, and I asked myself: What if we had the opposite case? What if we had a Republican President and a Democratic-controlled Senate? What would I do? Well, I would demand a hearing. I would never let a nominee float out there for 6 months while we have less decisions, diminished decisions, and no decisions.

I don't know how I would vote on the nominee. I would like to ask the nominee questions and decide if they were qualified to serve on the Supreme Court.

Our job under the Constitution is to advise and consent. It is not to advise and consent only after a Presidential election has occurred. This has been our practice in the Senate for more than a century. For more than 100 years the Senate has had a process that worked under both Democratic and Republican Presidents and even in—yes—Presidential years. Through World War I and World War II, through the Great Depression, through the Vietnam war, through the economic downturns, we were somehow able to make it as a democracy. We were somehow able to do our job to advise and consent.

I would also add in closing my remarks about Judge Garland's widely credited ability to draft thoughtful, narrow legal opinions and build consensus among his colleagues on the bench. The President was well aware when he nominated Judge Garland that he would need to nominate someone who had that ability, and, with the kind of votes that we have seen in the Senate, someone who is a fine man. He deserves the opportunity to make his case to the Senate, and the public deserves the opportunity to see the kind of Justice he would be.

It remains my sincere hope that he will have that opportunity for a hearing to prove himself in the months to come.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to join my Democratic colleagues on the floor in opposition to this Chamber's inability to do its job and fulfill our constitutional obligation by holding a public hearing and taking a vote on President Obama's nomination of Chief Judge Merrick Garland to the U.S. Supreme Court.

As this body appears to apparently head home for the next month and a half, let me share yet another reason why it is so important that we put partisan politics aside and do our jobs. As a member of the Senate Foreign Relations Committee, I have had the opportunity to travel to many other countries. Just this past June, I spent a week in South Africa to commemorate the 50th anniversary of Robert F. Kennedy's ''Ripples of Hope'' speech in Cape Town. Robert F. Kennedy, a former Senator himself, inspired the

early, nascent anti-apartheid movement in South Africa with this uplifting and challenging speech.

Just earlier today, I had a chance to meet with a friend from South Africa with whom I connected on that trip. I had a reminder in our conversation—a reminder that what we do teaches, engages, and challenges much of the rest of the world. The United States and South Africa, although we are very different countries with different histories, are similar in important ways.

What struck me on this trip to South Africa back in June and in the months since has been some of our important similarities and our important current challenges. We share powerful foundational commitments to our original documents—to the Freedom Charter in South Africa and to our Declaration of Independence here—and to our respective constitutions. We have historically shared a strong respect for the rule of law. We share deep understanding of the importance of capable and independent judiciaries to preserving our multiparty democracy.

But, today in the United States, as in South Africa, divisiveness and dysfunction are beginning to genuinely challenge the institutions that protect our constitutional order. Here we need look no further than the matter that drives us to the floor today—the vacancy on the U.S. Supreme Court that is now approaching 200 days without any sign of promise or compromise from our Republican colleagues, without any expression of a willingness to do what has been done routinely for a century here.

On the Judiciary Committee, on which I serve, we have not had a hearing, and we have not had a vote. I have heard no significant issues or questions raised about the qualifications of Chief Judge Garland. Frankly, I don't think one could raise significant questions. This is one of the most seasoned, most experienced judges ever nominated to the U.S. Supreme Court. Yet no progress—no hope of progress—seems to be heard on our committee or here on the floor.

Even if we were to confirm Chief Judge Garland today, I think we need to realize that our inaction has already had a significant impact. All around the world, what the United States says and does sends a strong message. It matters what we say. It matters what we do. In this case, it matters deeply what we aren't doing.

This Chamber alone cannot heal a divided country with a single committee hearing. We cannot heal congressional dysfunction with just one vote, but these actions could serve as the first in a series of concrete steps to help repair the dysfunction and the division in our Senate. We should start by holding public hearings, by letting the people of the United States understand what, if any, questions or concerns there might be about this talented, capable, decent man, Judge Merrick Garland, who has been nominated to the Supreme Court, and then build on that momentum by giving timely, thorough consideration to the President's other nominees for judgeships across the country. With 89 judicial vacancies—with 89 current judicial vacancies—from district courts to courts of appeals, to the U.S. Supreme Court itself, our inaction doesn't just create uncertainty for those involved, it impairs our courts and actively harms our constitutional commitment to justice.

From Justice Marshall to Justice Warren, to Justice Scalia himself, the Supreme Court has been home to many icons of American jurisprudence, men and women whose work, writings, and reflections are known around the world, but as I suspect they might themselves have been the very first to remind us, nations don't endure because of unique or historic individuals, free nations endure because of institutions.

When it comes both to ensuring the proper functioning of our treasured American institutions and to ensuring its future independence and liberty, we are not doing our job. We are failing to fulfill our constitutional obligations and, in doing so, we are directly challenging the strength of our constitutional order.

We must not forget that everything we do here and everything we do not do here sends forth a message to the rest of the world, to those who we hope watch and imitate our democracy. This inaction is something I hope they do not imitate.

If we were to take action on Chief Judge Garland's nomination, we would have the opportunity not only to strengthen our own institutions but to return to setting a constructive and positive example for the rest of the free world. We must leave no doubt that our democratic institutions can handle all the challenges they face.

I urge all my colleagues to seriously consider the consequences of this tragic inaction, for nearly 200 days, to consider this able and qualified nominee.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to join my colleagues who have come to the floor, including the distinguished Senator from Delaware and my friend and colleague from the great State of Vermont, and with other colleagues who will follow us in saying, very simply, we should do our job and avoid the damage to our democracy that will result from our dereliction of duty if we leave town without a hearing and a vote to fill the vacancy created by the tragic death of Justice Scalia.

I know something about the Supreme Court, having clerked there for 1 year with Justice Harry Blackmun, having argued cases there as attorney general of the State of Connecticut. I walk by or ride by the U.S. Supreme Court every day as I come to work at the Capitol, and I have tremendous respect, in fact, reverence, for the U.S. Supreme Court. Its power derives from its credibility and trust. It is being above politics. It has no armies, no police force. Its decisions are enforceable and enforced simply because the American people have confidence in its credibility.

The reason for that credibility was well stated by Chief Justice John Roberts, who said: ''We don't work as Democrats or Republicans, and I think it's a very unfortunate impression the public might get from the confirmation process.''

That confirmation process is stymied and stopped, stalled now by bipartisan paralysis that reinforces the misimpression among the public that the Supreme Court may simply be another part of the political process.

The Supreme Court should be above politics. This dysfunction and dereliction of duty does damage to our democracy because it drags the Supreme Court into the muck and morass of partisan politics and deprives it of the credibility and trust that are the underpinning of its force as a democratic institution. Think of it for a moment. There are two elected branches, the President and Congress, and then an unelected one, appointed for life, totally dependent on its being above politics.

We have a constitutional duty to advise and consent, not when it is politically convenient, not when it fits into our schedules but when the President makes a nomination. We have fulfilled that duty consistently during the last 100 years, taking action on every pending nominee to fill a vacancy on the Supreme Court.

The current impasse has real, practical consequences in depriving individuals in this Nation of justice they need and deserve. It has real consequences for real people. As we saw last term and as we are about to see on Monday with the beginning of a new term, issues of law essential to a functioning democracy and basic fairness will be left unresolved because of a deadlocked Court. The resulting uncertainty causes harm across the land and across our economy, creating confusion among businesses that need to know what the rules of the road are going to be. If money is borrowed, when does it have to be repaid? If regulation is to be challenged, will it be upheld?

These kinds of decisions are, in fact, real cases before the U.S. Supreme Court. The uncertainty and confusion resulting from deadlocked Court decisions and the lack of law—because indecision means a lack of resolution of legal issues—have consequences that impede job creation and economic growth in this country. By refusing to do its job, the Senate of the United States is precluding others from doing their jobs, from creating jobs, and from growing our economy, as all of us would like to see done.

I am not arguing that any individual Senator has an obligation to vote for Merrick Garland. I believe he is preeminently qualified. I have known him

for years. I have tremendous respect for his intelligence and integrity. I believe he will convince other of my colleagues that he is extraordinarily well qualified to serve as the next Justice on the U.S. Supreme Court.

That job of convincing our colleagues is his to do. He should be given an opportunity to do it in a hearing, as he has done for many of us in his individual conversations with us. Unfortunately, our Republican colleagues have denied him even a hearing, not to mention a vote.

It adds insult to injury when this body not only stonewalls Judge Garland's nomination but departs for lengthy breaks, as we did in August and as we will now do again, without giving him consideration. This year, the Senate has worked fewer days and taken a longer recess than in the past 50 years, despite leaving our constitutional duty unfulfilled.

That is why I am proud to submit today, along with 42 of my Democratic colleagues, including Senator LEAHY of Vermont, the ranking member on the Judiciary Committee, along with my colleagues on the Judiciary Committee, a resolution that says to the Senate of the United States: Do not leave town for a recess until we have provided a hearing and a vote on the pending Supreme Court nomination. Do not leave town without doing your job. Do not leave town without fulfilling your constitutional duty to advise and consent.

That is what we should be doing.

I am not going to read the resolution, but it essentially says the President has the obligation to nominate. We have the obligation to advise and consent. We have done so in past years. We should do so now. I will quote this one sentence: ''Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law.''

Paraphrasing: Be it resolved that the Senate should not adjourn, recess, or convene solely in pro forma session until we have taken action on the pending nomination through holding a hearing in the Judiciary Committee, holding a vote in the Judiciary Committee, and holding a vote in the full Senate.

Some of the threats to our democracy come from outside this country, from violent extremists or military aggressors who mean to do us harm, but the threats to our democracy can also include self-inflicted wounds—unintentional, perhaps.

I know my colleagues—and I say this with the greatest respect—believe they are justified in what they are doing. We have legitimate disagreements. We may disagree whether Merrick Garland is qualified to be on the U.S. Supreme Court. I believe, without question or reservation, he would be a great Justice on the U.S. Supreme Court, and he will be, but let's at least give him a vote. Let's do our job and avoid the self-inflicted damage to our democracy that will result from our leaving without upholding our constitutional duty.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join Senator BLUMENTHAL on the floor this afternoon as a cosponsor of his resolution. I share his concerns that Merrick Garland has not yet gotten a hearing nor a vote in this body on his nomination to be on the Supreme Court of the United States.

Since the beginning of our Nation, the U.S. Senate has respected an important, bipartisan tradition of giving timely and fair consideration to Supreme Court nominees, even during the years when there is a Presidential election.

Sadly, this year the majority party has broken that tradition by refusing even to hold a hearing on the nomination of Judge Merrick Garland to serve as a Justice. The current vacancy was created more than 200 days ago. President Obama nominated Judge Garland more than 7 months ago. I am joining my colleagues on the floor this afternoon to urge the majority party and the leadership of this body to give Judge Garland a hearing, to give him a vote. It is time to extend to Judge Garland the same fair treatment the Senate has given to every other person previously nominated to the Supreme Court by an elected President during a Presidential election year.

The majority party's refusal, to date, to consider the nomination of Judge Garland is a shocking break with Senate tradition. Article II, section 2 of the Constitution is unambiguous about the respective duties and responsibilities of the President and the Senate when there is a Supreme Court vacancy. I do not believe the Founders intended that these rules should be optional or should be something that could be disregarded. Article II states that the President ''shall hold this office during the term of four years''—not 3 years, not 3 years and 1 month, but 4 full years.

Time and again, Senators have done their constitutional duty by considering and confirming Supreme Court Justices in the final year of a Presidency. Most recently, Justice Anthony Kennedy was confirmed in the last year of President Reagan's final term in February of 1988. Indeed, it was a Senate with a Democratic majority that confirmed President Reagan's nominee, Justice Kennedy, and they did it unanimously—97 to 0.

The Senate Committee on the Judiciary began holding public confirmation hearings on Supreme Court nominees back in 1916. In the 100 years since then, never before has the committee denied a hearing to a nominee to be a Justice of the Supreme Court. So never before in our history have we seen this happen, that the majority party in the Senate has refused to conduct a hearing.

Since 1975, the average length of time from nomination to a confirmation vote for the Supreme Court has been 67 days because our predecessors in the Senate recognized just how important it is for the Supreme Court to be fully functioning. This bipartisan tradition regarding the Supreme Court has been put at risk by the majority's actions this year, but the Senate will have another opportunity to act on the nomination of Judge Garland when we reconvene after election day during the lameduck session. Once we get through this election, I hope that the majority party will honor the Senate's tradition, that it will do the right thing, that it will give Judge Garland the hearing and the floor vote he deserves.

We all know that, as Senators, we have sworn to support and defend the Constitution. Our oath doesn't say: Uphold the Constitution most of the time or only when it is not a Presidential election year. The American people expect us, as Senators, to be faithful to our oath of office, and they also expect us to do our jobs regardless of whether it is an election year. So let's respect that oath of office. Let's do the job we were sent here to do by the American people. Let's follow the Constitution.

As former Justice Sandra Day O'Connor—a Justice nominated by a Republican President—said just days after the current vacancy occurred back in February, ''I think we need somebody [on the Supreme Court] now to do the job, and let's get on with it.'' Well, let's get on with it. It is time for us to do our jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, on other judicial business, today the U.S. Court of Appeals for the District of Columbia Circuit heard oral argument in West Virginia v. U.S. Environmental Protection Agency, which is the case that will determine the fate of the EPA's Clean Power Plan. As that court considers our national plan to reduce carbon pollution from powerplants, which is our largest source of carbon emissions, I rise now for the 148th time to urge us all to wake up to the threats of climate change.

In the runup to today's argument, Leader REID, Senator BOXER, Senator MARKEY, and I released a report entitled ''The Brief No One Filed'' highlighting who is behind the legal challenge to the President's Clean Power Plan. Our report, which is structured as an amicus brief, although not filed with the court, shows how State officials, trade associations, front groups,

and industry-funded scientists in the case are connected to the fossil fuel industry. In short, the court of appeals has been barraged with briefs by amici curiae and parties who are funded by oil, gas, and coal interests. I hope the court considers the appalling conflict of interest these briefs present when it considers this case.

Let's begin with why there is such a big effort by the fossil fuel industry to launch its proxies in this case. A working paper by the International Monetary Fund puts the effective subsidy of the fossil fuel industry in this country at nearly $700 billion per year. For the record, that is billion with a ''b.'' That includes the climate harm they get away with for free.

To protect this massive subsidy—perhaps the biggest subsidy in the history of the world—the fossil fuel polluters have concocted a complex web of climate change denial. The web includes deceptively named nonprofits and fake think tanks—to use Jane Mayer's apt phrase, ''think tanks as disguised political weapons''—whose purpose is to propagate phony science, manipulate public opinion, and create an echo chamber of climate science denialism. The polluters also wield their influence in our election campaigns, with especially devilish effect since the dreadful Citizens United decision of 2010. A lot of this fossil fuel apparatus has turned up in the DC Circuit.

If we examine the Members of Congress filing amicus briefs against the Clean Power Plan, we find massive funding to them from the fossil fuel industry. The Center for American Progress Action Fund and the Center for Responsive Politics report that since 1989, Member amici signing these briefs have received over $40 million in oil, gas, and coal campaign contributions. Thirty-four Senators opposing the Clean Power Plan received over $16 million in direct contributions, and 171 Representatives opposing the Clean Power Plan received nearly $24 million. And that is just direct spending to candidate campaigns. On top of that come fossil fuel-related political action committee contributions, over $42 million more to Member amici since 1989—nearly $12 million to the 34 Senators and nearly $31 million to the 171 Representatives.

In total, the fossil fuel industry's disclosed political spending to Members on these briefs amounts to nearly $83 million, with approximately $55 million split among 34 Senators and nearly $28 million split among 171 Representatives. And, of course, Citizens United opened the door to unlimited spending that is not disclosed as well. So we actually don't know the full amount or the full effect of fossil fuel political spending above and beyond that disclosed $83 million.

The CAP Action Fund has labeled 135 of the 205 Member amici as ''climate deniers'' based on their past statements and their voting records. Climate deniers reject the overwhelming consensus of peer-reviewed science about the causes and effects of carbon in our atmosphere and oceans, often, interestingly, contradicting the research of scientists and academic institutions in their home States, even as to the effects of climate change manifesting in their home States. In this path, climate deniers are not following their constituents. Seven in ten Americans in a nationwide survey released this month favor the Clean Power Plan. More than 80 percent acknowledge the health benefits of the plan.

Of course, the big polluters don't spend just to influence legislators at the Federal level, they also spend big on State officials, and they prop up trade associations, think tanks, and front groups willing to push their anti-science agenda. Many of these State politicians, trade associations, and front groups sure enough showed up in the Clean Power Plan litigation.

From the 27 States currently challenging the Clean Power Plan in court, the CAP Action Fund has identified 24 climate-denying attorneys general and Governors based on their own past statements. These State officials have received over $19 million in contributions from the fossil fuel industry since 2000. One small example of this: Documents obtained by the Center for Media and Democracy show that Murray Energy, a coal company, donated $250,000 to the Republican Attorneys General Association in 2015 and received a closed-door meeting with State prosecutors to discuss the Clean Power Plan. According to research director Nick Surgey:

> It's no coincidence that GOP attorneys general have mounted an aggressive fight alongside the fossil fuel industry to block the Clean Power Plan. That appears to be exactly what the industry paid for.

Other energy companies and trade groups that gave money last year to the Republican Attorneys General Association include Koch Industries, ExxonMobil, Southern Company, and Cloud Peak Energy.

Then there are the industry trade groups, such as the American Coalition for Clean Coal Electricity and the National Association of Manufacturers also petitioning against the EPA. To pick just one, the National Association of Manufacturers has been described as a ''trade association and corporate front group that has a long history of hiring lobbyists to promote anti-environmental, pro-industry legislation.''

Other front groups, such as the Energy and Environment Legal Institute, have also filed briefs. E&E Legal advances what it calls ''free-market environmentalism'' using strategic litigation. It has made it its hallmark to harass climate scientists who work at public institutions and are vulnerable to State and Federal FOIA requests. E&E Legal received significant funding from the fossil fuel industry to engage in this harassment.

Documents made public in the bankruptcy proceedings of three separate coal companies—Arch Coal, Peabody Coal, and Alpha Natural Resources—reveal payments to E&E Legal or to its senior fellow, Chris Horner, a gentleman who has written not one but two books on why global warming is a hoax. E&E Legal is also an associate member of the State Policy Network, which the Center for Media and Democracy's SourceWatch describes as an ''$83 million right-wing empire'' that in turn receives money from a Koch family foundation and from the identity-scrubbing Donors Trust and Donors Capital, organizations set up to launder the identities of big donors. Such is the web of denial.

Madam President, I could go on. Our report contains substantial detail on the network connecting the opponents of the Clean Power Plan to the fossil fuel companies behind their effort. ExxonMobil's CEO may pretend concern about climate change and mouth support for a carbon fee, but on his political gun decks, all their cannons are aimed to protect the freeloading, polluting status quo. And the Koch brothers don't even pretend; they will send us off a climate cliff to enforce their extremist ideology and to maintain their power to socialize their costs. These Koch brothers are fine capitalist free-marketeers when it comes to extracting private profits, but when it comes to imposing public costs, they are more socialist than Trotsky. The fossil fuel powers whistle, and the hounds all come running to bay at the court. Before the court of appeals takes their arguments seriously, it should consider the industry's financial relationship with so many of the Clean Power Plan opponents, it should consider their sordid record of deceiving Americans about climate science for years, and it should consider the massive, massive conflict of interest of the industry lurking in the shadows behind their front groups.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

REMEMBERING GEORGE ''FLIP'' MCCONNAUGHEY

Mr. ENZI. Madam President, last week I lost my chief of staff whom I have worked with in various roles for over 40 years. A member of my staff, Ron Hindle, wrote a remembrance on behalf of the staff that begins with this:

> September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

Madam President, I ask unanimous consent that the entire statement be printed in the RECORD following my comments.

Yesterday we had a celebration in Casper, WY. It was well attended. It turned out to be a kind of reunion of people who had been touched by his life

and his actions and particularly those who had worked with him. I am sorry I can't share the video we all got to see of him growing up and his interactions with family and others, particularly since family meant so much to him. Since we can't see that video, I will share some of my remembrances, some of my memories.

In the end, there is only faith, family, and friends. Flip was one of the richest men I know in all three categories.

Flip had faith. Senate Chaplain Black lists Flip as his hero because of Flip's faith, in spite of the fight that went on inside him. Chaplain Black drove out to Flip and Sheila's home when they were moving back to Wyoming to do an anointing. I think that helped Flip make the long drive to Wyoming.

Flip quietly shared his faith with others. Flip participated in the Chaplain's weekly Bible study. Flip attended a men's prayer breakfast on Saturdays. Flip attended church faithfully. Flip had strength through his faith.

Flip knew the importance of family. His closest friend, of course, was his wife Shelia. He knew how lucky he was that she said yes when he proposed. He said it was the best thing that ever happened to him. He also said his parents liked her better than him.

Flip knew about cancer since he was the caregiver through Shelia's bouts of chemotherapy. Then, she was the caregiver and researcher through his operations, tests, and treatments. Her research saved his life more than once. Her love kept him going.

Flip knew family as a son, as a brother, as a husband, as a father, and especially as a grandfather. He filled all those roles well, and he was an example to others. My wife Diana and I feel like we are part of his family and his family is part of our family. Flip has been a caring brother to me, and Flip has also always treated staff as family.

Now, I didn't know Flip when he was the center for the Glenrock Herders football team, and I wasn't there when his dad lost the race for mayor by one vote and years later found out that his own wife didn't vote for him. I didn't know Flip when his dad found out he had skipped school for a few days, and his dad was on the school board. He loved his parents, but he revered his mother and he feared his father.

I didn't know him when he graduated from the University of Wyoming, or when he married Shelia, or when he got the job as Casper's assistant city manager. I didn't get to know him until I was mayor of Gillette. As an accountant, I ran on a balanced budget plan and attended council meetings. Then I found out—and you can imagine the shock I had when I learned that as mayor you had to learn about sewer and sewer treatment, garbage, police, fire, parks, not to mention water, which in Gillette smelled and was color-coded and in short supply, or that the town owned its own dilapidated electrical system.

Now, it is hard to entice somebody with knowledge of those issues to come to a boomtown, but I was able to persuade Flip to pull up roots and become Wyoming's first city administrator. It wasn't until he had bought a house and moved Shelia to Gillette that he found out the ordinance he was to work under was only through the first of three readings and that the mayor had to break the tie with a vote to get it that far.

Flip and I have gotten a lot of things done working together over 40 years, starting with that job in Gillette. Flip has never worked for me, he has always worked with me. As a team, we used his city skills. I was just a salesman.

I remember when his son Jeff was born and then his daughter Sarah. I remember their excitement for each of these gifts of Heaven. I also remember when our two sons discovered Star Wars and each wanted a Millennium Falcon transporter. We were able to find models, and Flip and I spent our lunch hours for 2 weeks helping each other with the difficult instructions to meet the Christmas deadline.

As a team in Gillette, we also negotiated industrial siting agreements with 12 coal mines. We insisted that the companies provide a town that their employees would want to live in and to work from. Some of those companies were hard to convince. In their first trip to city hall, they would bring a small plan. I would look at it, suggest that they weren't serious, and then throw their plan in the garbage as I left the room. Flip would be the good guy and stay behind to put them on the right track. I am sure those old-line company execs wondered about negotiating with two kids just 30 and 27 years old.

Earlier I mentioned the color-coded smelly water that was in short supply. Thanks in large part to Flip, the town got a water system for 30,000 people, with only 10,000 people to pay for it. Together we were able to convince Standard & Poor's and Moody's that we had a sound plan for the system. What made our job more difficult at the time is that we were taking this on while New York City was facing bankruptcy.

Flip had to put back together a town, too, that was ravaged by a man on a stolen D9 Cat. The man drove over cars. He particularly didn't like sports cars, and he would go over them and back again. He pushed over power lines. He ripped up sprinkler systems and gas lines. He drove through a bank drive-up and through a schoolyard, and he wound up in an apartment basement after the D9 Cat pushed the building off its foundation. The Governor was in China at the time and sent the article about the incident in Chinese. My college roommate was in Saudi Arabia at the time and sent an article about the D9 Cat in Arabic—those were both a little hard to read.

Madam President, I also mentioned garbage. That is always a huge problem in towns and cities. In Gillette we had a landfill that was about full, and we needed another site. We made our annual visit to the county commissioners to request $25,000 from the county people for the use of the landfill. The chairman said: Why, with that amount of money, we could run the whole thing. Flip said: We would be willing to pay you $25,000. They agreed. Flip had the paperwork to them that afternoon and had it signed. It saved the city millions. After that, everywhere Flip went, other towns would ask: Now, how were you able to get the county to take that landfill over? I can tell you, it hasn't happened since.

Even recently, reflecting on the lack of money we saved and the problems we worked to solve, he said, only partly joking: We can finally tell about all the things that happened since the statutes of limitation have run out. I think Gillette was the test case in court for every new way the State suggested that towns could operate.

After our time together in Gillette, Flip got a job as city manager in Laramie—an actual city manager. You know he did his usual excellent job because his 15 years of serving there set a new record for longevity. He was a leader in other ways, including by serving on the board of the Wyoming Association of Municipalities until he came to Washington. He attended conferences for, spoke to, and was a part of the International City Management Association for the rest of his life. In Washington, his municipal reputation followed him. Any State with a city or town problem referred the administrators to Flip, and he usually could work with them to find a solution. He also counseled city managers, often resolving their situation—although sometimes also helping to find them a more suitable occupation.

Let me tell you how he came to be in Washington. When I was elected Senator, I had over 500 applications to be my chief of staff. Flip had not applied. He was the only one I could picture working with in that role—organized, focused, a superb manager; he knew how I liked to operate, could find good people, was able to successfully juggle multiple crises. So my son Brad and I drove to Laramie. I caught him at the office after everyone else had left, which was normal for Flip.

I said: Flip, I need you to come to Washington and be my chief of staff. He said: I never went to Washington. I don't like Washington. I don't want to go to Washington. I won't go to Washington. So we visited about our families. Then, as Brad and I left to drive home, Brad said: I think you got him. In disbelief I asked: What part of ''absolutely no'' do you think was yes? But Brad turned out to be right. I got a call the next day from Flip, who said: If that job is still open and I can get a few answers, Shelia and I talked it over, and we might be interested. Well, I got the answers, and he and Shelia came to Washington, and he and I were a team again for the next 20 years.

Flip knew the importance of working with everyone and co-founded the bipartisan chiefs of staff organization here in the Senate. He organized and managed a Senate team that helped pass a record number of bills.

Flip was also the best planning meeting facilitator in the country. He led our staff in an annual planning session to focus everyone on what they would be expected to get done the next year, and then he pushed to get those things done. He insisted that we never call it a planning retreat. He would emphatically slap his hand on the desk and say, like General Patton: We never retreat.

Flip was also competitive. I remember a contest between him and my first legislative director, Katherine McGuire, to see who could take the most spice in their Mongolian barbecue—without beer.

Sometimes Flip traveled with Diana and me on the weekends and the Wyoming work periods. Now, you know, in Wyoming that can include bad weather. One time Flip was driving us in a blizzard that hit us between towns, and it was one of those wet, heavy storms—the kind that clogs up your windshield and you have to stop your car every few miles and clean the wipers off and clean the windows off. We were wondering if we would ever get to Kemmerer. He stopped once, then quickly got back in the car, laughing vigorously. It was very un-Flip. I got out to see what was so funny. We had almost run over the sign that said: ''Welcome to Kemmerer.'' What a relief.

Flip was always quick to take the blame for any setbacks. That infuriated me, since I usually knew who really set us back. But he always got to the source, and like a good father, he turned the employee error into a teaching moment. Flip was a people person. He was a brother to me, and through the years he provided me with teachable moments too. I can still hear him say: ''Mike, that is something you really need to do.'' Of course, if it was a really tough assignment to talk me into, he knew to enlist my wife Diana.

Everyone learned to listen closely to Flip's commonsense instruction. He always downplayed his role. The most prideful thing I ever heard him say was ''Not bad for a butcher's son from Glenrock.''

I mentioned faith, family, and friends. Let me conclude with a few notes from friends, as I ask you, the staff, his friends, to jot down any and all memories that you can think of about Flip and share them with Sheila and the rest of his family. I assure you, that is the best way to fill the hole of the hurt we all feel.

From Leader MCCONNELL's chief of staff: ''He had a great knack for knowing when to encourage, when to kid and when to make you laugh through the stresses we all face.''

From a new leader of the chiefs of staff:

Our beloved friend, colleague and fellow chief, Flip has passed after a long and courageous battle with cancer. We appreciated Flip's self-deprecating humor, straight talk and professionalism. We were witness to tremendous character, faith and courage as he walked through the blow of cancer. He was a friend and mentor when I was a young chief of staff. I was privileged to be part of a weekly prayer group with him.

From Steve Northrup, who was the health policy director of the HELP Committee:

What Flip went through these last several months would have broken the spirit of a lesser man. We can take solace knowing he is with God now, with no more pain, only peace. He was a friend and mentor and an inspiration as a public servant. He was a ''scary man'' when he needed to be, but he was always there when I needed support, advice, or [to give you] a kick in the pants.

So you can see that Flip had friends everywhere he went and even ones whom he didn't know because he served and he listened. Many people have mentioned that he actually heard what they said.

Flip, we know you have been welcomed into your Heavenly home and the Lord has told you: Well done, my good and faithful servant.

Flip, I thank you for calling me in your last hours to say goodbye. We miss you, Flip.

I yield the floor.

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

[From the Staff of Senator Enzi]

REMEMBERING GEORGE ''FLIP'' MCCONNAUGHEY

September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

If we could turn back the hands of time and take a trip to Casper, Wyoming on September 10, 1947, we would arrive just in time to witness Flip's birth and see the pride on the faces of his parents, George and Phyllis.

Although I never had a chance to meet or get to know his parents, his Dad was a part of our everyday life. Over the years, George had collected quite a collection of sayings and colorful phrases and Flip had acquired them and kept them close to his heart. Whenever a time came that brought one of those reflections to mind he would share them with us. ''My Dad used to say,'' became a phrase we would not only hear quite often, but look forward to, as well.

Now that Flip has been taken from us all too soon, it means even more to me and to all our staff that our boss has shared so much with us about his life and their history together. It really is a remarkable story.

When Flip was still in college he met the person who was to completely change his life and get him pointed in the right direction from that day to the end of his life. Her name was Shelia and I don't think we have ever met anyone quite like her. Flip took a great deal of pride in her and her willingness to go along with him on a number of adventures.

That was important because, after graduation, Flip found his calling when he took on the responsibilities of Administrative Assistant and Assistant City Manager in Casper. The job of a City Manager isn't easy. It's his responsibility to make sure the resources of the town are used wisely in the present to take care of current needs, and a reserve is put aside to take care of future demands.

While Flip was taking those first steps as a local official, Mike Enzi and his wife Diana were busy running NZ Shoes. A set of interesting circumstances would soon bring them together. It all began with Mike's decision to run for Mayor and his subsequent election.

Mike knew that winning the election would turn out to be the easy part of the job. He now had an agenda of challenge and change before him and he needed someone with the experience and the knowledge that could help him make Gillette a better place to live. That someone was Flip McConnaughey.

As the story goes, when Flip was offered the job, he was less than enthusiastic. He had achieved a reputation for his skills and knowledge already and he had a good future in Casper. All he had to do was to keep doing what he was already doing.

It was either Mike's way with words or Shelia McConnaughey's willingness to take on an adventure, or a combination of both, but soon Flip and Shelia were heading to Gillette to take on the job of bringing that town from a small town to a city of 30,000 plus.

In many ways, Gillette was fortunate. They had the jobs and they had the people. What they needed to do was to ensure they had the infrastructure in place so that people would have good homes in which they could raise their families. A survey showed them that they needed a lot of things—roads, sidewalks, schools and so much more. They couldn't get any of that done, however, without a short term plan and long term goals.

Flip was now to be the first City Administrator in Wyoming. He had a vision for what could be done and how to accomplish it that proved to be invaluable. The boom he helped guide the city through lasted seven years. Thanks to Flip, not only were they able to get those first projects done, they set off on a more long term plan to provide city services of every kind, especially water, and oh, yes—garbage collection—to 30,000 people while upgrading the whole city-owned electrical system.

Somehow it was all done. Then, when Mike headed to the State Legislature to continue to serve the people of the community of Gillette, Flip went to Laramie where he became the longest serving City Manager.

While Mike was serving in the State Legislature, Al Simpson announced his retirement from the Senate. After some thought, Mike decided to take on what some thought would be a very difficult campaign with no promise of success.

Once again, he took on the challenge with his family. Once again, somehow he got the job done.

He probably knew—once again—that winning the election would be the easy part. What he needed now was someone who could once again help him put together a team that would face a very different challenge—running a Senate office.

That was the perfect job for Flip. At least Wyoming's newest Senator thought so. It turned out that Mike would be number 100 on a roster of 100. The beginning of his service in the Senate wouldn't be easy, but if he could convince Flip to work with him as his Chief of Staff it still might work.

Flip was less than enthusiastic. Actually, I'm told that Flip said something to Senator Enzi like—absolutely not! He was flattered to be asked, but he and Shelia had established a routine in their lives and they were enjoying life in Laramie. I think Flip would have considered it but he didn't want to completely disrupt their lives in Wyoming.

He knew Shelia loved Wyoming and probably wouldn't want to leave.

I will always believe that at this point Flip must have sat down at the kitchen table for a cup of coffee and some serious conversation with Shelia. I also think Shelia expressed her willingness to do whatever she could to make the whole thing work.

Soon, Flip was in Washington spending part of his time setting up our Senate office and the other part looking for a new home for the McConnaughey's—Flip and Shelia.

It seems like yesterday when they arrived in Washington, but it was years ago—just about 20 years in fact. That's when I and our Washington staff met Flip. For each of us there was a moment as we got to know Flip in which we understood why Mike knew there was no more valuable part of his Senate team than Flip.

Flip had an amazing ability to understand people and to help them grow professionally and personally. He was a mentor in every sense of the word. All of us feel very fortunate to have had the chance to know him and to work with him.

Over the years we would often continue to hear stories about Flip's father and a saying or two he or his Dad had collected would shortly make their appearance. One of his favorites was ''if you like what you do, you never have to work a day in your life.''

That is a good description of Flip and the way he lived his life. Flip accepted every moment with the same determination and focus and none of us ever heard him complain—about work, life and just about everything else that came his way.

One of his great contributions to the office was his commitment to annual planning meetings. Each year he would lead us—Washington and Wyoming staffs—on a nearby adventure where we would settle in to a local hotel or meeting place—where we would come up with a plan for the coming year that would build on the previous year's successes.

Our first session produced our Mission Statement. Those words would stay with us from that day on as we proudly displayed its message on the walls of our offices. Here is the text as we worked on it together—

STATEMENT OF PRINCIPLE

We have been given a sacred trust to work for our families, grandparents and grandchildren. We will respect the wisdom of those before and the future of those to follow. We will discharge this trust through our legislative policy, our constituent services and the way we treat each other, guided by these three principles:

Doing What Is Right.

Doing Our Best.

Treating Others as They Wish to be Treated.

STATEMENT OF PURPOSE

In all that we do our purpose will be to allow the family to be strengthened by keeping more of what they earn, assuring jobs and their future with sound financial policies; restoring common sense to law and regulation; and, to promote decision-making at the level closest to the people—our communities, counties, school districts and most importantly our homes.

I know we missed a year here and there, but for the most part we found time to get away for a strategy session every year.

One thing I will always remember is how much he hated to hear us say we needed to ''communicate'' better. No, he would say, that is a what—tell me how you're going to do it and more importantly tell me the standards we'll use to grade our success and see if we're making progress.

Then came that awful day. I can't even put into words how we felt on that day when we learned that Flip had received a diagnosis of cancer. We all thought it was unfair, but Flip was too focused on continuing to live his life day by day with all the strength, determination and enthusiasm he could muster.

We went on one of those planning meetings earlier this year. It was to be our last with Flip in charge. We were surprised we went on the annual adventure, given Flip's health issues, but Flip would hear nothing of a change in schedule. Having that part of our routine still there for us meant a lot to us, but it meant a lot to Flip, too. It energized him and gave him a sense of routine that helped to bring him a moment of calm in what had been a very difficult and complex time in his life.

Over the past months, day by day we watched as Flip battled cancer with the strength and determination of a warrior. Now we can see much more clearly what that battle was like, but once again, he never complained or felt he was being treated unfairly by life—or by God. He knew his future was in God's hands—but his present—the day to day of his life—was his to live—each day—as it was given to him.

Now he has gone home to be with his Lord and Savior, and I'm sure heaven is glad to have him. As the old adage reminds us, God must have needed someone with his skills and abilities to take him from us—well before any of us were ready to say goodbye. Moving on, we will always remember Flip for the way he taught us how to do our jobs—better—how to get along with friends, family and fellow staffers—better—and how to live our lives fully focused on what we can do today to make our tomorrows better and brighter.

In the years to come, that will be Flip's legacy. There will be so many things that will bring him to mind. There is that chicken dish at the carryout he always enjoyed. The park where he would stroll around to give some problem or issue some quiet reflection. His love of his family and especially his grandchildren.

I know I speak for all our staff when I offer our heartfelt sympathy to Shelia and to all who knew and loved that remarkable guy. He was a good friend, a helpful and supportive coworker and a loving husband, father and grandfather. Flip had one dream his whole life—making the world a better place—and in more ways than we will ever know—he succeeded.

Well, maybe he had one more dream. There wasn't anything in his life he enjoyed more than going on an adventure with his beloved Shelia. Together they may have grown older, but they never grew up. They loved baseball games, shopping trips, exploring new restaurants and eateries and so much more. In my heart I would like to believe that Flip is sitting in Nationals Park—in the good seats—and waiting patiently for Shelia to join him.

God bless you, Flip. We couldn't be more proud of all you accomplished in your life and all you made possible for us to accomplish in our own lives. We will never forget you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, the Republicans are threatening to shut down the government again. In less than 100 hours, the U.S. Government will run out of money. Why? What is so important that Republicans are willing to destroy thousands of jobs and cost our economy billions of dollars the way they did in 2013? The answer is money. Not tax money. Not government spending. No. This is all about secret money for political campaigns. Republicans who control Congress are refusing to fund the government unless everyone agrees to let giant, publicly traded companies that spend millions of dollars trying to influence our elections keep all that money hidden.

In just 6 years, the world has turned upside down. Since 2010 when the Supreme Court said in Citizens United that American corporations are ''people,'' those corporations have been allowed to spend as much corporate money as they want to get their friends elected. And, boy, have they spent money—more than half a billion dollars from 2010 to 2015. Today a powerful group of millionaires and billionaires runs around tossing out checks for millions of dollars to influence who wins and who loses elections. Anyone whose eyes haven't been glued shut can see that these waves of money are drowning out ordinary citizens, corrupting our politics, and corrupting our government.

We need to reverse Citizens United and take back our government. We need to reaffirm the basic principle that corporations are not people. But that is going to be a long haul. The first thing we can do—the least we can do, the thing we can do right now—is make sure publicly traded corporations at least tell us when they spend money on political campaigns.

Let's be brutally frank about this. Despite the impression that they usually give on television and in congressional hearings, public companies do not belong to their executives. They are not piggybanks for rich CEOs who want to advance their own personal political ideologies. By law, these companies can spend money only in ways that will benefit their shareholders. So when a public corporation decides to spend $1 million on politics, one of two things is true: Either the corporation is trying to buy a politician or some government favor or it isn't. If it is, then that is corruption, plain and simple, and if it isn't, that is a waste of shareholder money, and it is illegal. Either way, shareholders and the public have a right to know.

The next time you buy cookies or shop on a Web site or use a credit card, you may be contributing to the profits of a corporation that is funneling millions of dollars to political candidates you detest. You may be helping some corporation buy a Senator who will help roll back environmental regulations or privatize Social Security or block a woman's access to birth control. That may be OK with you, but if

it isn't, you might want to know about it and buy different cookies. The Republicans don't want you to know. They are saying they will shut down this government before they will let the SEC make corporations tell about the secret money they are pushing into political campaigns.

The American people want to know if giant corporations are buying politicians, and the SEC can make those corporations tell. More than 1 million people and organizations have written to the SEC, asking it to issue such a rule. This massive show of support has spooked Republicans. After all, there is an election in 6 weeks. At this very moment, billions of dollars in secret money are flowing into our political system—much of it to prop up Donald Trump and his Republican friends in Congress. Just turn on your TV and you will see it.

Senator MITCH MCCONNELL and the rest of the Senate Republicans have billions of reasons for keeping this funding secret and billions of reasons to defend this rotten system. They are willing to shut down the government to do it.

If Republicans think they can quietly hold the government hostage to protect the anonymous corporate donors who want to buy off politicians, if they think nobody else will notice, they should think again. If the Republicans really think the American people sent us here to protect political corruption, then let's get it right out here in the open and let the American people see who is standing up for them and who isn't.

There is a second threat the Republicans have issued. They will not help Flint, MI. The people of Flint, MI, have been poisoned by lead seeping into their drinking water; poisoned by a rightwing State government that decided to play fast and loose with the health and safety of a largely African-American town; poisoned by a fraudulent coverup that hid what happened while lead built up in the bodies of thousands of young children and caused terrible developmental problems and chronic health issues that will last for the rest of their lives; poisoned by a philosophy that says: Let's give tax breaks to billionaires and big corporations and then shrug it off when there is no money left to build infrastructure for clean water or provide education or opportunity for anyone else; poisoned by a Republican philosophy that says: No one matters but me and my children. Your children can drink lead; poisoned by the callous indifference of the Republicans who control the United States Congress.

It has been over a year since Flint's water was declared undrinkable. It has been 9 months since it was designated a Federal disaster eligible for our help. During that time, 100,000 residents of Flint—mothers and fathers, sons and daughters, children and babies—haven't had access to drinking water because of a Republican-State government that didn't care about the people living in Flint and a Republican Congress that didn't care either.

Michigan's two Senators, DEBBIE STABENOW and GARY PETERS, have spent nearly a year trying to work out some kind of solution—any kind of solution—that the Republicans who control Congress would agree to. They even got a fully paid for emergency relief package to move through the Senate with 95 votes—95 votes in the Senate—only to watch in horror as Republicans in the House are trying to tank it.

Recently, major floods hit Louisiana. Like Flint, Louisiana received a Federal disaster declaration to make the thousands of people who have lost their homes eligible for our help. Congressional Republicans, urged on by the two Republican Senators from Louisiana, have decided to give Louisiana the support it needs to recover from this disaster as part of the government funding bill, and that is great. The Republicans who control Congress said: There will be nothing for Flint. This is raw politics. Two Republicans represent Louisiana and two Democrats represent Michigan. Congress is controlled by Republicans so Louisiana gets immediate help, but after a year of waiting, Michigan gets told to pound sand.

Is this what we have come to? Is this what politics has become? There are 100,000 people in Flint, a town where more than half the residents are African-American and nearly half live in poverty. They get nothing because voters sent two Democrats to the Senate?

This is not a game. Flint is not a Democratic city or a Republican city; it is an American city. The children who have been poisoned are American children. The principle of standing up for those in need is an American principle.

I am a Democratic Senator from Massachusetts, but I will help the Republican Senators from Louisiana. I stand shoulder to shoulder with them in their hour of need, but I am sick and tired—I am past sick and tired—of Republican Senators who come here and demand Federal funding when their communities are hit by a crisis but block help when other States need it. Their philosophy screams, ''I want mine, but the rest of you are on your own.'' It is ugly, un-American, and just plain wrong.

We must stand with the Senators from Michigan. We must stand with the children of Flint, and we must put aside ugly partisanship that is literally poisoning a town full of American families. Any Member of the House or Senate who doesn't stand with them lacks the moral courage to serve in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

SURVIVORS' BILL OF RIGHTS BILL

Mr. GRASSLEY. Mr. President, I come to the floor to speak about an overwhelmingly bipartisan piece of legislation. I had hoped to be on the floor today to celebrate the passage of the Survivors' Bill of Rights; however, as is the case far too often here in Washington, political gamesmanship is taking precedence over sound policy.

The Democratic leadership is holding up this bill for purely political reasons. The Democratic leadership is delaying passage of this noncontroversial bill despite the fact that it enjoys broad bipartisan support. They are holding up this bill despite the fact that it is critical to help victims of sexual violence. They are holding up this bill despite the fact that the same language passed the Senate Judiciary Committee unanimously. They are holding up this bill despite the fact that it passed the Senate 89 to 0 and the House of Representatives 399 to 0.

The Survivors' Bill of Rights has been championed by a courageous rape survivor named Amanda Nguyen. Amanda is the founder and president of an organization that goes by the acronym RISE, a group that worked closely with me on the development of this survivors' rights package to establish new rights for survivors of sexual assault.

Amanda was the victim of sexual assault as a college student. Her struggle with the criminal justice system in the aftermath of this event transformed her into a tireless young advocate for survivors of sexual violence. Sexual violence, as you know, impacts millions of American women and men in our country every year. Victims of such crimes should not face an uphill battle in their pursuit of justice, as Ms. Nguyen did, and that is why I included this language in the Adam Walsh Reauthorization Act. That bill, which makes grants available to help States track convicted sex offenders, unanimously passed the Senate Judiciary Committee and the full Senate just a few months ago.

I am very proud to have shepherded this bill through the Judiciary Committee. It is a commonsense piece of legislation. For months, I urged the House Judiciary Committee to pass this very bill. Thankfully, that committee and the full House passed this bill just a few weeks ago. Now the Senate must act, of course, so we can send it to the President. Unfortunately, the Democratic leadership has chosen partisan politics over helping victims of sexual violence.

Since the House passed this legislation, Amanda has been checking in with my office nearly daily on the status of when the Senate will pass this bill. While Republicans are poised to move forward on this bill, Democratic leadership has continued to stall Ms. Nguyen's efforts.

Among other things, this bill ensures that each and every survivor of sexual assault should have equal access to all available tools in their pursuit of justice. This includes proper collection and preservation of forensic evidence.

The Survivors' Bill of Rights also secures a package of new rights for sexual assault survivors. Amanda Nguyen has been working with both political parties to help fellow survivors.

It has been an honor to work alongside Ms. Nguyen on this critical piece of legislation. I will fight for Amanda and every survivor of sexual assault until this bill passes.

I call on the Democratic leadership to stop delaying this bill immediately. We have an important bipartisan opportunity to improve the criminal justice system for survivors of sexual assault.

Today I ask the Democratic leadership to simply put the victims of sexual violence on the highest of priorities. Put these courageous individuals above partisan politics. We have done this before, and we should do it again, particularly in this environment of today's speeches from the other side of the aisle, decrying the fact that there might be too much partisanship in this body. This is a chance to demonstrate not only bipartisanship but also unanimity in the U.S. Senate that has already been demonstrated on this piece of legislation and get it to the President so we can help these courageous people who are fighting to help victims of sexual assault.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today, like many of my colleagues, to express frustration and outrage that we are once again considering leaving town without helping the people of Flint, MI, and people in other communities afflicted by lead poisoning across our Nation. It is the height of irresponsibility, and we are neglecting our duty as representatives of the American people.

It has now been over a year since doctors first reported that the high levels of lead in children's blood was caused by Flint's water supply. It has been 9 months since health officials reported that an increase in the cases of Legionnaires' disease was connected to the city of Flint after it changed its source of water, but still, the 100,000 residents of Flint are unable to drink the city's water, so they are still tied to bottled water.

Up to 12,000 children living in Flint now have to live with the specter of what their future might be after being exposed to lead in their water, and we know what lead does to developing brain cells. It leads to lower IQ scores, poor performance in school, inattention and impulsive behavior, as well as aggression and hyperactivity. It severely damages the prospects of the children it has poisoned.

This is a tragic story that has outraged our Nation. Yet here we are after more than a year, and we still have not taken action.

What have we done in this last year to help the families of Flint? While we have heard speech after speech in this Chamber, we have held hearings in which my colleagues have questioned Michigan officials about what happened and what needs to be done. There have been press conferences, there have been op-eds, there have been media interviews discussing the need to take action, but here we are without taking any action and without a bill on the President's desk.

Some here may say: Well, we passed the Water Resources Development Act, which did include money to assist the citizens of Flint, but we all know that the House hasn't passed their WRDA legislation. We all know that if they did pass their bill today, it doesn't have support for the citizens of Flint. We all know that a conference committee is far into the future since the House hasn't acted; therefore, a solution is not nearby. The prospect of a water development bill to aid the people of Flint by getting it to the President's desk is simply a hope, but it is a hope that is far away.

We have a better vehicle right here, right now, and that is the continuing resolution, which will make sure that the people of Flint get the help they need. It is the bird in the hand, not the bird in the bush. However, at this moment the continuing resolution before us does not contain a single cent for Flint or other communities affected by lead poisoning. It does contain millions of dollars for the people in Louisiana hurt by the terrible flooding that hit the State, and it is certainly the right thing to do to assist the citizens in Louisiana.

Thousands of families lost their homes, their belongings, and everything they owned. There were 60,000 homes damaged by the flood. The Coast Guard, National Guard, and local first responders rescued more than 30,000 residents, and in the immediate aftermath, more than 7,000 were living in shelters.

What happened in Louisiana is a major natural disaster. It was the largest to hit our Nation since the devastation brought on by Hurricane Sandy. We need to act, but we also need to act on Flint and other cities affected by lead poisoning. Louisiana needs our help, and Flint needs our help.

When disaster strikes, we should not weigh our response by whether a community's representatives here in Congress are Democrats or Republicans. Disaster knows no party. When disaster strikes, we should not pay more attention to helping the rich and influential than assisting the poor. When disaster strikes, geography should not determine one's worthiness to receive assistance. When disaster strikes, race should play no part in our response, but when it comes to the failure to act on Flint, I believe that we in this Chamber should reflect on the role race has played.

Does anyone here think that it would take more than a year for Congress to act if this disaster in Flint had befallen a wealthy White suburb of Dallas or Orlando or Chicago or L.A., or if it were the upper middle-class White kids of lawyers and doctors and corporate executives who had been poisoned by lead? Does anyone here believe that we would have sat and done nothing?

But with Flint, which is a poor African-American community, we have done nothing. Our Nation was founded on a legacy of slavery and racism, but we were also founded on a vision of equality and opportunity, and we have moved step-by-step to put the legacy of discrimination behind us and to embrace the vision of equality and opportunity for all. We still have a long road ahead of us to achieve that vision in its entirety.

We have often been too slow to respond to the pain, the suffering, and the loss of life in our minority communities. That is why the phrase ''Black Lives Matter'' resonates powerfully. It is not OK to profile Americans based on race. It is not OK to target one community with stop-and-frisk tactics. It is not OK to treat one race as a client and another as a problem. Black lives matter, and it is time we acted like that here in the Senate.

Let's start by responding quickly from this point forward on this crisis in Flint. Let's respond with the same urgency as the crisis in Louisiana. The flooding in Louisiana wreaked havoc on Louisiana families, but we all know that the poisoned water in Flint, MI, wreaked havoc on the families there. If you go to Flint today, you see pallet after pallet filled with water, and it is scattered all over the city, necessary for drinking, cooking, washing dishes, and brushing teeth. They use it because they don't have another choice.

Yes, the people of Louisiana have suffered a great loss, and I want to help them rebuild. But we know the people of Flint have suffered a great loss, and I want to help the people of Flint—not at some vague point after the election, not at some uncertain future date. They need action now. The people of Louisiana need action now, and the people of Flint need action now. Well, actually, they needed action a year ago.

We cannot choose between helping these two American communities. Both are suffering, both are in need, and both deserve our attention. We cannot play election-year politics with people's lives hanging in the balance. We must provide in this continuing resolution—the opportunity we have before us at this very moment—aid to help the citizens of both tragedies.

I hope that our leadership from the right of the aisle and our leadership on the left of the aisle come together to negotiate a compromise that treats the people of Louisiana and the people of Flint equally. If it doesn't, I will be voting against this continuing resolution, and I urge my colleagues to do the same.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to talk about one of the most important responsibilities we have, which is the responsibility to help every community in a time of crisis.

When Sandy struck back in my home State of New Jersey, more than 100 people lost their lives, 8.5 million people lost power, and more than 650,000 homes were damaged and 40,000 more were severely damaged or destroyed. Hundreds of thousands of businesses were forced to close, with a $65 billion pricetag in economic loss in 13 States up and down the east coast. Unfortunately, emergency relief languished for weeks as some of my colleagues on the other side actually debated the value of helping others.

The junior Senator from Louisiana wouldn't vote for Sandy funding because it wasn't paid for, but now it seems he has found Jesus and seeks funding for flooding in Louisiana—and I would say rightfully so. The fact is that we can't have a disaster policy that says blue States have to pay for disasters, purple States have to partially pay, and no pay is needed for red States. We shouldn't be playing politics with disaster funding. When we do, real people suffer.

When it came to Sandy, a party that never had a second thought about giving billions of dollars in subsidies to Big Oil and never saw a tax break for millionaires they didn't like didn't step up to help families recover from one of the most devastating and ferocious coastal storms in history.

The decision to turn the responsibility of government into a political calculation is not how this Nation responds to disasters. But, unfortunately, the unthinkable is becoming all too common. We saw it this summer in a fight over providing Zika funding, which should have been a no-brainer. Alarm bells had been ringing for months, but instead of being proactive in preparing an adequate and appropriate response, Republicans chose to poison our efforts with rightwing ideological policy riders that prevented us from appropriately addressing these issues. So thanks to the majority, we did nothing while 20,000 Americans in Puerto Rico contracted the virus. We did nothing while the virus spread to the mainland, forcing the CDC to take the virtually unprecedented step of issuing a travel advisory in the continental United States—not some third world country but one of our Nation's largest and most vibrant cities, Miami. Yet, even after all of this, once again we did nothing. Why? Once again three words come to mind as they have for the last 8 years, which is Republican political obstructionism.

Now my friends on the other side seem to have moved past their state of suspended political animation and dropped their rigid ideological opposition to the Zika funding. But there are still serious issues that have a major impact on children's health that we have not acted on—namely, the lead crisis confronting not only those in Flint but those in our schools in New Jersey.

It took 3 full months for the victims of Sandy to get relief. It has taken months for this Congress to act against a clear threat of Zika. Here we are, 1 year after we learned about Flint, and yet the Republicans in Congress have done what they do best, which is absolutely nothing.

I have even heard the lame counterargument: ''Well, Flint was a manmade disaster, not a natural disaster—so we don't have an obligation to help—others.'' Seriously? We don't have an obligation as a nation to help others? I reject that argument.

The Federal Government always has an obligation to help a community facing a crisis, whether leading the initial response to the BP oil spill, responding to wildfires, superstorms, tornadoes, floods, or manmade disasters such as the failure of the levies in Hurricane Katrina. We were there as a nation. The question should not be manmade versus natural disaster. It should be the relief of human suffering in any event.

Last week, one of my colleagues dismissed the crisis in Flint as ''other people's grief.'' Other people's grief? That is a pretty stunning statement, shocking in its blatant disregard in our fundamental mission to protect every American.

In this Chamber there is no ''other people's grief.'' We are all Americans—one Nation, one community, indivisible—and in the community there is no room to brush off the crisis as ''other people's problems.'' In the case of Flint, the other people are 100,000 fellow Americans, the majority of whom are African Americans. Forty percent live in poverty, and 1 in 10 are unemployed. The so-called other people are children facing a lifetime of challenges, poisoned by a substance that we have known is toxic for decades. The other people are parents whose hearts are heavy with the thought that one of life's most basic needs—clean water to drink—is being denied to their children. The other people are community advocates who have spent the last year knocking on tens of thousands of doors trying to get the latest information to their neighbors about the ongoing health crisis. The other people were those whose health has been threatened by a local government that was more concerned about saving a buck than protecting their residents' lives. Now the Federal Government is failing them as well, by a callus dismissal that these are other people's problems—not ours, as Americans, but theirs—and they are on their own.

That is not the America I know. The America I know is one that stands together in times of crisis. We saw it in the aftermath of a disaster, whether it was first responders running into the burning towers on the morning of September 11, whether it was neighbors offering a place to sleep and a home-cooked meal to those whose homes were destroyed in Hurricane Katrina, whether it was hundreds of people who lined up to donate blood in the Orlando shooting. In a time of crisis, Americans stand together. We don't dismiss cries of help as the problems of others.

We heard talk of the urgency of providing aid to the people of Louisiana in the wake of the flooding, and I agree. But we cannot let the people of Flint be an afterthought. Now, some say the majority leader is thinking about removing the disaster aid that will help Louisiana just to prove a political point. Think about it. He would hang out communities to dry because some in his party don't want to look out for Flint. If the majority leader decides to withhold disaster assistance to both Flint and Louisiana, that would be a cynical stunt that would hurt real people and, frankly, we are better than that.

We cannot turn what should be a question of the basic health and safety of our citizens into a political calculation. But, unfortunately, the Republican continuing resolution doesn't see it that way. It focuses on corporate giveaways at the expense of families, businesses, and communities trying to recover from a disaster. While our colleagues are fighting over which communities are more worthy of disaster relief—a calculation I do not understand—they are also shamelessly pushing policy riders that favor corporations over investors, constituents, and the American public at large. They pat themselves on the back for funding to address flooding in Louisiana while quietly working behind closed doors to shield the pathways of dark money in politics.

Let me take a moment to tell our constituents what they won't see in their Republican Senators' press releases. They won't see any mention of a policy rider intended to block the Securities and Exchange Commission from requiring companies to disclose their political spending.

Here is why that is so important. The Supreme Court's 2010 decision in Citizens United fundamentally changed our Nation's campaign finance laws by opening the floodgates for unlimited and unchecked corporate spending on campaign ads, Federal and State law advocacy efforts, and many other methods of political communication.

In the 2012 elections, outside groups spent more than $1 billion, with much of it funneled through trade associations and nonprofits with minimal disclosure. In the 2016 cycle, which I don't need to remind my colleagues is far from over, outside groups have already spent $790 million. For 6 long years companies have had free rein to solidify their influence in politics and maximize their impact on elections. With no corresponding requirement to disclose how this money is being spent, there is simply no way to know if corporations are spending more money to defund Social Security or Medicare, dismantle

environmental protections, undermine education programs, or eviscerate Wall Street reform, including taking down the Consumer Financial Protection Bureau. Think about that.

The Republican Party is trying to make it harder for the American people to know how much money is being poured into the efforts that hurt consumers. In the past weeks alone, Wells Fargo perpetuated a huge scam on their customers, costing account holders millions of dollars and creating over 2 million fraudulent accounts. It was the Consumer Financial Protection Bureau that was instrumental in uncovering the scam and levying the largest fine in history.

So here we are just 2 weeks later sticking in riders to hide dark money from shareholders. That is exactly the type of dark money that attacks the Consumer Financial Protection Bureau, and the American people deserve to know who is funding those attacks.

The significance of this should not be understated. Ultimately, this is about silencing the voice of hard-working American families in favor of amplifying the speech and magnifying the influence of corporations. Unfortunately, it is all too emblematic of my Republicans colleagues' approach to lawmaking. When corporations ask Republicans to jump, they say: How high? When big banks ask Republicans to roll back critical Wall Street reforms, they say: How far? When the oil industry asks Republicans for a tax subsidy, they say: How much? It is shameless. Clearly, my Republican colleagues are defiantly turning their backs on consumers.

We cannot continue down this obstructionist path paved with the shattered remains of our long-held willingness to help each other in times of crisis. If we continue down this path when Republicans are in charge, no assistance would be provided if the east coast suffered another superstorm because those are blue States. It would mean that a slow-moving infrastructure crisis in an inner city would be ignored as ''other people's grief.'' It would mean that when Democrats are in charge, no relief would be provided for tornadoes in Oklahoma or floods in Kentucky because those are red States. That is not what we Democrats would do, and it is not, at the end of the day, the way to govern. We need to stop dividing our country into us versus them when it comes to fundamental human needs.

In this election season, let's remember that, above all, we are all Americans with common votes and shared values. Let's focus on doing right by the American people, rather than telling them we can solve all of our problems if we just turn the clock back to a better time and blame someone else—those people, the others—for our problems. That is not good politics, it is not good government, and it is not who we are as a nation or as a people.

I yield the floor.

Mr. DONNELLY. Mr. President, today I voted to move forward with a continuing resolution because I believe it is a fundamental responsibility of Congress to keep the government open. I am deeply frustrated, however, that, among the policies included in the amendment, the authors have failed to provide funding to address the Flint lead crisis or to allow the Export-Import Bank to operate at full capacity. As this body continues to work to develop a plan to keep the government operating, I strongly encourage both the majority leader and my colleagues to address these commonsense priorities.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL RICE MONTH

Mr. BOOZMAN. Mr. President, famously known as the Natural State, my home State of Arkansas holds the proud distinction as the Nation's leader in rice production.

Last year, Arkansas produced more than 50 percent of the total rice grown in the country. On average, farmers in Arkansas grow rice on 1.5 million acres each year. Ninety-six percent of those farms are family owned and operated. As the No. 1 producer of this crop, Arkansas has a unique role in the industry. That is why I am proud to recognize the 26th anniversary of National Rice Month.

I am pleased to promote policies that enable our farmers to manage risk and ensure that high-quality U.S. rice remains a staple on tables across the globe.

This industry is not only contributing to a nutritious and balanced diet, it is also an economic engine in rural America. Nationwide, the rice industry accounts for 125,000 jobs and contributes more than $34 billion to the U.S. economy. In Arkansas, rice contributes more than $1.8 billion to our State's economy and provides thousands of jobs. We can increase both of these numbers even more if we open additional markets for our rice producers to compete in.

Rice farmers all across America would benefit from a changing policy with Cuba because rice is a staple of the Cuban diet. The U.S. Department of Agriculture estimates that U.S. rice exports could increase by $365 million per year if financing and travel restrictions were lifted. Arkansas' agricultural secretary has said that the economic impact on the State's rice industry could be about $30 million.

Rice production is efficient. More rice is being produced on less land, using less water and energy than 20 years ago. As great stewards of the land, rice farmers are committed to protecting and preserving our natural resources. I am proud to celebrate 26 years of National Rice Month and honor the more than 100,000 Americans involved in the rice industry.

Additionally, I wish to make a comment about the devastating floods that northeastern Arkansas experienced in August. The recent floods caused serious damage to crop production, including rice. Many of these crops were near harvest stage.

The University of Arkansas estimates that the State suffered $50 million in crop losses due to the recent flooding. This damage has largely flown under the radar, and the final damages may be more than this preliminary estimate. The Governor of Arkansas has requested disaster assistance from the USDA, and last week the Arkansas congressional delegation wrote a letter in support of the Governor's request. Secretary Vilsack committed to me that he would expedite this request as quickly as possible, and I encourage him to do so.

Agriculture accounts for nearly one-quarter of Arkansas' economic activity. One out of every six jobs in Arkansas is tied to agriculture. Rice production is a vital part of agriculture's contribution to Arkansas' economy. I am committed to helping our rice producers succeed in today's global economy.

MORNING BUSINESS

Mr. BOOZMAN. 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. Without objection, it is so ordered.

RECENT EVENTS IN ETHIOPIA

Mr. LEAHY. Mr. President, I want to bring the Senate's attention to the Ethiopian Government's brutal crackdown on protestors over the past 9 months. According to Human Rights Watch, more than 500 people have been killed by Ethiopian security forces in antigovernment demonstrations since November 2015, including over 100 gunned down in early August of this year alone.

These protests by the country's two largest ethnic groups, the Oromos and Amharas, reflect enduring tensions brought on by the Ethiopian Government's longstanding marginalization and persecution of these communities. But such grievances are shared by even broader segments of Ethiopian society, including from other communities that have been forcibly evicted from their land in the name of development and the journalists, civil society activists, and countless other political prisoners sitting in Ethiopian jails for speaking out against the government's repressive rule.

The international community, including the United States, has paid too little attention to the Ethiopian Government's repressive policies, focusing instead on the country's rapid development gains and the government's cooperation on regional security. But it is time for the Ethiopian Government to acknowledge that grievances stemming from marginalization, abuse, and