

with some of the costs that will put the water back on in Flint.

When you turn on the faucet today, wherever you are, think about what would happen if you didn't have confidence that what came out of that faucet wasn't going to poison you. This is the United States of America. We can do better than this. This body has supported doing better than this. It is time to get it done.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

#### CLOTURE MOTION

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

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 5082 to H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 45, nays 55, as follows:

[Rollcall Vote No. 146 Leg.]

#### YEAS—45

Alexander	Donnelly	Murkowski
Ayotte	Enzi	Nelson
Barrasso	Ernst	Portman
Blunt	Fischer	Risch
Boozman	Flake	Roberts
Burr	Gardner	Rounds
Capito	Grassley	Rubio
Cassidy	Hatch	Shelby
Coats	Hoeven	Sullivan
Cochran	Isakson	Tester
Collins	Johnson	Thune
Corker	Kirk	Tillis
Cornyn	Manchin	Toomey
Cotton	McCain	Vitter
Crapo	Moran	Wicker

#### NAYS—55

Baldwin	Heitkamp	Perdue
Bennet	Heller	Peters
Blumenthal	Hirono	Reed
Booker	Inhofe	Reid
Boxer	Kaine	Sanders
Brown	King	Sasse
Cantwell	Klobuchar	Schatz
Cardin	Lankford	Schumer
Carper	Leahy	Scott
Casey	Lee	Sessions
Coons	Markey	Shaheen
Cruz	McCaskill	Stabenow
Daines	McConnell	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden
Graham	Murray	
Heinrich	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 147 Leg.]

#### YEAS—40

Alexander	Coats	Fischer
Ayotte	Cochran	Flake
Barrasso	Collins	Gardner
Blunt	Corker	Grassley
Boozman	Cornyn	Hatch
Burr	Crapo	Hoeven
Capito	Enzi	Isakson
Cassidy	Ernst	Johnson

Kirk
McCain
Moran
Murkowski
Portman
Risch

Roberts
Rounds
Rubio
Shelby
Sullivan
Thune

Tillis
Toomey
Vitter
Wicker

#### NAYS—59

Baldwin	Heitkamp	Paul
Bennet	Heller	Perdue
Blumenthal	Hirono	Peters
Booker	Inhofe	Reed
Boxer	Kaine	Reid
Brown	King	Sanders
Cantwell	Klobuchar	Sasse
Cardin	Lankford	Schatz
Carper	Leahy	Schumer
Casey	Lee	Scott
Coons	Manchin	Sessions
Cruz	Markey	Shaheen
Daines	McCaskill	Stabenow
Donnelly	McConnell	Tester
Durbin	Menendez	Udall
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden
Heinrich	Nelson	

#### NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. McCONNELL. Let me just say to my colleagues that Senate Republicans are prepared to pass a clean CR-Zika bill. We hope that important flood relief will be a part of it. We will continue working on this important matter.

We are now going to an important security briefing, and I will have more to say about the matter later today.

The PRESIDING OFFICER. The Senator from South Dakota.

#### UNANIMOUS CONSENT REQUEST—S. 2555

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 446, S. 2555. I further ask that the Thune amendment be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, Bob Dole, whom we all knew and still know and who is a wonderful man, said: "As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance."

So it is very difficult for me to allow Senator THUNE's bill to advance today. I have great respect for him, and that is without any question.

I am still waiting, though, on Republicans to keep a promise they made nearly 18 months ago on the Senate floor. They came to me and said: It is so important to John Kyl, whom I also

like, from neighboring Arizona. They had somebody whom they wanted to put on a very important commission. I didn't want to do it because I thought it was fair that we had somebody to pair with him. That is what we do around here. That is what Senator MCCONNELL has done, and I respect that.

But I said: Give me your word, and we will go ahead and do this.

No problem, I got their word—Senator MCCONNELL and Senator THUNE. They said they would do it as soon as the new Congress started. That is almost 2 years ago, and this woman is in limbo. There is an extremely important vote now before the Commission dealing with top boxes on television sets, and she has not been confirmed in that job.

It is wrong.

I brokered that agreement between MCCONNELL and THUNE. I didn't want it. It wasn't my idea—it was theirs—to confirm Republican Commissioner Michael Riley, the Kyl person, to a 5-year term in the FCC.

In return, I repeat, Senators THUNE and MCCONNELL assured me they would confirm Jessica Rosenworcel—I have been working on that name for 2 years—to a new term when they were in the majority. They got in the majority just a few months after that. This was in December.

She spent many years in public service. No one questions her qualifications. The Senate confirmed her unanimously in 2012. Her credentials and integrity are unquestionable. There is no doubt that she will continue to serve the FCC well.

Yet Republicans have refused to keep their promise and hold a vote on her nomination. That is breaking someone's word. As Bob Dole said: "As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance."

JOHN THUNE, from the great State of South Dakota, knows that when Senators make agreements, they should be honored. The American people also expect Congress to do its job. They are not doing their job because of what we are facing every day with Republicans.

Here is something from one of the major newspapers in America, the Washington Post. I will only read part of it:

With no budget resolution or regular appropriations bills ready to go, Congress is now merely trying to extend current funding levels for a few more months. This would allow legislators to return to the campaign trail and delay the hard decisions until after Election Day.

So far they still haven't even been able to execute that second-rate plan, though, because legislators have repeatedly tried to tuck poison-pill provisions into this must-pass bill.

The result is that with a little more than a month before the election, Congress is again flirting with a shutdown. And a year into the worldwide Zika epidemic, Congress still hasn't successfully appropriated a cent toward the crisis, nor has it passed any fund-

ing to help families affected by emergencies in Louisiana or Flint, Mich.

It can't get anyone confirmed, either.

Merrick Garland, President Obama's Supreme Court pick, famously can't get a hearing, but he's hardly the only nominee being snubbed. The Republican-led Senate has confirmed just 22 federal judges this Congress, putting it on pace for the lowest number of confirmed judges . . . [in almost 70 years] according to the Alliance for Justice. For context, the Senate had confirmed more than three times as many judges by this point in the final Congresses of previous two-term presidents George W. Bush, Bill Clinton and Ronald Reagan. In all these cases, mind you, presidents had also faced Senates controlled by the opposing party.

But it is not just that.

Continuing:

This Congress, the Senate has confirmed the fewest civilian nominees in modern history. . . . As of mid-September, just 248 nominees had been confirmed. That's, again, half the average. . . .

It is a shame that we are at a point here where I have to come to the floor—I have been in Congress for 34 years—and talk about people not keeping their word. Let somebody deny what was done.

It is unfair, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to complete my remarks with respect to this subject.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, I am disappointed that the minority has again chosen to put partisan politics ahead of passing noncontroversial, bipartisan, pro-growth legislation.

My understanding is that their sole objection to passing the MOBILE NOW Act is the wholly unrelated nomination of FCC Commissioner Jessica Rosenworcel. I know that the distinguished minority leader is frustrated that Commissioner Rosenworcel has not yet been confirmed to another term. On the floor previously, he also said that I have done everything possible within my authority as chairman of the Commerce Committee to advance her nomination through the process, and that is correct.

We had her hearing. We voted her out of the committee. Scheduling the floor is not something that I control.

What I don't understand, however, is why Senate Democrats believe that blocking the MOBILE NOW Act and other bipartisan bills that come out of my committee will help her cause. We invited Commissioner Rosenworcel to testify at one of our hearings leading up to the bill. Ironically, many of her ideas are reflected in this legislation.

The bill also reflects the priorities and hard work of so many Commerce Committee Democrats. In particular, two of the most important additions to the bill were Senator SCHATZ's Promoting Unlicensed Spectrum Act and Senator KLOBUCHAR's "dig once bill," or the Streamlining and Investing in Broadband Infrastructure Act.

If the MOBILE NOW Act is not passed by the Senate soon, their legislative efforts will have been made in vain. While I respect how important it is to Senator REID and to other Democrats that Commissioner Rosenworcel be confirmed this year, there is simply no reason for that effort to jeopardize the good-faith effort that Senators on both sides of the aisle did to create this bill. These two issues have been inexplicably linked, but they need not be.

I urge my colleagues to separate these unrelated matters and to pass the MOBILE NOW Act now without further delay.

The PRESIDING OFFICER. The minority leader.

Mr. REID. How do you feel about the American people? How do you feel about how they are being treated, with case after case hung up in the Supreme Court?

We cannot even get a hearing on Merrick Garland. Why? Because they know the appearance he will make will be a good one. After a public hearing, they will be even more embarrassed by not voting for this man.

Even though a couple of Senators didn't keep their word—and it wasn't just me and them. We have staff here who would be willing to vouch for what I just said. Even if it weren't two Senators not keeping their word, at the very least, shouldn't they be concerned about the Supreme Court, what is not going on there?

So I have no reservations whatsoever. It is unfair to come and ask for legislation to pass when we have a Supreme Court that is stymied and is working shorthanded. It is incredible that justice is not being served well in our great country.

As indicated in this article of which I read only part, Congress is dysfunctional.

As I mentioned this morning, my Republican friend, the leader, said that, well, he can't understand what is going on. There seems to be some dysfunction here.

Talk about dysfunction, during the time Lyndon Johnson was leader, we had one or perhaps two filibusters. The second was arguable. As for me, for my first 8 years, there were 644 filibusters—how is that for dysfunction—led by the Republican minority, trying to embarrass Barack Obama and bring this country to its knees. So I do not apologize to anybody for objecting to this legislation. He can bring it out every other day, and I will object to it every other minute, every other hour. It is wrong that Republicans are treating the American people the way they are.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I realize that many of my colleagues on the other side of the aisle just voted against the short funding resolution because it doesn't include critical funding for Flint. Unfortunately, I believe

this is a misguided strategy. Now, I voted against it but on the basis of something that can be corrected, having to do with the funding of the increased number of troops that we will have in Afghanistan and Iraq.

But I must be clear that the \$300 million Flint package that passed this body several weeks ago will become law by the end of the year. It is a mistake to take the country to the brink of a shutdown over an issue when we already have a bipartisan agreement on the solution.

When the national press opened the eyes of America to the lead water contamination crisis affecting Flint, MI—a city of roughly 100,000 people—I told my staff it was time to get to work, to see what went wrong and what could be done. We are so close to making this a reality.

I urge my colleagues to not create a standoff on the CR when we are taking care of the people of Flint and communities around the country, which is very important. We did this in our WRDA bill.

I know that Leader MCCONNELL spoke with Speaker RYAN and Minority Leader PELOSI this morning and assured them that he is dead serious about ensuring the Flint package becomes law once we return from the break. Let me remind you that on September 15, when the Senate passed WRDA 2016 with an overwhelming 95-to-3 vote, I pledged to not let politics or any lameduck session jeopardize the emergency relief in WRDA and to get this signed into law by the end of the year.

I have been standing with my colleagues in Michigan from the very beginning in support of our fiscally responsible solutions to help not only the Flint community but also other communities facing drinking water emergencies and water infrastructure challenges and solutions that the Republican majority Senate has supported strongly.

The Senate-passed WRDA bill not only provides the critical support that Flint needs but also would help to prevent future water and wastewater infrastructure crises across the Nation. WRDA is the right vehicle. I am committed to getting this bill to the President's desk with Senator BOXER and my good friend Senator STABENOW by the end of the year.

I know that many on the other side of the aisle are skeptical of our resolve, in particular, because of the uncertainty about the WRDA bill moving through the House this week without the Senate Flint compromise attached. It is important to understand that, unlike the Senate, different committees in the House have jurisdiction over the Corps of Engineers and the Safe Drinking Water Act. On our side, on the Republican side, they are both in the committee that I chair, and Senator BOXER is the ranking minority member.

The House Transportation and Infrastructure Committee has jurisdiction

over the Army Corps of Engineers. However, it is the House Energy and Commerce Committee that has jurisdiction over the Safe Drinking Water Act. The House WRDA bill only includes issues that are under the jurisdiction of the Transportation and Infrastructure Committee. That is why the House WRDA bill does not include Safe Drinking Water Act amendments, like the Flint package. Once the House sends us their T&I version of the WRDA bill tomorrow, hopefully, Senator BOXER and I will immediately attach the Senate Flint compromise as we conference with the House for a final bill. The Republican House leadership has already assured me this is the plan.

So it is time for us to stop playing politics with the CR on this issue and focus our attention on making WRDA 2016 a reality. I can assure you that Senator BOXER and I are in lockstep agreement to get this done. People doubted us on the 5-year highway bill we passed last year, and we showed this body that when we work together on issues such as this, our word is as good as a guarantee, even during difficult political gamesmanship like what is happening on the continuing resolution.

I urge my colleagues to trust in our unique relationship and our ability to get the Flint package and make sure it is on the President's desk this year.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I trust my colleague totally. My chairman—I trust him totally but as far as the House is concerned, no. Trust but verify.

My friend says we have the wrong-headed strategy on objecting to the CR. He has the right to his opinion, but we don't agree. This is the only way we can make the case because right now the House has the WRDA bill. All they have to do is allow a vote to cover Flint. Yesterday the Rules Committee said no. Yesterday, Chairman SESSIONS of the Committee on Rules in the House said it is an earmark, which it is not because it does not just affect Flint. In fact, it is a program to help all cities that have lead in the water that is poisoning the families.

So, trust? I have been around here a long time. I think Ronald Reagan was right when he said trust but verify. Show me the language. Show me the commitment.

I see my friend here from Louisiana. He wasn't in the Senate at the time I was here with his predecessor, but I will say this: Senator INHOFE and I—when there was a tragic problem in Louisiana with Hurricane Katrina, we stepped up and we put aside any issues in our own States to go where the suffering was. I fought so hard for Louisiana. I fought my heart out for them to get the money they needed after Katrina. And, actually, with the help of my colleague, we made sure that all the Gulf States got the money from BP to rebuild.

My heart is open to every person in this country—every child in this country, no matter where they are, whether in Louisiana, West Virginia, California, Oklahoma, or Michigan. We are one Nation under God, indivisible. And when we have an issue and a crisis, we need to move.

Here is where I see it a little differently than my friend. I think it is absolutely the right strategy to keep fighting to get the help to Flint in the CR. That is called leverage. That is called smart politics. That is called fairness. That is called justice. At the same time, I support my friend and colleague in trying to get an ironclad commitment from the House leaders.

It wasn't a good day yesterday for Flint. They turned down Congressman KILDEE's request to have a simple vote. Speaker RYAN said this is a local issue, and so did BILL SHUSTER. They called it a local issue. They do not even understand it if they call it a local issue because there was no elected local government in Flint, MI. There were leaders appointed by the Republican there.

My friend is so sincere, and I trust him 100 percent. I don't have to verify a thing he says because he is a man of his word. That is it. He knows how we feel about each other. We have never, ever, ever walked away from each other. But the fact that he and I may be in agreement doesn't necessarily bring along the people in the House.

My colleague says he has heard it on good authority. That is great. Show me in writing. Show me where it is going to happen. Show me the guarantees. Show me they are not going to load up WRDA poison pills that my friend and I know we can't—either side—accept poison pills. I don't see it. So right now, I think what we are doing is right.

I want to make a point. Many Republicans voted against the CR. It could be for other reasons. But even if many more Democrats had voted for the CR today, it would have gone down with the number of Republicans being so large voting against it. So we have a lot of work to do.

I would say, through the Chair, to our majority leader, MITCH MCCONNELL: You can add this thing in 2 minutes. You can talk about jurisdiction. We add all kinds of things to CRs. This would be something where we could keep in Louisiana, we could keep in everything else, and we could add in a totally paid-for bill.

None of the other emergencies are paid for, by the by. They just go on the debt, on the credit card, pretty much. But we have paid for every penny of this, thanks to my friend's leadership and thanks to my friend from Michigan, who stepped up and did away with a program in the auto industry that was very important to her because she wanted to do the right thing.

Here is the path forward. Our leader can look at the vote. It was pretty sad for his clean CR, as he calls it. It is not clean. That went down in flames. He can simply add Flint to it, and we

would pass it in a heartbeat. Or the House can take up and pass the Senate WRDA bill or send us a completely ironclad statement as to time, place, venue, and when they are going to fix the Flint issue.

I know my friend from Michigan would like to be heard, but this is not rocket science. We have a bill fully paid for that takes care of the whole country and is not an earmark. It passed here with 95 votes. Let's get it done. Disentangle it from WRDA. Disentangle it from WRDA and pass it on the CR. Disentangle it. Take care of the people. Whether they are in Louisiana, West Virginia, Maryland, Michigan, let's take care of the people. That is our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe I actually had the floor anyway, and I am glad to yield the floor, which I will do to my colleague from Michigan. But I want to make sure I am clear in the statement I made in that I don't disagree and that my colleague doesn't disagree with the statements I made.

We have a commitment to do everything we can to ensure this is in the WRDA bill. I tried to explain the difference in jurisdiction, which makes it impossible for them to do it over there within the T&I Committee. They have jurisdiction over WRDA but not these particular provisions.

I have a lot of things in the CR I am really wanting to get done. I mentioned the military end, but on the Zika funding, I have given speeches on the floor saying how important this is because I happen to have a grandniece in Florida who is pregnant right now. So I am really interested in getting this thing done, and it is going to get done. It is going to be a part of the ultimate CR.

I just wanted to say—and I listened to the statement by the ranking member of the committee that I chair, and I don't think she disagrees with anything I am saying in terms of our commitment to getting it done. I understand where she is coming from, and I will yield the floor.

Mrs. BOXER. Mr. President, through the Chair, I would just like 1 minute to respond.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I agree with my colleague. If we can get an ironclad commitment to fix the Flint issue in WRDA and not just a vague conversation that somebody had—that NANCY PELOSI had with PAUL RYAN, but I have to look at the public statements. The public statements are that a big leader in the House said this is an earmark. It is not. The Speaker over there, who is supposed to care about poor people and kids, said it is a local issue, which it is not. They voted down a chance to have a vote. It is not very encouraging.

I am always encouraged when my colleague from Oklahoma speaks be-

cause he is the most positive person I have ever met. He says we are going to get it done. And if it is up to us, it gets done. But there are other people who don't view this issue the way he and I view this issue. All I am saying is, as I wind down my days here, I have had a lot of experience in expecting that I get things done.

People have said to me: Oh my God, you are right. You are so right. You are on target. Don't worry. Well, that is all good, but show me the money. Show me the path. Show me the ironclad path for Flint, and I will step out of the way in a heartbeat, believe me.

I encourage my friend to keep working with the Republicans, and I will work with the Democrats. Let's get an ironclad way that assures the people of Michigan that, finally, they are going to have some light at the end of the tunnel.

In closing, I would say the simplest way to do it is just to add the package to the CR. It is easy. Just do it. It doesn't have a cost, it has all been thought out, and 95 of us have voted for it. Get it done. For the life of me, I don't know how the majority leader can't do this thing. Just do it. As they say in the Nike ad: Just do it.

Every religious organization in the country from the Catholics to the Jews, to the Muslims, to everybody else has said: Yes, this is a moral issue. Take care of these people. I had the list today. It is in the RECORD.

We are all supposed to be people who care about moral issues and care about our children. When my friend said he has a pregnant niece in Florida, my heart skipped a beat. It is a scary time. That is why we have to take care of the Zika issue.

At the same time, if his niece was in Flint and bathing in water that still has lead in it, he would be just as upset. I know he cares deeply. My friend cares deeply. If everybody cared as deeply as he does, we would be in good shape.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I want to thank two really great leaders on the Environment and Public Works Committee—the chairman and ranking member. I absolutely take the chairman at his word. I have since the beginning. Chairman INHOFE has been an extraordinary leader on this issue and other infrastructure issues. I believe him completely in terms of what he wants to get done, and the same goes for our ranking member, Senator BOXER. I have no doubts whatsoever.

Two weeks ago, when we passed the WRDA bill 95 to 3 in the Senate—the bill that helped the people of Flint as well as other communities that have water and lead-in-water issues—I was prepared to go and, in fact, went to House colleagues, Democratic colleagues, and said: I trust the chairman and ranking member. Let's get the bill going in the House, even if Flint is not

in it. Let's get it to a conference committee and work it out because I trust them, and we will make sure it is in the final package.

Well, the bill didn't get taken up in the House due to whatever problems they had a week ago. Then we began to hear there was not support for Flint in a final bill. We heard, on the one hand, from the Speaker that the CR was not the appropriate place—that WRDA was the appropriate place to help families in Flint. But, by the way, he said: I don't support helping the families in Flint in WRDA. It was the same thing with the chairman of the committee.

I know there are multiple jurisdictions. The distinguished chairman of the committee that has jurisdiction in the House, Congressman FRED UPTON, supports the provision, and we are very grateful for his leadership and help as well. So this is easily worked out in terms of the jurisdictions because the people with the jurisdiction are not objecting to this.

We have been given every signal now, coming from the Republican majority in the House, that there is not a willingness to help. As late as yesterday, with the Committee on Rules, there was an amendment offered to put it in order to vote on it in the House, and it was rejected. We were looking for some sign that was concrete, that was real, that we can actually do this, and over and over we are getting exactly the opposite messages. So then we find ourselves in a situation where the one thing we do know is going to happen is the short-term continuing resolution, and another State, other communities—Louisiana being the principal one with flooding—are going to get help. I support that. I have supported every disaster effort that has come before the U.S. Senate on behalf of many, many, many other States and communities that are not even close to Michigan because I think that is what we should do.

So the people in Flint, MI, have been waiting and waiting and waiting every day—bottled water—every day, trying to figure out how to get more bottled water, and once again they are being told wait and maybe something will happen—maybe something will happen—but Louisiana is so important, we are going to do it now. I don't think it should matter what your ZIP Code is or whether you have Democratic or Republican Senators. I believe it is our requirement—our obligation—to help.

Then, to add insult to injury, we are the only disaster situation coming forward that is fully paid for by eliminating a program. We phase out a program I authored in 2007 that predominantly affects my State in order to pay for help for Flint and other communities—we are not just helping Flint but other communities with lead and water problems because it is so important. It is about lifesaving measures, literally, for people. It is easy to put this on the CR. It is totally paid for. We are not cutting another program to

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.

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#### 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.

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#### 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 "con-

sensus 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 Justice 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