

They have been involved in years past to make sure the John Birch Society had a place in our society—the libertarians. They were libertarians for a while.

The Supreme Court has paved the way for greedy robber barons—robber barons like the Koch brothers—to create a government that works for the richest of the rich.

Democracy demands that every American has an equal opportunity to have his or her voice heard. It should not be dependent upon how much money one has.

I am sorry to say our Supreme Court has determined that your voice is going to be much louder if you have a lot of money. A democratic system should give every American a fair shot, but every time we have tried to make an effort to fix our broken finance system, the Republicans have said no.

We had a DISCLOSE Act. We brought it before this body. It would have passed the House at that time. There were 59 Democrats. We needed one Republican—one Republican—to make it more apparent so that the American people could see where this money was coming from. Not one Republican would join with us.

Now, I came to the House of Representatives with the senior Senator from Arizona. I admire him. He is an American hero, despite what Donald Trump says. He proved himself in battle and in the prison system set up in Vietnam. I admire JOHN MCCAIN. I can remember him working with Russ Feingold, the Senator from Wisconsin, and they passed the McCain-Feingold legislation. It became the law of this country. It was a really good, strong step forward. Citizens United wiped that out.

My friend, the senior Senator from Arizona, had an opportunity to help this bad financial system the Supreme Court has put forward, and he didn't step forward. He decided to take a pass on it. I am very disappointed. I have never forgotten what he didn't do or what he could have done with one vote. We only needed one vote. We had 59, and we only needed 1 more.

Rather than secret political spending, we should have immediate disclosure—some disclosure. Rather than corporations buying influence, we should restore laws that limit the power of special interests. Rather than empowering the wealthy, we should encourage small contributions.

We must make clear once and for all that the United States of America is not for sale.

We criticized and complained about the Soviet Union and how it was. We were so happy when the Soviet Union fell and Russia became a “democracy.” Now people say that Russia is an oligarchy. What is an oligarchy? An oligarchy is a country run by a person who is controlled by wealth—the wealth of individuals and families. That is what we have in Russia, and that is what we are going to have in America if this is allowed to continue.

The Koch brothers and a few other billionaires will be in concert with—we see this line of characters running for President on the Republican ticket—it will be with them. It will be an oligarchy first class. It will match what is going on in Russia today.

We must make clear that the United States is not for sale. The Citizens United decision that we celebrate in a very adverse way today on its anniversary is bad for the country, and I hope the Supreme Court understands how bad it is for the country. It is one of the worst decisions in the history of the Supreme Court, if not the worst.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message on S.J. Res. 22, which the clerk will report.

The legislative clerk read as follows:

Veto message to accompany S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of “waters of the United States” under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally between the majority and the minority.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BLUNT. Mr. President, I ask unanimous consent that on Tuesday, January 26, at 2:15 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 306; that there be 15 minutes of debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote without intervening action

or debate on the nomination; that if confirmed, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—S. 2012

Mr. BLUNT. Mr. President, I ask unanimous consent that following morning business on Tuesday, January 26, the Senate proceed to Calendar No. 218, S. 2012, with a period of debate only until 3 p.m.

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

Mr. BLUNT. Mr. President, I ask unanimous consent to engage in a colloquy with my Republican colleagues.

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

Mr. BLUNT. Thank you, Mr. President.

We are here today to vote in about half an hour on overriding the President's veto, a congressional action that would not have allowed the country to move forward with the so-called waters of the United States rule.

The waters of the United States sounds like a lot until you look at the map beside me. This is a map of the State of Missouri and of what would be covered under EPA jurisdiction, if this rule is allowed to go into effect.

This is a map from the Missouri Farm Bureau that nobody has taken issue with, and the red part of our State would be covered by Federal Government authority. So 99.7 percent of the State would suddenly be under the jurisdiction of the EPA on all things related to water: water running off the parking lot, water running off your driveway, water running off your roof, water falling into your yard, water falling into a vacant lot if someone wants to build a house on that vacant lot—all of those things in 99.7 percent of the State. I think that three-tenths of 1 percent may be some unusual seepage area where the water runs away in a way that the EPA hasn't yet figured out how to assert jurisdiction over.

The law passed in the early 1970s, the Clean Water Act, said that the EPA would have jurisdiction over navigable waters. So, if you believe the EPA and believe this rule and believe in the President's veto, navigable waters would apparently be every drop of water in 99.7 percent of Missouri.

If the President and the administration and the EPA want to change the law where it no longer says “navigable waters,” but where it says virtually all the water, there is a way to do that: Introduce a bill, come to the Congress, and the Congress votes on that bill. If the House and Senate approve it—I know this sounds like it is a pretty pedestrian discussion. But apparently the President and EPA don't understand that it is the way to change the law. It is not just that somebody decides that all of the water in Missouri—or to be accurate, 99.7 percent of the water in our State, of the geography of our

State on any water issue—suddenly becomes the jurisdiction of the EPA.

I will assure you that if the EPA gets this jurisdiction, there is no way that they can do what they say the Environmental Protection Agency should do. That is the case in Missouri.

I am joined by my colleagues from North Dakota and Wyoming to talk about this. Certainly, we have been on the floor repeatedly to talk about this. We also talked about remedies. A great remedy would be that any regulation that has significant economic impact should be voted on by the Congress. It is a bill we have all co-sponsored called the REINS Act. Now the analogy here is pretty good—to put the reins on government. But what would really happen in the REINS Act is that anybody who would vote for a rule like this would have to go home and explain it. Frankly, I think anybody who doesn't override the President's veto had better be prepared to go home and explain it.

Senator BARRASSO and Senator HOEVEN have been vigorous in this fight. As to Senator HOEVEN, I know this is something that matters where he lives and where we live, but it is also a great indication of what happens when the government somehow believes that no matter what the Constitution says or what the law says, the all-knowing Federal Government should be in charge of everything everywhere—in this case, virtually all the water in the country.

Mr. HOEVEN. Mr. President, that is absolutely right. I join my distinguished colleague from the State of Missouri, as well as my colleague from the State of Wyoming and our colleague from the State of Iowa.

This is an incredibly important issue. It is probably the No. 1 regulatory relief that all business sectors need. Starting with our farmers and ranchers, this is a huge issue. This crosses all sectors because this is a big-time overreach by the EPA, and it really affects all property owners. You are talking about private property rights that are at stake here.

There is a fundamental principle at stake in terms of how our government works, as well. The EPA has taken through its own regulatory fiat additional authority that it does not legally possess. It has done so under a legal theory that it has advanced called "significant nexus." Essentially, it has gone beyond the jurisdiction it has, which is regulation with regard to navigable bodies of water, such as the Missouri River, for example, to, in essence, say it can now regulate all water wherever it finds it anywhere.

Now think about that. If part of the executive branch or a regulatory agency can unilaterally say, "You know what, we are not just going to operate under our legislative authority; we are just going to take additional authorities that we don't legally have in order to do what we think is our job," then we have a fundamental problem be-

cause that defies the underlying concepts of the checks and balances of our government, where the legislative, judicial, and executive all offset each other in order to protect private property rights. That is absolutely what is at stake here.

Essentially, the EPA has set a rule where they can regulate water anywhere in any capacity. So if a farmer, after a rain storm, goes out and wants to move water in a ditch, or even an individual private property owner wants to do that, do they have to apply to the EPA for a permit? How do they know? To whom do they go? Are they going to get consistent rulings? Why in the world should they be subject to an agency without legislative authority, just deciding that they are going to have jurisdiction or authority in cases where they don't have it? It is a very important principle in terms of protecting private property rights as well as the fundamental fact that it has a devastating impact on farmers, ranchers, and every sector of our society.

I would turn back to my colleague from Missouri and ask him to touch on, maybe for just a minute, what we can do about it. We are on the floor today to have a vote, and I think we need to point out how important it is that our colleagues join us in making sure that we override this Presidential veto.

Mr. BLUNT. Mr. President, I appreciate that. This is a bill that has been on the President's desk. It passed the Senate, which means that 60 Senators were supportive of this rule not being able to go forward in its current status. The President vetoed the bill. This would be a time for the Congress to stand up. If you didn't have any other interest in this fight, it is the time for the Congress to stand up and say: If you are going to change the law, the only way to change the law is for the Congress to change the law. The President appears to be willing to discover all sorts of ways that can't be found in the Constitution to change the law. But even if you were on the other side of this issue, even if you want to come to the floor of the Senate and vigorously argue that the EPA needs the jurisdiction of all the water in the country, as a Member of the Senate, the Senate should do that, the House should do that, and the Constitution should work.

Senator BARRASSO, it is clearly not working here.

"Navigable waters" has been used in Federal law since about 1846, and until the last couple of years when the EPA asserted differently, everybody always thought they knew what that meant. If you could move something on it, navigate it, then the Constitution says the Federal Government has the obligation for interstate commerce. So debating how much of the Missouri River, as Senator HOEVEN brought up, is navigable is a constitutional debate to have because it is a commerce issue.

I say to Senator BARRASSO, suggesting that all the water in the coun-

try is navigable doesn't make sense. The Senator has been one of the leaders in trying to point out for months and years now that this rule will be ruinous to economic activity.

Mr. BARRASSO. Mr. President, I want to agree and second everything that my colleague from Missouri, Senator BLUNT, had to say—that 99.7 percent of his State is underwater according to the EPA.

We had a hearing, and I looked at a map of Wyoming that the EPA presented. It looked like the entire State of Wyoming was underwater, according to the EPA. This is an incredible overreach on the part of this administration, this EPA.

It is so interesting, because the President of the United States said: Well, if you have better ideas, bring them. If you have better ideas, bring them. Well, we did. A number of us co-sponsored bipartisan legislation—a number of Democrats supported it, as well—to allow for Congress to establish the principles of what a new EPA rule would look like. It didn't say to get rid of the whole thing. It said there are ways to make it better; let the people on the ground make those decisions.

Who are the best stewards of the land? Here we are. The Presiding Officer, the former Governor of South Dakota, knows that the people of his State have a much better love of the land of South Dakota, just as the former Governor of North Dakota, who is on the floor, knows that the people on the ground in North Dakota have a much greater love of the land and respect for the land and desire to protect the land and the water and to keep the water clean, just as we do in Wyoming and in Missouri. That is what this is about.

It is about letting people who have the best interests and who are the best stewards of the land make those decisions—not, again, a Federal grab. It is absolutely absurd, and it shows a President of the United States who is acting in a way that I believe is lawless to the point that the courts have now weighed in.

The courts have begun to weigh in on the concerns with this rule that we are going to vote on today. We hope we override the veto of the President, because the courts have said: Hey, we need to take a pause. Judge Erickson of the District of North Dakota on August 27 issued an injunction that blocked the waters of the United States rule in 13 States because he said the rulemaking record was "inexplicable, arbitrary, devoid of a reasoned process"—devoid of a reasoned process. Yet the President is saying: Oh, no, they have got it all right. The President is wrong. The United States Sixth Circuit Court of Appeals put a nationwide stay on the rule in October. The court stated in granting the stay that "the sheer breadth of the ripple effects caused by the rule's definitional changes counsels strongly in favor of maintaining the status quo for the time being."

Yet the President of the United States ignores it all. Congress needs to have a say. The courts are having a say. The President needs to realize that his actions have huge impacts—negative impacts—on the economies of our States, our communities, and certainly of the entire country. So it is a privilege to be here to join my colleagues from South Dakota, North Dakota, Missouri, and soon my colleague from Iowa who will weigh in, supporting the effort to override the President of the United States on this specific piece of legislation.

Mr. BLUNT. Mr. President, we are urging our colleagues to do just exactly that—vote to override and reassert the constitutional authority of the Congress. To finish up our part of our discussion this morning is somebody who also understands the importance of the land, what it means to love and appreciate the land, how you can do that closer to the land than farther away, the Senator from Iowa, Mrs. ERNST.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, I want to thank my colleagues—the Senators from Missouri, North Dakota, and Wyoming—for their colloquy. This is a big deal, not just for those of us from these States but for all Americans. We have a choice today. We do have a choice. We can stand with our farmers, our ranchers, our small businessmen, our manufacturers, our homebuilders, or we can stand with an overreaching Federal agency that is committed to expanding its reach to over 97 percent of our lands in Iowa and, as my colleague from Missouri stated, 99.7 percent of the land in Missouri.

I know what I am going to do. I am going to stand with my constituents. I am going to stand with Iowans who have told me time and again that their voices were not heard in this process and that their livelihoods are being threatened.

Instead of listening to those who will be most impacted by this rule, the EPA thought it would be better to use taxpayer dollars to illegally solicit comments in an effort to falsely justify their power grab.

A little over a week ago, President Obama, in his State of the Union Address, pledged a willingness to work with Congress on cutting redtape. This bipartisan legislation presented a great opportunity to do just that, but instead he sided with unelected bureaucrats and an unchecked Federal agency. So apparently he must have already forgotten what he had said.

I would also like to remind everyone that in November, 11 of my Democratic colleagues voted to uphold President Obama's rule at the behest of liberal special interests. Then immediately they ran for cover by sending a letter warning the EPA that they may oppose the rule in the future if it is not fixed. Only in Washington could someone reserve the right to do their job at a

later time. Here we are 3 months later, and this rule is not fixed. Well, I say to those colleagues: Today is that later time. Join me in helping to fix this rule today.

In closing, we all want clean water. That is not disputable. I have continuously emphasized that the water we drink needs to be clean and safe. However, this rule is not about clean water; it is a regulatory power grab that harms our farmers, ranchers, small businesses, manufacturers, and homebuilders. Stand up for them today, not for a Federal agency gone wrong.

I urge all of my colleagues to vote to scrap this ill-conceived waters of the United States expansion.

With that, I yield the floor.

Mr. INHOFE. Mr. President, by vetoing Senator ERNST's Congressional Review Act resolution, President Obama is ignoring the pleas of States, local governments, farmers, small businesses, and property owners all over this country. He is ignoring the conclusion of legal counsel for the Corps of Engineers that the rule is "inconsistent with the Supreme Court's decisions in Rapanos and SWANCC."

He is ignoring determinations by two Federal courts that EPA's "waters of the United States" rule is likely illegal and therefore should not go into effect until the 32 States that have sued to stop this rule have their day in court. Finally, he is ignoring a legal decision issued by the Government Accountability Office that, in developing this rule, EPA broke the law.

According to GAO's December 14 decision, EPA's attempts to defend and promote their rule were not legitimate. In fact, GAO found that EPA's actions constituted illegal covert propaganda and grassroots lobbying. EPA conducted covert propaganda when they drafted a message of support for the WOTUS rule and then convinced 980 people to send that message to their social media network. GAO estimates that this message reached about 1.8 million people who had no idea that they were receiving a message that was written by EPA. In fact, the public was encouraged to send the EPA-written message back to EPA—the ultimate echo chamber. This is covert propaganda taken to a new extreme.

EPA engaged in grassroots lobbying activity when they posted messages on their official government website that directed the public to visit the websites of environmental activist groups who were soliciting opposition to congressional efforts to send this WOTUS rule back to the drawing board. In fact, EPA linked their government website to "action alerts" issued by these activist groups.

Because EPA's covert propaganda and lobbying efforts are illegal, they also violated the Anti-Deficiency Act. This act prohibits the unauthorized use of taxpayer dollars.

EPA issued a statement disagreeing with GAO, but their opinion is irrelevant. We live in a world of law. Federal

agencies don't get to decide what laws they chose to obey. EPA does not get to decide what constitutes a violation of the ban on propaganda and lobbying. EPA does not get to decide what constitutes a violation of the Anti-Deficiency Act. GAO does, and GAO has issued its legal decision.

If EPA continues with this illegal activity, they will do so knowing and in willful violation of the Anti-Deficiency Act, and a knowing and willful violation is a crime.

By vetoing S.J. Res. 22, President Obama is aligning himself with an illegal rule and is encouraging illegal agency activities and the unauthorized use of taxpayer dollars. This has to stop. No Member of this body should associate himself or herself with these activities.

Please join me in voting to override this veto.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to oppose the joint resolution that we will be voting on shortly, to support the Clean Water Act, and to support the clean water rule.

I was listening to my colleagues. First, let me say that the basis of the regulation issued by the Environmental Protection Agency is based upon the Clean Water Act. The Clean Water Act was passed by Congress because Congress recognized that it had a responsibility to the American people for clean water. For public health reasons, for economic reasons, for reasons of generations, we needed to make sure we have clean water supplies for drinking, recreation, public health, and our environment. So the authority to issue this clean water rule comes from an act of Congress.

Administrations have been enforcing the Clean Water Act for many years. It was fairly well understood—the waters of the United States—until there were a couple of Supreme Court cases. The Rapanos case was in 2006. It required further clarification; otherwise, decisions were made on a case-by-case basis, giving great uncertainty as to what is covered and what is not covered. That was a decade ago. Congress could have acted during that decade, but Congress chose not to act. We could have clarified the law and therefore given EPA specific instructions, but instead the uncertainty has remained.

I have often listened to my colleagues talk about how one of the most demanding problems we have is that we create uncertainty—a short-term extension of tax provisions, a short-term CR—that we don't give predictability, and that is one of the things we need to do. For farmers and ranchers and developers and the American people to be able to take full advantage of the opportunities of this country, they need to know the ground rules.

That is exactly what this clean water rule does. It sets the parameters of what is going to be regulated and what

is not. It uses the prior application—before the Supreme Court cases—as its guideline. It does not pave new ground. It is basically what the stakeholders and the public thought was the law before the Supreme Court cases, which added to the uncertainty.

If you listen to some of my colleagues, you would think they just pulled this regulation out of thin air. They had over 400 meetings with stakeholders—a 2-year process. Millions of comments were reviewed before the final regulation was issued. So this went through a very deliberative process.

First and foremost, it offers certainty on the application of the law and uses the prior application as the main way of determining what is covered, and it rejects the case-by-case uncertainty that is under existing law.

The rule protects public health, our environment, and our economy. Let me talk a little bit about that. One out of every three Americans would be getting drinking water that would not be covered if we don't get the Clean Water Act in full application—67 percent of Marylanders.

There are millions of acres of wetlands that are at risk of not being regulated. Wetlands are critically important for flood protection in many of our States, to recharge groundwater supplies—important to many of our States—to filter pollution. That is very important. It is important in Maryland. The Chesapeake Bay and the Chesapeake Bay's environmental future very much depend upon the quality of the upstream waters and wetlands. It is at risk if we don't move forward with the full application of the Clean Water Act.

It is certainly important for wildlife habitat. I hear all of my friends talk about how important it is to preserve our wildlife. Well, that is very much engaged in what we are talking about. It also deals with our economy. Some of my colleagues have talked about that. Certainly I can talk about the wildlife recreation benefits in my State of Maryland—a \$1.3 billion-a-year industry in Maryland and over \$500 million in fishing alone. Well, let me tell you something. If you have polluted waters, you are going to lose your wildlife recreational industry. It is critically important for recreation. I think my colleagues understand that.

My colleagues talk about agriculture. Agriculture, of course, needs clean water. We would be the first to acknowledge that clean water is very important to agriculture. As it relates to the agricultural community, there are so many special exceptions in the clean water rule.

Let's at least be straight as to what is covered and what is not covered. Many of the examples that have been given on the floor of the Senate are not covered bodies of water under the clean water rule that is being proposed.

The bottom line is that this rule is not only good for our environment, it

is not only good to make sure people have safe drinking water, it is not only good to make sure that we have clean streams, that wetlands are protected, and that water bodies that flow into navigable waters are protected so we have clean water for the purposes of our environment, but it is also important for our economy because of the direct impact it would have, and it is important to many industries that depend upon clean water supplies. Many of them are very much dependent upon clean water supplies in order to produce the products in agriculture that are critically important.

For the sake of our environment, for the sake of our economy, I urge my colleagues to reject this resolution.

Let me add one last point. We are all proud Members of the Senate. We are all proud Members of this Congress. I would hope one of the legacies we want to leave when this term is over is that we have added to the proud record of those who served before us in protecting our waters and in protecting our air because that has been the legacy of the Congresses before us—the Clean Air Act, the Clean Water Act, the Chesapeake Bay Program, the Great Lakes. Congress was responsible for many of these programs.

On the Chesapeake Bay, but for the actions of Congress, that program would not be what it is today. The funds would not be there. We initiated it. It was not even in the administration's budget. We did that because we recognized that the Chesapeake Bay is a national treasure, the largest estuary in our hemisphere. We understood that, so we acted.

So what is going to be the legacy of this Congress? Is this going to be a Congress that moves in the backward direction in protecting our clean water? I hope that is not the legacy of this Congress.

I urge my colleagues to be on the right side of clean water, to be on the right side of what Americans expect us to do and to protect the water supply of our Nation and to vote against this joint resolution.

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

I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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 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 the veto message on S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act.

Mitch McConnell, Tom Cotton, John Thune, Johnny Isakson, Steve Daines, Roy Blunt, Cory Gardner, Deb Fischer, Pat Roberts, Thom Tillis, John Cornyn, Joni Ernst, David Vitter, Lamar Alexander, John Barrasso, Ron Johnson, Thad Cochran.

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 the veto message on S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CRUZ), the Senator from Florida (Mr. RUBIO), and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have vote "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 40, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—52

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

NAYS—40

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

NOT VOTING—8

Alexander	Cruz	Scott
Boxer	Rubio	Warner
Coons	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 40.

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

Cloture not having been invoked, under the previous order, the veto message on S.J. Res. 22 is indefinitely postponed.

The Senator from Kansas.

MORNING BUSINESS

Mr. ROBERTS. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Washington.

43RD ANNIVERSARY OF ROE V. WADE DECISION

Mrs. MURRAY. Madam President, thank you to my colleagues who are joining me here today and so many other efforts to stand up for women. The 43rd anniversary of the Supreme Court's historic ruling in Roe v. Wade is tomorrow. This is an important time to remember how much this decision has meant for women's equality, opportunity, and health, why it is so important we continue defending the hard-won gains that women have made, and why we need to keep pushing for continued progress.

For anyone who supports a woman's constitutionally protected right to make her own health care choices, this has been a tough and trying Congress. To be honest, at the beginning of 2015, I gave my Republican colleagues the benefit of the doubt. I hoped that in the majority, they might focus more on governing and less on trying to get in between a woman and her rights. Unfortunately, that didn't last long.

Since this Congress began, more than 80 bills have been introduced in Congress that would undermine a woman's constitutionally protected right to make her own choices about her own body. The House and Senate have voted a total of 20 times on legislation to roll back women's health and rights.

That is not all. Republicans have pushed budget proposals that would dismantle the Affordable Care Act. After a summer of using deceptive, highly edited videos to discredit Planned Parenthood and try to take away health care services that one in five women rely on over their lifetimes, the House has doubled down by launching a special investigative committee to keep up the political attacks. Of course similar efforts to undermine women's constitutionally protected health care rights are underway across the country.

Nowhere is that clearer than in Texas, where an extreme anti-abortion law could force 75 percent of the clinics

statewide to close. If that law stands, 900,000 women of child-bearing age will have to drive as far as 300 miles round trip to get the health care they need.

To be clear, a right means nothing without the ability to exercise that right. Laws like HB2 in Texas and many others like it across the country, driven by extreme conservative efforts to undermine women's access to care, are without question getting in between women and their rights, especially the rights of women who can't afford to take off work and drive hundreds of miles just to get health care.

Later this year, the Supreme Court will decide whether to uphold Texas's extreme anti-abortion law. In doing so, they will decide whether women can act on the rights they are afforded in the Constitution. This law puts women's lives at risk. It is the biggest threat to women's constitutional rights in over a decade. That is why I am working with many of my Democratic colleagues to call on the Supreme Court to uphold Roe v. Wade and protect a woman's right to make her own health care decisions.

Today, as we head into a year that is absolutely critical for women, I have a message for those who want to turn back the clock. Those efforts to undermine women's health care are nothing new. Women have been fighting them for generations, and we are going to keep fighting back today. We are not going to go back to the days when because women had less control over their own bodies, they had less equality and less opportunity.

As we defend the progress we have made, we will keep pushing for more, from continuing to expand access so that where a woman lives doesn't determine what health care she can get to expanding access to affordable birth control and family planning, to fighting back against domestic violence and sexual assault, which disproportionately impacts women.

We are going to keep pushing for progress because we believe strongly that the next generation of women—our daughters and our granddaughters—should have stronger rights and more opportunity, not less.

My colleagues and I in the Senate are going to keep working hard every day to bring women's voices to the Senate floor and show that when women are stronger, our country is stronger. Let's keep up the fight.

• Mrs. BOXER. Mr. President, Roe v. Wade became law of the land 43 years ago, taking women out of the back alleys and promising them the fundamental right to make their own choices about their health care and their futures.

As we mark this milestone, the GOP and their extreme allies are doing everything in their power to take away that promise. Since 2010, States have passed 288 new laws that are designed to place barrier upon barrier between women and their critical health care. These laws have piled on outrageous requirements for clinics, providers and the women they serve—making it harder for women to get the care they need.

Texas's extreme law, HB2, is no different. The Supreme Court recently agreed to hear *Whole Women's Health v. Cole*, a case challenging HB2, which is designed to close health clinics that provide safe, legal abortions. Its proponents claim to be protecting women. In what universe is it "protecting" women by making it harder for them to access critical health care?

The answer, of course, is it's not.

This law targets women's health care providers with intentionally burdensome requirements such as mandating that physicians gain admitting privileges at hospitals within a 30-mile radius of where they practice—a provision that has already forced more than half the clinics in Texas to close.

And let's be clear: that is their goal—to shut down clinics and deny rights. If HB2 is upheld, it would reduce the number of providers from 40 to 10. Ten clinics for the second largest State in the country. This would force women to travel for hours or even to another State for care.

That is exactly what happened to Austin resident Marni, who was forced to fly to Seattle when her procedure was cancelled the night before it was scheduled because the clinic was forced to immediately discontinue providing these services after HB2 took effect. Muni said her first reaction was "to feel like my rights were being taken away from me, to feel very disappointed that elected officials had the ability to make decisions about my and my fiancé's life."

In some cases, forcing women to delay or cancel procedures could endanger their health and lives.

Vikki is a diabetic who discovered months into her pregnancy that the fetus she was carrying suffered from several major anomalies and had no chance of survival. Because of Vikki's diabetes, her doctor determined that induced labor and Caesarian section were both riskier procedures for Vikki than an abortion. Fortunately, Vikki lived in a State where she was able to have the procedure she needed to protect her life and ensure she could have children in the future.

But GOP-led state legislatures are doing everything they can to pass laws designed to deny care to women like Vikki. There are currently laws across the country to: Ban abortions; Restrict the use of the abortion pill; Ban the use of telemedicine—which allows doctors to treat patients who live far away or in rural areas and prescribe abortion medication; Require women to wait a certain time between their first doctor's visit and their procedure; and Require women go through mandatory counseling and even require an ultrasound in which medical personnel describe the image of the fetus to the patient.

This crusade is also about denying access to family planning. Yes, in the