Charles Koch admitted as much in an interview last year. When asked what he hoped to get from his hundreds of millions of dollars in political donations, here is what he answered—and this is a direct quote: ''I expect something in return.'' Yes, he does.

This is not the American democracy our Founding Fathers established.

The Supreme Court's disastrous Citizens United decision has constructed a political system that has effectively put our government up for sale to the highest bidder. Because of Citizens United, our country has no real restrictions on the money a billionaire or anyone else can spend to buy the government they want. This is proven day after day with the Kochs. They are in fat city. They have unlimited amounts of money.

I went to one of these minor billionaires a couple of years ago, and I said: You have wasted your money. It didn't help. You know what he said to me? He said: It doesn't matter. I have it to waste. I guess the Kochs, with their $100 billion—the man I met was just a billionaire, but they have even more to waste.

As a country we must reject the Koch brothers' efforts to buy our democracy. We must work to rid the system of this dark money. We must address the issue of campaign finance and the unrestrained spending that is squeezing the American people out of their own government.

It is time we revive our constituents' faith in the electoral system and let them know their voices are being heard and not just the Koch brothers' voices.

Mr. President, will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2016

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2848, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2848) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

McConnell (for Inhofe) amendment No. 4979, in the nature of a substitute.

Inhofe amendment No. 4980 (to amendment No. 4979), to make a technical correction.

The ACTING PRESIDENT pro tempore. The majority whip.

CONTINUING RESOLUTION

Mr. CORNYN. Mr. President, shortly the two leaders of this Chamber will be headed to the White House to update the President on discussions over keeping the government funded and up and running past the end of the fiscal year, which is September 30. I want to briefly remind our colleagues how we ended up in this situation, why it is we are talking about a short-term continuing resolution from this point until December 9 and then revisiting the issue beyond that by December 9.

It is pretty clear everybody understands that a CR, as we call it around here—a continuing resolution—is really a stop-gap spending bill to fund the government, and it is the result of our Democratic colleagues filibustering the regular appropriations process. As the Presiding Officer knows, there are 12 appropriations bills that need to be considered by each of the appropriations subcommittees, then they are voted on by the committee itself, and then they come to the floor of the U.S. Senate, where we take them up in a transparent and orderly sort of way—each of those 12 bills—or at least that is the plan. We brought up bill after bill to do just exactly that this year, and this is the first time since 2009 that all 12 bills have been voted out of the committee and are now available for us to act upon.

That is the way the legislative process is supposed to work and that is the way that is transparent to the American people so they know exactly what we are doing, and they can call us and say: We don't like that or they can call us and say: Well, I do like that. The point is, this is far superior to short-term continuing resolutions or the dreaded omnibus bill that we had to deal with last year; again, as a result of our inability to get the appropriations process to work.

This year, our Democratic colleagues stopped the regular orderly process of passing appropriations bills. One might ask: For what purpose? Well, it is pretty obvious their purpose was to make sure they had maximum leverage in order to force the Federal Government to spend more money—not just on national security matters, which would enjoy a lot of support on this side of the aisle, but to use any increase in national security spending to leverage more nondefense discretionary spending, breaking the caps that have been agreed upon in a bipartisan way previously.

So this is the reason we find ourselves in this distasteful and unpleasant position—Democratic obstruction. Now we are forced to deal with a short-term stopgap bill, which is nobody's first solution. It is not my second or third, but it is something we must deal with, and we will.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. President, separately, yesterday our country observed the 15th anniversary of the terrorist attacks on the World Trade Center and at the Pentagon and in a field in Pennsylvania, where brave patriots brought down this plane rather than allow it to come to the Capitol and create or cause other damage and perhaps loss of life. We know that about 3,000 Americans died just in the attack on the World Trade Center.

All of us remember where we were on that day. I certainly do. The only other time in my life that I can tie back to a historic and sad event like that was when John F. Kennedy was killed when I was in junior high school. I remember exactly where I was when President Kennedy was assassinated. So it is that I remember exactly where I was and what I was doing when those planes hit the World Trade Center and those 3,000 Americans lost their lives.

It is important for us to send a message that evil shall not prevail. Americans from all backgrounds came together in a beautiful display of patriotism and fraternity following that terrible day of September 11, 2001. Of course, following those attacks, the United States took military and diplomatic action to bring justice not only to those families but to demonstrate the consequences of attacking the American homeland, but the truth is, the victims and their families still don't have the ability to get justice from the people—including the governments—who helped fund those terrorist attacks. That is where the bill, the Justice Against Sponsors of Terrorism Act, comes into play because if this legislation is signed by the President, it will become the law of the land. It will amend the Foreign Sovereign Immunities Act in a way that will allow Americans to sue State sponsors of terrorism when the terrorist attack occurs on American soil. Believe it or not, under current law, that can't happen. So this law is one that is designed to make sure these families who are still grieving and still don't have closure will be able to seek justice in a court of law against the people who killed their loved ones on September 11.

This is a bipartisan bill. My primary cosponsor in the Senate is Senator SCHUMER from New York. As a matter of fact, this is so bipartisan as to be nonpartisan. It passed the U.S. Senate by unanimous consent. Any individual Senator who wanted to, could stand up and say: I object, and it wouldn't have happened, but nobody did. So by unanimous consent, we passed this legislation in the U.S. Senate. Last Friday, in the U.S. House of Representatives, it passed without any objection. It passed unanimously. I know it is pretty hard for people to actually believe anything gets passed unanimously here in Washington in this polarized political environment, but this bill was passed unanimously.

Now, just after the anniversary of these tragic attacks, the Justice Against Sponsors of Terrorism Act is headed to the President's desk, perhaps as early as today. This legislation will give victims of terror attacks and their families the opportunity to seek justice in a court of law from those who fund and facilitate terrorist attacks.

I want to make clear that contrary to some of the reports, this legislation

doesn't mention any foreign government at all. It is agnostic. What it says is, if you fund and facilitate a terrorist attack on American soil, you can be hauled into court to answer for your crimes, and the families can seek compensation as they would in any other personal injury or wrongful death lawsuit.

This is a straightforward piece of legislation. It simply provides the mechanism to help victims of terrorist attacks on U.S. soil find the justice they need. The American people, through their elected representatives, have been clear in their support for this legislation.

Unfortunately, President Obama has already threatened to veto it, and for what reason I simply am at a loss to say, but I want to point out that this veto threat isn't about a President and his soured relationships with Congress; it is about the victims of 9/11 who have made clear they deserve to have this avenue of justice made into law.

Again, this legislation doesn't mention any particular country, and it doesn't decide the merits of any claim these family members may have. That is left to our justice system, as it should be.

Just yesterday, the families of the 9/11 victims sent a letter imploring President Obama to sign this bill. This is a powerful letter.

Mr. President, I ask unanimous consent that the full text of the letter be printed in the RECORD following my remarks.

The families speak openly in this letter about the grief they still feel not just on the anniversary of 9/11 but every single day. They talk about why justice is so important and how this legislation would help ensure that ''justice delayed for the 9/11 families will not become justice denied.'' And they are right. That justice may have been delayed, but it will not be denied under this bill.

At the end of the letter, they plead with President Obama and ask him not to ''slam the door shut and abandon us. We need the Executive Branch to join Congress and protect us and all future victims of terrorism.''

They say: ''Please sign JASTA.''

These victims have certainly been through a lot and they certainly have the strength of their conviction. I admire the courage they display every single day to get up in the morning and go on about their lives in the aftermath of so much loss and so much tragedy. The least we can do is to make JASTA law so they and others in the future can have access to the courts and a path to justice.

Again, this bill doesn't decide the case; that is left to the court of law. It doesn't target an individual country; it says that any country who sponsors and facilitates and funds terrorist activities on American soil can be called to answer for it in court.

Frankly, I find it baffling that President Obama would rather make life easier for State sponsors of terrorism than he would lend support to the families of 9/11. He should sign this bill. It has an overwhelming display of support in Congress on behalf of the American people. I hope he reconsiders his previously threatened veto, but if President Obama does veto it, I hope he doesn't leave the American people and the victims of terrorism in limbo. If he is going to veto this legislation, he should not delay so Congress can quickly consider whether to override that veto and make the Justice Against Sponsors of Terrorism Act the law of the land. There is a way, if the President decided to play games with the victims of 9/11 and these families who have suffered so much, that he could make it hard, if not impossible, for Congress to vote to override the veto, but one thing he can do, out of respect for them and the memory of their lost loved ones, is to go ahead and veto it, if that is his determination, and then send it back here and then let Congress vote to override the veto, which I am confident we will.

Mr. President, I yield the floor.

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

SEPTEMBER 11, 2016.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are all mothers, fathers, wives, husbands or children who lost loved ones in the cruel and devastating attack on America fifteen years ago today.

We miss them. And we grieve at what they have missed in lives cut short by terrorists whose immediate targets were innocents and whose ongoing target is everything America has stood for, fought for and promised to protect and defend since our union was formed. And we anguish especially as we witness the spread of the poisonous ideology that is determined to ensure that 9/11 was only the beginning.

This is a hard day for all of us. But, as we are sure you must know, they are all hard, not just the anniversaries. For some of us, though, this day is harder than any since the attack and we want you to understand why.

We and so many other families have fought for years to know all of the truth about 9/11. We have fought to ensure that anyone and any entity that may have had a responsible role in the murder of 3000 people in New York, at the Pentagon and across a field in Pennsylvania is held to account for their actions. And, we have struggled to make sure that our laws—and those who are sworn to uphold them—leave nothing undone in our battle against terrorism.

The Justice Against Sponsors of Terrorism Act addresses a missing piece of America's antiterrorism campaign—a piece that is missing because of grievously errant misconstructions of earlier laws meant to ensure that the families of Americans harmed or killed as a result of terrorist attacks with respect to which foreign governments may be complicit will be able to seek justice in our courts. That right is important for our Nation, because it will help to deter state-sponsored terrorism. It will help uncover truth—such as the mysteries surrounding the ability of 19 hijackers—barely educated, not speaking much English and without visible resources—to come to America, learn to fly, set up camps in several cities and hijack four commercial airliners, crashing them spectacularly into the heart of our Government and the heart of our economy.

You have had your differences with us about JASTA. And we have been supportive of the reasonable efforts Congress has made to address your misgivings. But, now, Congress is done, and the result is legislation that both the United States Senate and the House of Representatives passed without a single dissenting voice.

JASTA will be delivered to you soon, perhaps tomorrow. And, here lies the reason this day is made even harder than past anniversaries: we don't know what you will do. We are left to wait, to hear remembrances and reassurances and regrets.

Mr. President, we don't need your comfort. We have each other. We don't need words—other than the words ''I will sign JASTA into law when it reaches my desk.'' We need those words and a simple action—the stroke of the only pen that can give us and the American people the assurance they need that your foreign policy and your defense of this great Nation include a determination that truth be our guidepost, that victims of terrorist attacks also have rights in our courts and that the justice delayed for the 9/11 families will not become justice denied.

Please, Mr. President, don't slam the door shut and abandon us. We need the Executive Branch to join Congress and protect us and all future victims of terrorism. Please sign JASTA.

Sincerely,

Terry Strada, widow of Tom Strada, North Tower; Sylvia Carver, sister of Sharon Carver, Pentagon; Veronica Carver, sister of Sharon Carver, Pentagon; Bill Doyle, father of Joseph Doyle, North Tower; Gordon Haberman, father of Andrea Haberman, North Tower; Alice Hoagland, mother of Mark Bingham, Flight 93; Emanuel Lipscomb, survivor, civilian rescuer, NYC; Marge Mathers, widow of Charles W. Mathers, North Tower; Ellen Saracini, widow of Capt. Victor Saracini, pilot of Flight 175.

Kristen Breitweiser, widow of Ronald Breitweiser, South Tower; Curtis F. Brewer, widower of Carol K. Demitz, South Tower; Gail Eagleson, widow of John B. Eagleson, South Tower; Lisa Friedman, widow of Andrew Friedman from World Trade Center; Tim Frolich, personal injury survivor, North Tower; Monica Gabrielle, widow of Richard Gabrielle, South Tower; John Jermayn, personal injury survivor FDNY; Mindy Kleinberg, widow of Alan Kleinberg, North Tower; Kathy Owens, widow of Peter J. Owens Jr, North Tower; Melissa Raggio Granato, daughter of Eugen Raggio, South Tower; Charles G. Wolf, widower of Katherine Wolf, North Tower.

The ACTING PRESIDENT pro tempore. The assistant minority leader.

THE APPROPRIATIONS PROCESS AND ZIKA VIRUS FUNDING

Mr. DURBIN. Mr. President, my friend and colleague from Texas came to the floor to describe the budget and appropriations process which we face in this session of Congress. Our fiscal year begins October 1, and it is only a few weeks away. Under the orderly course of business, we would pass 12 different appropriations bills and fund the government for the next fiscal year. To date, we have not passed any of those bills in the Senate.

I would like to say a word in defense of the Senate Appropriations Committee on which I am honored to serve. This committee has had lengthy hearings and has produced 12 appropriations bills. I would say that these bills

are good, bipartisan bills and with only a few exceptions are being brought forward in good faith in an effort to meet our constitutional obligation to fund the government.

One of the earliest bills that were brought forward was the Military Construction and Veterans Affairs bill. It is not considered to be a highly controversial bill, and it was understandable that it was one of the first appropriations bills brought to the floor. The Senators who prepared the bill—Republican Senator KIRK from Illinois, my home State, Democratic Senator JON TESTER—brought it to the floor. They added a provision in the bill that the President asked for to deal with the Zika crisis.

Back in February, President Obama asked for $1.9 billion to deal with the public health crisis caused by this mosquito-borne disease, the Zika virus. We have reports from around the world that pregnant women who are infected with this virus by a mosquito or by other means are giving birth to children with terrible birth defects. The President called on us in February to give him the resources to help fight the spread of this mosquito in Puerto Rico, one of the territories of the United States, and in the United States of America and also asked for the resources to help develop a vaccine, which all of us would be interested in seeing as quickly as possible, to protect innocent people from this mosquito-borne disease.

So we took the President's request, and after some debate, Senators Murray and Blunt, a Democrat and Republican, agreed on $1.1 billion of the $1.9 billion asked for by the President. They added it to the Military Construction spending bill. It made sense. When they called it for a vote here in the Senate, the vote was 89 Senators in favor of this Military Construction appropriation bill with the Zika money included. I felt pretty good about that.

On a bipartisan basis, we had responded to the President in May of this year and passed the first appropriation bill to be sent to the House. What my friend from Texas, the Senate majority whip, failed to mention was what happened to that bill once it left the Senate. So 89 Senators, both Democrats and Republicans, supported the bill and sent over what we considered to be a responsible, clean bill. What did the House do? Did it take up this measure and pass it with the emergency provisions to deal with the Zika crisis? No. Therein lies the problem with the appropriation process. The same House Republican majority that ran John Boehner of Ohio out of town as Speaker decided to flex their muscles on this bill. Do you know what they put in the bill? They took this bill that was a bipartisan clean bill and added the most objectionable political issues.

Let me give an example. They added into this bill a question about whether Planned Parenthood would be funded to provide family planning, especially for women who were trying to avoid a pregnancy because of the threat of the Zika virus. They put a prohibition against the funding of Planned Parenthood. Last year, 2 million American women used Planned Parenthood. It is understandable that when they attack Planned Parenthood, it is a controversial issue. I stand in favor of what Planned Parenthood does when it comes to family planning. Others disagree. But why would you add that to a bill on a public health crisis about Zika? Why would you put it in a Military Construction and Veterans Affairs bill that has nothing to do with Planned Parenthood's activities?

Secondly, the House Republicans cut $500 million out of the Veterans' Administration that was being used to expedite the claims of veterans. We know the story back in Chicago and Illinois. A lot of our deserving veterans have been waiting in line for month after wary month for approval of their disability claims. We put in resources to speed that up. The House Republicans took the $500 million out of the Veterans' Administration. That is controversial, unnecessary, and unfair to veterans.

Then, to add insult to injury, there was a third provision. They decided to suspend the authority of the Environmental Protection Agency when it came to the use of certain chemicals to fight the mosquitoes. Well, that carries controversy with it. Clean water is certainly something we all value, and we wouldn't want to compromise it. The House Republicans added that in.

There was one more provision they added to make it clear that this was a political exercise from the House. Listen to this one. There was a ban on the display of Confederate flags at U.S. military cemeteries. The House Republicans removed that ban so that Confederate flags could be displayed at U.S. military cemeteries.

So a bill we passed with 89 votes—a strong, bipartisan bill—a bill that included a bipartisan compromise to deal with the Zika virus in a timely fashion, was sent over to the House of Representatives and was freighted with the most political issues imaginable to be sent back home over here.

If the Senator from Texas wonders why the appropriations process broke down, don't blame the Senate Appropriations Committee. For the most part, they have done their work. Don't even blame the Senate itself. When it came to voting on the Military Construction bill, we voted on a bipartisan basis to go forward. The process fell apart across the Rotunda with the House Republicans.

So if we are going to get this done—and I hope we do—we need a short-term spending bill called a continuing resolution. It will take us through the month of October, a campaign month, through the month of November, when we return and face the Thanksgiving holidays, and into early December. That, to me, is a reasonable thing to do to give us time to finish the appropriations process, but in the meantime, we have to get back on track—and the President joins me in what I am about to say—to take out these controversial political provisions, particularly those originating in the House from the Republican leadership, and get down to the business of funding this government in a responsible fashion.

I will take exception to one statement by the Senator from Texas. He said the Democrats were trying to spend more money. That didn't quite tell the whole story. We have an agreement which says that if we want to increase defense spending—I will vote for that—we have to increase nondefense spending in a similar fashion—same amount, equal amount. Why would we want to increase nondefense spending? Education, Pell grants, student loans, helping children in Head Start Programs, making sure hungry families across America have enough to eat, making certain the FBI is adequately funded—there are a lot of things when it comes to the nondefense side that are important for America's future and for our security. All we are asking for is fair treatment. Increase the Department of Defense, similar increase in nondefense spending—that is it.

If we can get back on track, I think we can, incidentally, get this done. I hope the leadership on the Republican side—and they control the House and the Senate—will decide to give us this short-term CR until early December and put a clean Zika provision in, the same one that passed the Senate. That would be a way to resolve our differences and to address this public health crisis which has taken too many lives across the world and has certainly caused horrible outcomes when it comes to pregnancies of women who are infected.

AFFORDABLE CARE ACT

Mr. President, last week a number of my Republican colleagues came to the Senate floor to discuss the Affordable Care Act, otherwise known as ObamaCare. They didn't come to offer the Republican alternative to the Affordable Care Act. They didn't come forward with proposals on how to improve the Affordable Care Act. They came here basically to say they were against it, period. That is no surprise.

Considering that the Republicans have spent the last 6 years attacking the Affordable Care Act, I think it is time that America hears at least some part of the other side of the story. I would like to take a moment to talk about what has happened in this country since the passage of the Affordable Care Act, or ObamaCare.

Since the Affordable Care Act became law, the uninsured rate has declined by 43 percent in America, from 16 percent uninsured in 2010 to 9.1 percent in 2015. To put it another way, the number of uninsured people in the United States has declined from 49 million in 2010 to 29 million in 2015. Stated

another way, more than 20 million people have gained health insurance because of this law. For the first time ever, more than 9 out of 10 Americans have health insurance.

Have you ever been in a position in your life when you didn't have health insurance? Have you ever been a father with a brandnew baby who needed the best medical care and you didn't have health insurance? Have you ever wondered how you would take care of your child and your family when you couldn't provide them with health insurance? I have. I went through it. It scared me to death—a brandnew dad, so happy and proud, and then a medical challenge in my family occurred, and we had no health insurance. I went to a local hospital here with my wife and baby, sat in the chair in the ward, and waited for our number to be called. I was a law student and I didn't know what was going to happen next. Luckily, we had good medical care. We paid for it. The care that wasn't covered by insurance cost us quite a bit of money in those days, and it took us a long time to pay it off. But I never felt more inadequate as a father than sitting there without health insurance. Have you ever been there? If you have, you will never forget it. I have been there.

For this country, 20 million people today have the peace of mind of health insurance who did not have it before ObamaCare. This represents the largest decline in the uninsured rate since we created Medicare and Medicaid in the 1960s.

Since the Affordable Care Act became law, Americans no longer have to worry about a lot of discriminatory things that were being done to families before we passed the law. Health insurance companies can no longer refuse to provide you insurance because of a preexisting condition.

Does anybody in your family have a preexisting condition? Certainly in our family, and most. It could be diabetes, a child who survived cancer—think of all the possibilities. In the old days before the Affordable Care Act, they could just say no in terms of covering your family or raise the rates to high heaven to make it impossible to pay for insurance. This provision alone on preexisting conditions protects 129 million Americans, 19 million children. When the Republicans come to the floor to say they want to abolish the Affordable Care Act, what do they say about the 129 million Americans with preexisting conditions? What do they say about the 19 million children with preexisting conditions? Not one word.

These insurance companies can no longer charge women more than men for the same insurance policies. That is right. There was blatant discrimination—charging women more than men for the same health insurance policies. Who is protected by that? Well, 157 million women in America. Did the Republicans suggest, when they abolish ObamaCare, what they are going to do to protect these women? Not a word.

Insurance companies can no longer impose annual or lifetime caps on benefits. Remember those days? People get gravely ill, a diagnosis they hadn't expected, an accident, and then they find out they are in for a long period of care, which is very expensive, and they check and find that their health insurance plan has a cap on how much it will pay. The rest of it was on your shoulders, and for many people that meant a trip to bankruptcy court. This provision alone protects 105 million Americans—including 39.5 million women and 28 million children—who were previously subject to these arbitrary caps. What did these Republican Senators say about protecting these families if they abolished ObamaCare? Nothing.

No longer, incidentally, under ObamaCare, can insurers spend large percentages of your premium dollars on advertising and the salaries of the fat cats who run the company. This has protected 5.5 million consumers who received nearly $470 million in rebates last year. Under ObamaCare, insurers can't impose copays on important preventive health services, such as immunizations, cancer screenings, and birth control.

Because of the Affordable Care Act, because of ObamaCare, Medicare is better for the 55 million seniors who depend on it. There was the dreaded doughnut hole. Do you remember that one? That was when a senior on Medicare would have pharmacy bills. The original Medicare Program for pharmacy didn't cover all expenses. It is a strange thing to explain, but it would cover expenses on the front end of the year, and then they would have to go into their savings accounts. I would say to the Senator from Florida, who knows senior issues better than most, it was called the doughnut hole, and we changed it.

So we changed it. We are filling the doughnut hole. We are closing it and phasing it out. That saves 10.7 million Medicare prescription drug beneficiaries an average of almost $2,000 each. What have we heard from Republicans about replacing that provision? Nothing.

The Affordable Care Act also encourages health care providers to focus on quality of care, not just quantity. As a result, American lives are being saved. Because of the provisions in ObamaCare, hospital-acquired conditions have declined 17 percent in 6 years. Infections, adverse drug events that resulted in patients staying in hospitals longer and even dying have dramatically decreased. That has prevented 87,000 deaths over the last 4 years.

In Illinois, we have seen the benefits as well. Between 2013 and 2015, the rate of uninsured among 18- to 64-year-olds decreased from 17.8 percent to 10.6 percent, a 7.2-percent drop, one of the largest in the Nation. Prior to ObamaCare, the Affordable Care Act, an estimated 1.8 million Illinoisans were uninsured. Today, the number is below 800,000.

In terms of health insurance monthly premium costs, Illinois ranks 15th as one of the most affordable nationwide. Now Republican Senators single out newspaper headlines talking about premium increases. They have claimed ObamaCare is the reason. I am troubled by certain aspects of these rate increases. I think it is important to take a close look at them.

In recent years, there have been a lot of stories in the press about premium increases for some plans, in some cities, for some people. The Republicans have come to the floor to tell all of these stories that they can. It is important to note that premiums for employer coverage, Medicare spending, and health care prices have all grown more slowly under the Affordable Care Act than before.

For employer premiums, the past 5 years included four of the five slowest growth rate years on record. Medicare spending is $473 billion less than was projected before the Affordable Care Act. Health care price growth since the Affordable Care Act became law has been the slowest in 50 years. You don't hear that in the speeches from the other side of the aisle.

Where premium increases have been most prevalent is in the individual market. Out of 350 million Americans, 11 million are in this market. I am troubled by the increases in those markets. But it is important to remember that is a small portion of the overall market. Most people who get coverage through the insurance exchanges of ObamaCare—that is more than 80 percent of them—receive a tax credit to help them pay their premiums. Let's not forget that premium increases were around long before the Affordable Care Act.

In 2005, 5 years before the Affordable Care Act, a Los Angeles Times headline read, ''Rising Premiums Threaten Job-Based Health Coverage.'' In 2006, 4 years before the Affordable Care Act, a New York Times headline read, ''Health Care Costs Rise Twice as Much as Inflation.'' In 2008, 2 years before we passed the law, the Washington Post headline read, ''Rising Health Costs Cut Into Wages.''

Democrats passed the Affordable Care Act to combat these premium increases, which were devastating families, bankrupting individuals, and squeezing employers' budgets. Despite all the anti-ObamaCare rhetoric being peddled by my Republican colleagues, the major aspects of this law are working. More Americans are insured than ever before. We have ended the most discriminatory and dishonorable practices of the health insurance industry, and we have taken important steps to improve and strengthen Medicare.

Is the law perfect? No. The only perfect law was carried down the side of a mountain on clay tablets by Senator Moses. All the rest of our efforts can use a little work. I think Senator NELSON from Florida and I would agree. We

supported the bill, but we would sit down with the Republicans tomorrow to find ways to strengthen it, make it fairer, make it better. That is constructive, but that is not what we hear from the other side. The other side says: It must go away. That is no way to bargain.

Instead of working, Republicans have, at every possible opportunity, tried to end the Affordable Care Act. They broke all records in the House of Representatives. We think they voted 60 times to abolish the Affordable Care Act. It almost became the regular vote before they went into recess: Oh, before we leave, let's vote to abolish it—knowing that that wasn't going to happen and shouldn't happen.

What we know now is that we can make this law better. We should work to do it. We have to deal with some of the issues that are before us. If the Republicans would sit down, there are some steps we could take together. The marketplaces are working for the vast majority of Americans. Some 88 percent of enrollees live in a county with at least three choices for health care. There is still more we can do for those who have only one or two choices to face in their areas.

When we debated the Affordable Care Act, many of us on the Democratic side, myself included, said: Why don't we have one Medicare-like public plan that is available across the United States? That could compete with private insurers and bring prices down. There was a lot of fearmongering. People stopped us from our efforts to include a universal Medicare plan as part of it. I would like to return to it.

To help balance the risk pool and attract Americans in the marketplaces, particularly healthier younger people, we should expand financial assistance to help middle-class families better afford coverage. We must address one other issue that we all know is front and center—the price of pharmaceuticals, the price of drugs. This is the elephant in the room when it comes to this conversation. It is one which most Members of the Senate and House are running away from.

When drug companies increase their prices or put new treatments on the market that are exceedingly expensive, insurance companies are forced to come up with the money to cover the cost, and often they pass the cost along in higher premiums. An Illinois insurer recently told me that drug expenses, the cost of pharmaceuticals, used to account for about 15 percent of this health insurance policy cost. The number now, a year later, is up to 25 percent, and there is no end in sight.

We have asked doctors and hospitals and medical device companies and other medical professionals to bring us quality and lower costs, but we put no burden on the pharmaceutical companies. The most recent Medicare Part D data show that 46 percent of the most commonly prescribed drugs had a double-digit price increase in 2014. A recent Reuters report found that prices for 4 of our Nation's top 10 drugs have increased by more than 100 percent since 2011. Six others went up 50 percent. What did that mean for those who use the drugs?

The price for the arthritis drug Humira went up 126 percent. The multiple sclerosis drug COPAXONE went up 118 percent. The asthma drug Advair went up 67 percent. Mylan Pharmaceuticals just increased the price of EpiPens. Did you read about that one? They increased the price of EpiPens from less than $100 for a pack of two in 2007 to more than $600 today. It is the same drug but a 550-percent increase in cost.

This last Friday in Chicago, a young man came to see me. He has been battling diabetes for as long as he has been alive. It is a daily battle; it is an hourly battle to try to ensure that he doesn't succumb to this disease. His mom and dad were with him. He put in front of me a list of what it costs now for insulin and for the basics that diabetics need across America. The costs just keep going dramatically. It is not pinned to the original research cost of the drug at all. Many of these drugs were on the market for years at a reasonable cost, but now the pharmaceutical companies are kiting the costs. Let me be clear. We will not be able to get a handle on rising health care costs if we are unable or politically unwilling to address escalating drug prices.

Something has to be done. I support a wide range of ideas, from requiring drug companies to disclose how they arrive at pricing, to allowing Medicare to negotiate for drug prices, from shortening the monopoly period that drug companies enjoy before generic competition, to ending the pay-for-delay arrangements that necessarily keep generic drugs and lower prices away from consumers. We should also explore imposing a tax on companies that arbitrarily raise their prescription drug prices significantly over the previous year.

I will close. The bottom line is, the Affordable Care Act is working. Twenty million Americans now have health insurance. Being a woman is no longer considered a preexisting condition. Kids can stay on their parent's health care plans up to age 26. Insurers can no longer kick someone off insurance if they get sick or cost too much.

Just as we had to make changes and improvements in Medicare over the years, the Affordable Care Act can work better if we set aside politics and sit down together and work on it. The Affordable Care Act is here to stay. So let's stop trying to repeal it and undermine it. Let's make it stronger and better for the future of America.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. DURBIN. Mr. President, I will be happy to yield through the Chair.

Mr. NELSON. Mr. President, I want to say to the Senator from Illinois that that was an excellent recitation of what the Affordable Care Act has done to ensure health insurance and provide health care for the people of our country. This Senator just wants to underscore one statistic that the Senator from Illinois cited. The Senator cited that 20 million people in the country have health insurance who did not have it before.

If the Senator would recall, when we started this deliberation on cobbling together this new law, we were told that there were approximately 45 million people in the country who did not have health insurance. Now, when you break down that 45 million, 11 million of them are undocumented and, therefore, under the law are not eligible to have health insurance.

So that leaves 34 million. When you take the 20 million that presently have health care that the Senator cited and add to that 4 million more that will be covered by Medicaid expansion in the 16 States that have refused to expand Medicaid to 138 percent of poverty, now we are talking about 24 million of an eligible population of 34 million. That is two-thirds. That is extraordinary. That has happened just in the last few years.

Would the Senator from Illinois believe that?

Mr. DURBIN. In response through the Chair, the Senator from Florida knows this issue as well as or better than most. He understands the progress that has been made. I am sure he agrees with me that we can do better; we can improve this law. We can make it work better, but only if we do it in a constructive, bipartisan way. I listen carefully when my Republican colleagues come to the floor thinking they want to abolish the Affordable Care Act and replace it with—they never finish the sentence. They don't have a replacement.

So what are we going to say to the 20 million Americans who now have health insurance because of this law? You are on your own again. Sorry, your family is not covered. That is no answer. I would agree with the Senator from Florida that we have come a long way. We can improve this law and make it better and stronger. I think our goal to bring more people under the protection of health insurance and to slow the rate of growth in health care costs has been achieved. But to make it go forward in the right way we need to work together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

ZIKA VIRUS FUNDING

Mr. NELSON. Mr. President, I want to speak about health care, and it is a health care crisis that is upon us right now. It is the Zika crisis. Happily, if my voice will hold out, I am here to share with the Senate that I think we have finally found a path forward to fund the fight against Zika. The specifics are still being worked out, but it seems that there will be a deal, and we

will soon be able to move forward on doing what we tried to do last summer, which is to fund the crisis that we know as the Zika crisis.

Let me just briefly describe it. Populations outside of the continental United States, such as Brazil, are highly infected populations because of the presence of this type of mosquito, the Aedes aegypti mosquito. It is not like a normal mosquito. Normal mosquitoes come out at night. They fly all around in the countryside. When this Florida boy grew up, I was bitten by so many mosquitoes I was almost immune. But this aegypti mosquito lurks in the dark corners of your house. She lays her eggs, her larva, in stagnant water—but not a pool, not a pond like normal mosquitoes; they can lay their larva in a still surface of water as small as a bottle cap that has caught water. As a result, this mosquito transmitting the virus feeds not on one person at a feeding but four people. Thus, an infected mosquito has now transmitted the virus to four people who, in turn, can now transmit it to others by sexual contact or another uninfected mosquito bites the infected person. Now that mosquito is infected and it goes go on. You see how it can expand.

In Florida, there are 756 cases of the virus that we know of, and that includes 84 pregnant women. Why do I say pregnant women? Because if you get the virus, it is just like a mild flu, but if you are pregnant and you get the virus in the first trimester of pregnancy, there is a 2-percent to 11-percent chance that your baby is going to be deformed. The virus attacks the developing fetus in the brain stem and causes the brain and the head to shrink. That is what we are dealing with.

When we left in the summer, early July, to some Senators it was ''out of sight, out of mind,'' but we have seen the increasing numbers of cases, thousands now nationwide, 756 in Florida alone. By the way, that is just what we know of. The CDC is estimating that there are four people walking around with the virus for every one that we know of, so you see the problem.

To bring this back to politics, I can tell you that the people in Florida are very agitated. I have been there the last two weekends, and I can tell you it is the No. 1 issue on their minds. The fact that some of our Republican colleagues—particularly in the House of Representatives—are willing to put ridiculous riders on the Zika funding bill and insist on that for three votes—let me take you back. Remember, we had an overwhelming, bipartisan vote in this Senate for $1.1 billion to get at it. To do what? Local mosquito control, health care assistance, and continued research on the vaccine. We are another 1 year or 2 years away from the vaccine, but the Food and Drug Administration is ready to go with the first trial. It takes money. They have run out of money. We need to do it. The Senate recognized that.

We passed it months ago, I think by 89 votes out of the 100 Senators. We sent it to the House, and the House decided to play politics. They add something to do with the Confederate flag. They add something to do with defunding Planned Parenthood. They add something that has to do with cutting Medicaid money going to Puerto Rico. Why is that particularly onerous? The CDC estimates that 25 percent of the population of Puerto Rico is infected, that a quarter of the people are infected. Of all places, an island territory with American citizens—a territory of the United States—is where we ought to be helping with health care for a very poor population. We shouldn't be cutting additional funds for Puerto Rico. Yet that is what we have been faced with.

I am of a mind of new optimism now because I think common sense is beginning to break out.

In this Florida situation of 756 cases, we have seen newspaper reports that the State of Florida government hasn't been transparent about the spread of the virus in our State. Over the weekend, the Miami Herald reported that ''the information issued by the governor and state agencies has not been timely or accurate—cases announced as 'new' are often several weeks old, because of a time lag in diagnosis—and excludes details that public health experts say would allow people to make informed decisions and provide a complete picture of Zika's foothold in Florida.''

As we have said many times on this floor, this is not the time for political games. Those games should be over, and we should do it. The wonderful news that a deal is being struck is welcome news to this Senator.

The threat that this country faces from the spread of this virus is real. The virus-carrying mosquito, the Aedes aegypti, is in the State of the Senator from Iowa—a State you wouldn't normally think of as having mosquitoes. We are in the midst of a public health crisis, and it should be treated like the emergency it is.

So as we await the final details of this possible deal, it is important to remember that no one agency, State, or leader is going to solve this crisis alone. Those who saw this virus as a political opportunity are the ones who got us into this mess of delay, month after month. The virus is not a political opportunity; it is a public health emergency. To stop the spread of the virus, we are going to have to do what we did months ago—come together in a bipartisan fashion.

As Congress comes together to finally act, we are going to need leaders across the country to act prudently and expeditiously to put these funds to use as quickly as possible.

Members of Congress, pass the Zika bill. We need it now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

FBI'S RELEASE OF CLINTON INVESTIGATION MATERIAL

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my speech articles from the Boston Globe on September 6, 2016, and the New York Times on September 8, 2016.

Mr. President, today I wish to discuss my very serious concerns about the FBI's selective release of Clinton investigation material and especially how the Senate is handling the unclassified but not yet public information provided by the FBI.

On the Friday before a holiday weekend, the FBI chose to release to the public only two of the dozens of unclassified documents it provided to the Congress.

Director Comey said: ''The American people deserve the details in a case of intense public interest'' and ''unusual transparency is in order.'' He is right. The people have a right to know, but actions speak louder than words. Right now the public has only a very narrow slice of the facts gathered by the FBI.

The FBI has released only its summary of the investigation and the report of the interview with Secretary Clinton. However, its summary is misleading or inaccurate in some key details and leaves out other important facts altogether. There are dozens of unclassified reports describing what other witnesses said, but those reports are still hidden away from the public. They are even being hidden from most congressional staff, including some who have been conducting oversight of the FBI on these issues. Why? Because the FBI improperly bundled these unclassified reports with a very small amount of classified information and told the Senate to treat it all as if it were classified.

This is certainly not the ''unusual transparency'' Director Comey said he would provide. In fact, it is just the opposite: unusual secrecy. Normally, when an agency sends unclassified information to the Office of Senate Security, the office that handles and controls classified information, there is a very simple solution. The executive order and regulations governing classified information require that information be properly marked so that the recipient knows what is and is not classified.

In the past, when the Judiciary Committee, which I chair, needed to separate classified information from unclassified information, the Office of Senate Security very simply looked at the markings on the paper and provided copies of the unclassified information without any restrictions, but that has not been done in this specific case. Why not? Because the FBI has instructed the Senate office that handles classified information not to separate the unclassified information which could then be made public. Think about that. The FBI, part of the executive branch of government, is instructing a Senate office about how to handle unclassified information.

Our Constitution creates a carefully balanced system of separation of powers—executive, judicial, legislative. The executive branch cannot instruct a legislative branch office to keep information from the public unless the legislative branch agrees or there is a legal basis for keeping the information secret.

There are laws governing the handling of classified information, but those laws cannot and should not be used to shield unclassified FBI documents from public scrutiny and vigorous constitutional, congressional oversight. But even setting aside the constitutional concerns, what is happening now is totally inconsistent with the executive branch's own rules and regulations regarding classified information. This is what Executive Order No. 13526 says:

> The classification authority shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document or prepare a product to allow for the dissemination at the lowest level of classification or in unclassified form.

That is the quote from Executive Order No. 13526. The binder the FBI delivered containing interview reports is, very largely, unclassified. The vast majority of these reports are unclassified in full and the rest have only a few classified paragraphs in each one.

According to the executive order I just quoted, the FBI—part of the executive branch of government—should have provided a separate set containing primarily classified material that could not be separated from an unclassified portion.

Further, that same executive order states—and I want everybody to get this quote: ''In no case shall information be classified, continued to be maintained as classified, or fail to be declassified in order to: prevent or delay the release of information that does not require protection in the interest of national security.''

That is an executive order that ought to bind the FBI. Unclassified material is, by definition, information that does not require protection in the interest of national security. Yet contrary to this executive order, it is being locked away from the public and even most congressional staff and maintained as if it were classified.

Americans deserve accountability from their government. There will not be any accountability if the Federal Government is not transparent. The American people deserve to know the truth. I want to be clear with the American people about what is going on here. If the FBI wants to provide unclassified information to Congress but also keep it hidden from the public, then it should discuss the issue with the committee and negotiate any restrictions beforehand. It should not be allowed to unilaterally impose its will on its oversight committee by delivering documents with all kinds of restrictions that prevent the committee from using those documents. The selective releases of some of the documents deprives Congress and the public of the full context. It is not fair to the public, to the Congress, or to Secretary Clinton. That is why, using common sense, even Secretary Clinton has called for information to be released in full. I agree with her 100 percent.

The FBI says it sent these documents to the Hill in keeping with our oversight responsibilities. Well, oversight and investigation mean more than just receiving whatever information the FBI provides. Independent oversight means double-checking the facts, it means contacting witnesses, and it means asking followup questions. We can't use these documents to help us perform these three steps if they are locked away in the basement of this building. In order to do its job, the committee will have to refer to these documents in the course of speaking to other witnesses and writing oversight letters. This is principles of investigation 101—very elementary.

The FBI is still trying to have it both ways. At the same time the FBI talks about ''unprecedented transparency,'' it is placing unprecedented hurdles in the way of congressional oversight of unclassified law enforcement matters. It turns over documents but with strings attached. It unilaterally instructed the Senate to keep them secret, even though they are unclassified. They want to keep the information locked up. If we honor that instruction, we cannot do our constitutional duty of acting as an independent check on the executive branch and, in this case, the FBI.

At least the FBI has publicly released small portions of this unclassified material I am talking about. However, that selective release has contributed to inaccuracies in the public discussion of this issue. That is why I agree with Secretary Clinton that it should all be released as soon as possible.

Here is why: On Tuesday, the Boston Globe article wrote about evidence from the publicly released FBI summary that suggests an engineer for an IT company managing the server may have intentionally deleted emails, even though that engineer knew they were the subject of a congressional investigation subpoena.

That is the article I asked for and received permission to put into the CONGRESSIONAL RECORD.

The timeline of that deletion the Boston Globe is talking about occurred around the conference call with that engineer, Cheryl Mills, and David Kendall—Hillary Clinton's lawyers. Relying on the publicly available information, some have claimed the engineer deleted the emails on his own volition.

Whether he did so on his own or at the instruction of somebody else is of course a very key question, and there is key information related to that issue that is still being kept secret, even though—it is being kept secret—even though it is unclassified. If I honor the FBI's instructions not to disclose the unclassified information it provided to Congress, I cannot explain why.

Meanwhile, the New York Times has reported that a second computer expert that worked on Secretary Clinton's servers for a contractor was also given immunity by the Department of Justice. The Department of Justice didn't inform Congress about the immunity deal. The Department of Justice is briefing the New York Times anonymously while refusing to answer questions from its oversight committee about the immunity deals.

Why is it the New York Times gets information for investigation, but the Committee of Commerce doesn't get that same information? At the same time, the FBI is putting a stranglehold on unclassified documents that describe what these witnesses said to the FBI. This is the opposite of the transparency which we are told by the FBI is so important because this is a high-profile case.

The other witness granted immunity—Bryan Pagliano—pled the Fifth to Congress. Congress has a right to question these individuals. They have reportedly received some sort of immunity for their cooperation with the FBI. The public ought to know what information they provided in exchange for a get-out-of-jail-free card.

The American people deserve the whole truth. The public's business ought to be public, and if it is not classified, then all the facts should be part of the public discussion.

Inaccuracies are spreading because of the FBI's selective release. For example, the FBI's recently released summary memo may be contradicted by other unclassified interview summaries that are being kept locked away from the public. Unfortunately, the public can't know without disclosure of information, that the FBI has instructed the Senate not to disclose.

I have objected to those restrictions. I have written to the Office of Senate Security twice, noting that the Judiciary Committee did not agree to those restrictions. I have asked the FBI to provide the unclassified material directly to the committee. That letter has not been answered.

These kinds of restrictions and document controls on unclassified information have no legal basis and there is no authority for them. They are unprecedented and out of bounds. They violate the executive order I quoted—the executive order on classified information—and they intrude on Congress's constitutional authority of oversight.

This is not only an issue for the Judiciary Committee, this isn't only an issue in regard to what the FBI investigated or didn't investigate in regard to Secretary Clinton, this is an issue for every Senator—all 100 Members of the Senate—and every Senate committee to give deep consideration to because Senators need to consider the consequences of allowing the executive

branch to unilaterally impose restrictions on unclassified information like this and tell a separate branch of government what we can do under the Constitution.

Every Senator should realize, if this is allowed to stand, that other agencies will be able to abuse the system to undermine transparency, and we need transparency in government to have accountability in government. The Senate should not allow its controls on classified material to be manipulated to hide embarrassing material from public scrutiny, even when that material is unclassified.

The FBI ought to do what it should have done from the very beginning: release all the unclassified information to the public.

When Director Comey told me that he was going to bring these binders to the Hill and cooperate with Congress, giving us this information, I raised this very question with him in that telephone conversation.

Now more than ever, the public has a right to know the whole picture and all the facts gathered by the FBI. Let the people see all of the evidence, and let the people judge for themselves. That would be true transparency.

As a constitutionally elected official, I have an obligation to my constituents to represent them, be honest with them, assist them to the best of my abilities, and to make sure that what is the public's business actually is public. I cannot in good conscience do that when the FBI attempts to assert a vise grip on unclassified information that would be helpful in answering the calls and letters from my constituents. How can I look Americans in the eye and tell them that I have answers but can't share those answers because the FBI says so, even though the answers come from unclassified information?

So to my fellow Americans but most importantly to my colleagues here in the Senate, in times like these, I cannot help but think about a quote from Thomas Jefferson: ''It is the people, to whom all authority belongs.'' It is the Federal Government that works for us; we do not work for the Federal Government. Facts and information gathered by public officials that are relevant to the debate over a public controversy belong to the public. I urge my colleagues to discuss and resolve this issue together.

I will continue to do everything in my power to ensure that the full set of facts is brought to light.

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

[From The Boston Globe, Sept. 6, 2016]

HOUSE REPUBLICANS SEEK INQUIRY ON WHETHER CLINTON OBSTRUCTED JUSTICE OVER E-MAILS

(By Michael S. Schmidt)

WASHINGTON.—House Republicans asked the Justice Department on Tuesday to investigate whether Hillary Clinton, her lawyers, and the company that housed her e-mail account obstructed justice when e-mails were deleted from her personal server.

It was the second time in two months that Republicans urged authorities to open an inquiry related to Clinton.

Representative Jason Chaffetz of Utah, chairman of the House Oversight and Government Reform Committee, said the e-mails should not have been deleted because there were orders in place at the time from two congressional committees to preserve messages on the account.

''The department should investigate and determine whether Secretary Clinton or her employees and contractors violated statutes that prohibit destruction of records, obstruction of congressional inquiries, and concealment or coverup of evidence material to a congressional investigation,'' Chaffetz said in a letter to the US attorney's office for the District of Columbia.

Chaffetz also sent a letter to the Denver-based company that housed the account, Platte River Networks, with a request for documents and information related to the account and the deletions.

Since FBI Director James B. Comey announced July 5 that the bureau would recommend that Clinton not be charged in connection with her use of the account, Republicans have pushed the Justice Department to continue investigating her.

Just five days after Comey's announcement, they asked the department to open an inquiry into whether Clinton had lied in October when she testified before the committee investigating the 2012 attacks in Benghazi, Libya.

Clinton dismissed Chaffetz's request when asked about it by reporters on her campaign plane in Tampa, Fla. ''The FBI resolved all of this,'' she said. ''Their report answered all the questions; the findings included debunking the latest conspiracy theories.''

Representative Elijah E. Cummings, the top Democrat on the Oversight and Government Reform Committee, said the request for another investigation was ''just the latest misguided attempt to use taxpayer funds to help the Republican nominee, Donald Trump, and to essentially redo what the FBI has already investigated because Republicans disagree with the outcome for political reasons.''

The Republicans' request has been met with silence from the Justice Department and the FBI, and prosecutors have shown no indication that they are willing to open another investigation. Legal analysts have said making a perjury case against Clinton would be hard.

The FBI released 58 pages of investigative documents Friday related to its inquiry into Clinton's e-mail practices and whether she and her aides mishandled classified information. The documents included a summary of an interview agents conducted with her and a memorandum about the case.

According to the documents, a top aide to Clinton told Platte River Networks in December 2014 to delete an archive of e-mails from her account. But Platte River apparently never followed those instructions.

Roughly three weeks after the existence of the account was revealed in March 2015, a Platte River employee deleted e-mails using a program called BleachBit. By that time, both Chaffetz's committee and the special committee investigating the Benghazi attacks had called for the e-mails to be preserved, according to Chaffetz.

''This timeline of events raises questions as to whether the PRN engineer violated federal statutes that prohibit destruction of evidence and obstruction of a congressional investigation, among others, when the engineer erased Secretary Clinton's e-mail contrary to congressional preservation orders and a subpoena,'' Chaffetz said in the letter to Platte River.

Chaffetz said a series of events in the days leading up to the deletions, including a conference call with Clinton's lawyers and the creation of a work ticket, ''raises questions about whether Secretary Clinton, acting through her attorneys, instructed PRN to destroy records relevant to the then-ongoing congressional investigations.''

Democrats said Chaffetz's facts were wrong. The FBI's memo shows that the Platte River employee who deleted the documents ''did so on his own volition and before the conference call with Clinton's attorneys,'' said Jennifer Werner, a Cummings spokeswoman.

The FBI said it was later able to find some of the e-mails, but it did not say how many had been deleted or whether they were included in the 60,000 e-mails that Clinton said she had sent and received as secretary of state from 2009 to 2013.

[From The New York Times, Sept. 8, 2016]

JUSTICE DEPT. GRANTED IMMUNITY TO SPECIALIST WHO DELETED HILLARY CLINTON'S EMAILS

(By Adam Goldman and Michael S. Schmidt)

WASHINGTON.—A computer specialist who deleted Hillary Clinton's emails despite orders from Congress to preserve them was given immunity by the Justice Department during its investigation into her personal email account, according to a law enforcement official and others briefed on the investigation.

Republicans have called for the department to investigate the deletions, but the immunity deal with the specialist, Paul Combetta, makes it unlikely that the request will go far. Representative Jason Chaffetz of Utah, the top Republican on the House oversight committee, asked the Justice Department on Tuesday to investigate whether Mrs. Clinton, her lawyers or the specialist obstructed justice when the emails were deleted in March 2015.

Mr. Combetta is one of at least two people who were given immunity by the Justice Department as part of the investigation. The other was Bryan Pagliano, a former campaign staff member for Mrs. Clinton's 2008 presidential campaign, who was granted immunity in exchange for answering questions about how he set up a server in Mrs. Clinton's home in Chappaqua, N.Y., around the time she became secretary of state in 2009.

The F.B.I. described the deletions by Mr. Combetta in a summary of its investigation into Mrs. Clinton's account that was released last Friday. The documents blacked out the specialist's name, but the law enforcement official and others familiar with the case identified the employee as Mr. Combetta. They spoke on the condition of anonymity because they did not want to be identified discussing matters that were supposed to remain confidential.

Brian Fallon, a spokesman for Mrs. Clinton's presidential campaign, said that the deletions by the specialist, who worked for a Colorado company called Platte River Networks, had already been ''thoroughly examined by the F.B.I. prior to its decision to close out this case.''

''As the F.B.I.'s report notes,'' Mr. Fallon said, ''neither Hillary Clinton nor her attorneys had knowledge of the Platte River Network employee's actions. It appears he acted on his own and against guidance given by both Clinton's and Platte River's attorneys to retain all data in compliance with a congressional preservation request.''

A lawyer for Mr. Combetta and a spokesman for the Justice Department declined to comment.

In July, the F.B.I. director, James B. Comey, announced that the bureau would

not recommend that Mrs. Clinton and her aides be charged with a crime for their handling of classified information on the account.

Five days later, Mr. Chaffetz—who has led the charge in raising questions about the F.B.I.'s decision—asked prosecutors to investigate whether Mrs. Clinton had lied to Congress about her email account in testimony in October before the special committee investigating the 2012 attacks in Benghazi, Libya. That request has been met with silence from the Justice Department.

The House oversight committee has asked officials from Platte River Networks, Mr. Combetta and others to appear at a hearing before his committee on Tuesday about how the email account was set up and how the messages were deleted.

According to the F.B.I. documents, Mr. Combetta told the bureau in February that he did not recall deleting the emails. But in May, he told a different story.

In the days after Mrs. Clinton's staffers called Platte River Networks in March 2015, Mr. Combetta said realized that he had not followed a December 2014 order from Mrs. Clinton's lawyers to have the emails deleted. Mr. Combetta then used a program called BleachBit to delete the messages, the bureau said.

In Mr. Combetta's first interview with the F.B.I. in February, he said he did not recall seeing the preservation order from the Benghazi committee, which Mrs. Clinton's lawyer, Cheryl D. Mills, had sent to Platte River. But in his May interview, he said that at the time he made the deletions ''he was aware of the existence of the preservation request and the fact that it meant he should not disturb Clinton's email data'' on the Platte River server.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume.

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

Mr. INHOFE. Mr. President, we are going to have a vote here shortly, and it is going to be one of the major, significant votes.

First of all, I know the occupier of the Chair is very aware of the things we have been doing in the committee called Environment and Public Works. Most of the stuff we have been doing is very meaningful, including the highway bill, the chemical bill, and now the WRDA bill. These are all things that have to be done.

Last week I talked about the WRDA bill and why it is important to pass it now. Just to take a look at some of the major news stories from the past few months, earlier this summer we saw algae wash up on the beaches of Florida. This is a problem that will have significant impact on the health of Floridians, as well as negatively impacting Florida's biggest industry—tourism.

The WRDA bill 2016 has a solution to the problem. We have a project that will fix Lake Okeechobee to prevent this problem in the future.

I know a little bit about this because a lot of people are not aware that in my State of Oklahoma we have more miles of freshwater shoreline than any of the 50 States. That is because most of them are manmade lakes. They have a dam down here with lots of shoreline going around them, but, nonetheless, I had a personal experience with what they call blue-green algae. You think you are on your deathbed when you are there.

This chart behind me shows a plume in St. Lucie, FL. It is a picture of an algae plume caused by deteriorating water conditions. Not only are these plumes environmentally hazardous, but they also are economically debilitating to communities living along South Florida's working coastline. Communities along the coast depend on clean, freshwater flows to drive tourism.

Just weeks ago, we saw historic flooding in Baton Rouge, LA, and we have seen communities destroyed and lives turned upside down. In this WRDA bill, there are two ongoing Corps projects that will prevent the damages we saw. WRDA 2016 directs the Corps to expedite the completion of these projects.

The second chart shows the flooding in Baton Rouge, LA. We can no longer use a fix-as-it-fails approach as it concerns America's flood control. There is just too much on the line. We are not just talking about economic loss but devastating floods. We have all seen that, experienced that, and we are talking about loss of human life. So this is not an option.

Last year there were several collisions in the Houston Ship Channel. Due to a design deficiency, the channel is too narrow and the Coast Guard has declared it to be a precautionary zone. The Houston Ship Channel collision in 2015 was a serious one, and without this bill, the navigation safety project to correct this problem will not move forward.

Last week I spoke about what we will lose if we don't pass this important legislation. There are 29 navigation flood control and environmental restoration projects that will not happen. There will be no new Corps reforms to let local sponsors improve infrastructure at their own expense. I am talking about this for a minute because this is significant. They are willing to spend their own money and yet it is not legal for them to do. We correct that.

There will be no FEMA assistance to States to rehabilitate unsafe dams.

There will be no reforms to help communities address clean water and safe drinking water infrastructure mandates. This is something that those of us from rural States—in my State of Oklahoma, we have a lot of small communities, and there is nothing that horrifies them more when they have an unfunded mandate. They say we are going to have to treat the water and it is going to cost $14 million. They don't have any access to that kind of money. I suggested last week that there are a lot of similar problems. So this goes a long way to correcting these unfunded mandates. When I was mayor of Tulsa, the biggest problem we had was unfunded mandates.

Without this bill, there will be no new assistance for innovative approaches to clean water and drinking water needs, and there will be no protection for coal utilities from runaway coal ash lawsuits. We will be addressing this and recognizing that there is a great value to coal ash if properly used.

These are not State problems or even regional problems, but what we have is a bill that addresses problems faced by our Nation as a whole.

To reiterate how important this bill is, I want to give a few more real examples to show how the problems we are facing now are affecting our citizens, the people who sent us here, and in Washington, this is what we are supposed to be doing.

The water resources of this bill expand our economy and protect infrastructure and lives by authorizing new navigation, flood control, and ecosystem restoration projects, all based on a recommendation from the Corps of Engineers and a determination that the projects will provide significant national benefits.

The Corps has built 14,700 miles of levees that protect billions of dollars' worth of infrastructure and homes. These are referred to as high-hazard dams or high-hazard levees, and that definition means that if something happens to one, people will die. It is not saying people will be hurt; people are going to die. We have many examples of that so the Corps projects nearly $50 billion a year in damages. Many of these levees were built a long time ago and some have failed just recently.

Chart 4 is the Iowa River levee breach. If that doesn't tell the story, the significance of this—this is a levee in Iowa that was overtopped and eventually breached by disastrous floodwaters. In many cases, levees like this one were constructed by the Army Corps of Engineers decades ago but no longer meet the Corps' post-Katrina engineering and design guidelines. WRDA 2016 will end the bureaucratic nightmare local levee districts face by allowing them to increase the level of flood protection most of the time at their own expense when the Corps is rebuilding after a flood—something they can't do now.

Let's look at the economic benefits of investing in our Nation's port and inland waterway system. We need to invest in our ports and inland waterway system to keep the cost of goods low. If we don't do that, costs will go up, and of course we want to keep creating good-paying jobs.

WRDA 2016 has a number of provisions that will ensure we grow the economy, increase our competitiveness

in the global marketplace, and promote long-term prosperity. These provisions include important harbor-deepening projects, such as those in Charleston, SC; Port Everglades, FL; and Brownsville, TX.

Take Charleston as an example. They have a 45-foot harbor. Now that they have expanded the Panama Canal and we have the boats called Panamax vessels going through—those are the great big vessels, and this poster gives you an idea of what can be carried on those. The problem with the Panamax vessels is that they take up 50 to 51 feet in the harbor. What happens to Charleston, SC, if they have the big vessels coming through the Panama Canal, coming up to come into our harbors in the United States, they have to instead go into one of the harbors in the Caribbean and divide up the containers. It is very expensive. That is just one of several of the harbors we are working on.

Everyone knows the Corps' maintenance budget is stretched thin, but WRDA 2016 comes up with a solution. This is a solution that we have in the bill we will be voting on, and we will have the major vote tonight. In the WRDA bill, we will let local sponsors, such as ports, either give money to the Corps to carry out the maintenance or get in and start maintaining using their own dollars. That is something you would think they could do now, but they can't. That is in this bill. That was the major thing the ports were pushing for in this bill.

What about in communities? I mentioned that in my State of Oklahoma, we have a lot of rural towns that don't really have the resources to do a lot of these things in the form of mandates. The bill provides Federal assistance to communities facing unaffordable EPA safe water and clean water mandates. WRDA 2016 targets these Federal dollars to those who need it the most. I know that years ago when I was the mayor of Tulsa, that was the biggest concern we had, and it is even more of a concern in these small communities. So we do it by having assistance for smaller, disadvantaged communities, with priority for underserved communities that lack basic water infrastructure; assistance for lead service line replacement, with a priority for disadvantaged communities; and assistance to address the very costly sewer overflow system.

It is worth noting that all the money in this bill is either subject to the Budget Control Act caps that govern the annual appropriations bills or is fully offset.

This is an introduction to economics. By passing this legislation and securing the appropriate funding, we can improve economic opportunities for all Americans. This is a critical moment. We must get back to regular order, passing WRDA every 2 years. We went through a period in 2007—we didn't have a WRDA bill following that until 2014. The year 2014 was the last time we did it. We decided then that if we are supposed to do it every 2 years, then starting in 2014, we are going to do it. The best evidence of that is that we are going to do it tonight.

So we will have a 2016 budget. Doing this will help us modernize the water transportation infrastructure through flood protection and environmental restoration around the country. The process we follow in this is very open. I think one of the reasons we have been successful in our committee doing the Transportation bill, the chemical bill, and now this bill, is because everybody knows what is going on and they have time to determine what is the best thing for their State.

Way back on December 9, we sent this bill from the committee to all Members of the Senate saying: We are going to do the WRDA bill, so go ahead and start working on amendments. They did that, and then, of course, for the last few weeks, we have been talking about getting amendments down to the floor, and we have done that. We brought a substitute amendment that was a result of that work to the full Senate on September 8. That amendment included over 40 provisions that were added after the committee markup.

Finally, last week I came to the floor and let all of you know that Senator BOXER and I needed to see your amendments by noon on Friday for the managers' package. By noon on Friday, we had amendments in. We considered some 35 provisions, and we have addressed most of these—I think to some degree all of them. Now those provisions are in the Inhofe-Boxer amendment that we filed today and hope to get consent to adopt shortly after the cloture vote tonight.

This has been a very open and collegial process, and all Members have had their concerns and priorities heard. We have done our best to address Members' priorities. After cloture this evening, we will continue to do our best to clear germane amendments until final passage this week.

I am very excited that we are going to be able to get this done. A lot of people sit back and say that nothing ever gets done in Washington. I have to say that in our committee we get things done, and we are going to get this done tonight.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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. 4979.

Mitch McConnell, James M. Inhofe, John Cornyn, Orrin G. Hatch, Shelley Moore Capito, Thom Tillis, Dan Sullivan, Mike Rounds, Marco Rubio, Cory Gardner, Dean Heller, Pat Roberts, David Vitter, Roy Blunt, John Barrasso, Roger F. Wicker, Steve Daines.

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. 4979, offered by the Senator from Kentucky, Mr. MCCONNELL, to S. 2848, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Georgia (Mr. PERDUE), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Pennsylvania (Mr. TOOMEY) would have voted ''yea.''

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

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—90

Alexander	Ernst	Murphy
Ayotte	Feinstein	Murray
Baldwin	Fischer	Nelson
Barrasso	Franken	Paul
Bennet	Gardner	Peters
Blumenthal	Gillibrand	Portman
Blunt	Grassley	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Boxer	Heitkamp	Rounds
Brown	Heller	Rubio
Burr	Hirono	Sasse
Cantwell	Hoeven	Schatz
Capito	Inhofe	Schumer
Cardin	Isakson	Scott
Carper	Johnson	Sessions
Casey	King	Shaheen
Cassidy	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Leahy	Tester
Corker	Manchin	Thune
Cornyn	Markey	Tillis
Cotton	McCain	Udall
Crapo	McCaskill	Vitter
Cruz	McConnell	Warner
Daines	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Enzi	Moran	Wyden

NAYS—1

Lee

NOT VOTING—9

Coats	Murkowski	Toomey
Flake	Perdue	
Graham	Reid	
Kaine	Sanders	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 90, the nays are 1.

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

The Senator from Wisconsin.

MORNING BUSINESS

Mr. JOHNSON. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT MATTHEW VAIL THOMPSON

Mr. JOHNSON. Mr. President, I come to the floor to pay tribute to an American soldier who has given his last full measure of devotion to this Nation and to the noble pursuits of liberty and peace.

Twenty-eight-year-old SSG Matthew Vail Thompson grew up in Brookfield, WI, and was a proud member of the Army Special Forces. Tragically, on August 23, 2016, he became the second American this year to lose his life while on combat duty in Afghanistan.

Staff Sergeant Thompson was truly one of the finest among us. I had the honor of attending a memorial service for Matthew at his family's church in Brookfield, where hundreds of his friends and family members paid their final respects. They loved him, of course, but they also admired him. They told stories of a generous young man, adventurous, and always ready to make friends. His father spoke about and his pastor read us something Matthew wrote 10 years ago, a list of ''all the little things'' that make life sweeter. In effect, 10 rules to live by. It shows striking maturity, especially for a young man still in his teens when he and his best friend wrote the rules.

Now, the rules are actually quite deep, and there is an awful lot written, but I just want to read the 10 rules bullet points and just refer everybody to my Web site for the full rules and all he has written.

1. Never grow up.
2. Learn.
3. Never have any regrets.
4. Live for the moment.
5. Do what you love.
6. Pursue with a passion.
7. Never settle.
8. Always take time to listen and to talk.
9. Keep a positive attitude.
10. I need God and will live for Him.

His father gave an extraordinary eulogy about his son, and he asked the congregation at the very end—he hoped, the congregation would learn from what Matthew had written.

Matthew began college at Marquette University in Milwaukee. In paying tribute to Matthew, one of his fellow resident assistants said: ''He was one of the best humans I ever knew.'' He transferred to Concordia University in California, where he earned a degree in theological studies and met his wife Rachel.

Rachel Thompson says Matthew was reluctant to date at first because of his plans to serve in the military. She said: ''He knew he wanted to go into a really specialized, extremely dangerous job.'' His first thought was to spare her the possible pain.

That danger was real. Staff Sergeant Thompson served as a medic with America's elite forces in hazardous places. He was first deployed to Iraq and then to Afghanistan. The mission he and his unit were on was considered to be ''noncombat''—advising Afghan forces on how to free their country from ongoing attacks by the Taliban, Islamic terrorists who seek to reimpose their oppressive rule. Their mission was noncombat in name only, but Staff Sergeant Thompson and his unit were patrolling ''outside the wire.'' They were exposed to every danger. They were patrolling on foot, looking for improvised explosive devices left by an enemy that seeks to kill indiscriminately. One of those bombs went off, killing six Afghan soldiers, wounding another American soldier, and taking the life of Matthew—a courageous young man who was defending the liberties on which this Nation was founded, liberties our Founders said are the birthright of everyone on Earth.

For 240 years, our service men and women have defended those liberties, and they have paid a very high price. Since the Revolutionary War, more than 42 million men and women have served in our military, and more than 1 million of these heroes have died in that service. Staff Sergeant Matthews' home State has done its part. Since statehood, more than 27,000 of Wisconsin's sons and daughters have died in military service. Every one of us wishes they could have lived in peace, to fulfill their hopes and dreams, to enrich this country in ways we will never know. Every one of us is grateful that when freedom demanded such sacrifice, they stood on guard for America.

A nation's gratitude can scarcely comfort those who loved Matthew Thompson and who suffer his loss. His wife Rachel, his parents Mark and Linda, and his sisters Karen and Robyn—but also his extended family, his friends, and his band of brothers and sisters in the Army. Our hearts go out to them, and I pray they will find consolation and peace in fond memories, in spite of their loss.

But a Nation's gratitude, inadequate as it may be, is what Staff Sergeant Thompson is fully due. Rachel Thompson recounted her last conversation with her husband. Because she knew he was doing dangerous work, she said:

I was crying. I was afraid. And he would just listen and tell me he loved me and that it was going to be OK.

For America it will be OK, as long as men and women of the caliber and spirit of Staff Sergeant Thompson continue to stand on our behalf and in defense of our freedom.

May God bless and comfort Staff Sergeant Thompson's loved ones. May He watch over all those who answer our Nation's call. May God bless America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL POW/MIA RECOGNITION DAY

Mr. CRAPO. Mr. President, in honor of National POW/MIA Day, today I wish to pay tribute to our Nation's servicemembers who have been taken as prisoners of war, POWs, and those missing in action, MIA. I also pray for resolution for the military families who await answers about their loved ones and thank those who work to ensure that all our Nation's veterans are accounted for and their service is not forgotten.

A great source of pride and comfort in being an American is knowing that if we get in harm's way, strong and resourceful Americans stand with us. Unfortunately, 10, 20, 30, 40, 50, 60 and even 70-plus years have passed since some Americans have gone unaccounted for while serving our Nation, and they have yet to be returned home.

The Defense POW/MIA Accounting Agency reports that more than 83,000 Americans remain missing from World War II, the Korean war, the Vietnam war, the Cold War, and the Gulf wars and other conflicts. This includes 333 Idahoans who have not been recovered following World War II and 25 Idahoans who remain unaccounted for who served in the Korean war. Additionally, eight Idahoans went missing while serving in the Vietnam war and remain missing: Capt. Jon K. Bodahl, Capt. Curtis R. Bohlscheid, CPT Gregg N. Hollinger, ENS Hal T. Hollingsworth, SSG William B. Hunt, 1LT William E. Lemmons, LT Roderick L. Mayer, and Warrant Officer Jon M. Sparks. Their names and service must be fixed in our national attention.

My heart hurts for the thousands of military families who have remained in limbo all these years. We can never forget their pain and the enduring service of all our service personnel who have not made it home. We must be resolute in our duty to bring them home. That is part of our responsibility as a nation to those Americans who have answered