

downpours. The Houston region in particular experienced so much rain, it led to widespread flooding. I know many people have seen that on TV, in news reports, or online.

Many will recall that last year over Memorial Day weekend, Harris County, which is where Houston is located, suffered from similar flooding. This year's rain seems to be even more widespread, with some areas receiving as much as 20 inches of rain in a relatively short period of time. Whole subdivisions were submerged, interstate highways were impassable, and power was knocked out, which affected more than 100,000 people at one point. Tragically, several people have died as a result of these floods.

Amidst this tragedy, Texans have been quick to help one another. Crews had performed more than 1,000 rescues as of yesterday afternoon, and even one TV reporter on location covering the story rushed to rescue an elderly man from a flooded underpass. The rescue is on YouTube. I recommend anybody who is interested to watch it. It is really quite a rescue.

This morning I spoke to County Judge Ed Emmett of Harris County, and I will continue to stay in close contact with him, as well as the chief of the Texas Department of Emergency Management, in the coming days.

The one thing I do know is that Texans are resilient. In particular, the people in the Houston region, where I happen to have been born, are used to storms that cause that kind of flooding. But the rebuilding effort will be long and one that will require support from officials at all levels.

Going forward, I will do everything I can to help mobilize Federal resources for the Houston area should the Governor determine a Federal disaster declaration is necessary. In the meantime, our thoughts and prayers are with the people of Houston and other affected areas in Texas, and we hope and pray for their safety and their fast recovery.

#### JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. CORNYN. Madam President, I will spend a few minutes talking about a piece of legislation that is bipartisan and deserves this Chamber's consideration.

Last year, around the anniversary of the 9/11 attacks, I reintroduced the Justice Against Sponsors of Terrorism Act, or JASTA. This bill makes minor adjustments to our laws to help Americans who are attacked on U.S. soil get justice from those who sponsored and facilitated that terrorist attack on U.S. soil.

When the Judiciary Committee considered this bill earlier this year, it was reported out without objection. I think the reasons for that are pretty clear. We should use every means available to prevent the funding of terrorism, and the victims of terrorism in our country should be able to seek jus-

tice from people who do fund that terrorist attack. We have to maintain our diligence to hold those who sponsor terrorism accountable, particularly on our own soil, and we must leverage all of our resources—or as many as possible—to shut off the funding sources for terrorists. Using civil liability to do so has been Federal policy for decades, and JASTA would strengthen that.

It is my hope that this legislation will serve as a defective deterrent and will make foreign governments think twice before sending money to terrorist groups who target our homeland. Our country confronts new and expanding terror networks that are focused on targeting our citizens, and we need to do everything we can to stop it, including passing this legislation.

JASTA is also important because it would help the victims of the 9/11 attacks achieve closure from that horrific tragedy.

I mentioned that this is a bipartisan bill, and I am glad to introduce it with my colleague CHUCK SCHUMER of New York. But unfortunately the President doesn't seem to share these bipartisan concerns about helping the victims of terrorism or deterring others from funding and facilitating it in the future. Unfortunately, the administration has worked to undercut progress of this legislation at every turn.

Yesterday the White House insisted that the President does not oppose JASTA on behalf of the Kingdom of Saudi Arabia even though the administration has made that argument in private. In light of his upcoming trip there this week, it appears that the Obama administration is pulling out all the stops to keep this bill from moving forward before the President's visit to Riyadh. I wish the President and his aides would spend as much time and energy working with us in a bipartisan manner as they have working against us trying to prevent victims of terrorism from receiving the justice they deserve.

I was glad to see the President abandon an argument that I always found strange, especially coming from him. He didn't seem to care that much about our relationship with Saudi Arabia when he ran through his misguided nuclear deal with Iran, running roughshod over serious concerns raised by the Kingdom. He didn't seem to care much about our relationship with Saudi Arabia when he contended that they should learn to "share the neighborhood with its mortal enemy Iran." In a very real way, the President's opposition to this bill looked like it was asking the victims of 9/11 and their families to pay some of the political price for the President's mishandling of our relationship with Saudi Arabia.

Well, yesterday the White House claimed it opposed the bill because it undermined the principle of sovereign immunity. In the past, the President said U.S. citizens could sue foreign governments and the United States would get sued abroad. Now, sovereign immu-

nity is an important principle to be sure, but the fact is, the White House is misrepresenting the law. We have had statutory exemptions to this immunity for years for business conduct, torts, and many things, including terrorism. We already had these exceptions in the law, and that has been the law for decades. The only real change is allowing victims of terrorist attacks on the homeland to sue even if the defendant is not designated by the State Department as a state sponsor of terrorism. That is right. All this would do would be to allow victims of terrorist attacks on our homeland to sue even if the sponsor of the terrorist activity was not a State Department designated state sponsor of terrorism. This is a narrow piece of legislation, and it would not upend traditional principles of sovereignty.

Yesterday a White House spokesman claimed that JASTA would lead to liability for U.S. humanitarian aid work. That is just false. I am confident that Senator SCHUMER and I can make that abundantly clear to anybody who shares that misconception.

The President's attempt so far to derail this legislation that would help the victims of 9/11 pursue justice under the law is completely unacceptable. Unfortunately, this shouldn't be a surprise. The President has steadfastly refused to declassify and release 28 pages of the "9/11 Commission Report" that pertain to allegations of Saudi Arabia's support for the 9/11 terrorists. According to some news reports, President Obama has vowed several times to release this information, but he hasn't followed through on that promise yet. His actions to shield the Saudi Government instead of advocating on behalf of his own citizens rings much louder than his words. That doesn't sound to me like the most transparent administration in American history, which is what the President promised the Nation at his inauguration.

The good news is that there is bipartisan support in this Chamber for those who will stand up for these victims of the 9/11 terrorist attacks and hold the people responsible accountable. I look forward to continuing to work with our colleagues to get this critical legislation passed.

The President has his prerogatives under the Constitution. If he wants to veto legislation passed by the Congress on a strong bipartisan vote, he can do that, but 67 Senators and two-thirds of the House can override a Presidential veto. That is in the Constitution too. So the President needs to step up, instead of trying to kill this legislation by private conversations in the Senate. The Senate needs to do its work: Pass this bipartisan legislation, help the victims of the 9/11 terrorist attacks, and hold those who fund and facilitate terrorist attacks responsible. If the President wants to get in the way, he can veto the legislation, and we can override that veto. That is the way the Constitution works.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### CHILD NICOTINE ADDICTION

Mr. MERKLEY. Madam President, I rise today to call attention to a dangerous complacency that threatens the health and the lives of our children, and I rise today to urge our administration to take long overdue action to protect our children.

Two years ago this month, the Food and Drug Administration, or the FDA, released a proposed tobacco deeming rule, which is a blueprint for a regulatory framework for e-cigarettes and other tobacco products. Administration officials believed and conveyed that the final rule would be out by the end of the summer 2015. Well, the summer of 2015 is now history, and soon it will be the summer of 2016, and we wait. We have been waiting a very long time.

In total, it has been 7 years since the Family Smoking Prevention and Tobacco Control Act was passed by the Senate and the House and signed by President Obama. This legislation gave the Food and Drug Administration the authority to regulate tobacco products.

This legislation was sponsored by Senator Ted Kennedy. It was passed in the final months of his life. It was a tribute to his long advocacy for the regulatory control of tobacco—a dangerous, destructive drug widespread throughout America. The passage was part of his legacy. But now we are failing that legacy, and we are failing millions of our children.

When the Family Smoking Prevention and Tobacco Control Act was passed into law, it was heralded as a major victory, giving the FDA real power to crack down on the marketing of tobacco products to our children. After a year, there is no action—2 years, no action. That took us to 2011—3 years, no action; 4 years, no action; 5 years, no action; 6 years, no action; 7 years, no action. Over the course of those 7 years, a lot more Americans have become addicted to nicotine products.

In 7 years, the industry has had time to develop new innovative products to entrap our youth, and they have utilized that time well. How much longer will this inaction continue while our children are addicted to products newly invented and aimed directly at them? Each passing month, thousands of children become addicted to these new products. Each passing month, the nicotine addiction industry becomes more deeply entrenched and determined to prevent the regulation that we authorized back in 2009. It has been said that while Nero fiddled, Rome burned. In this situation, while the administration has failed to act, millions of children have become addicted to nicotine, with profound consequences for their health.

Once this rule is final, the FDA will be able to regulate new tobacco prod-

ucts in important ways, including imposing minimum age standards, limits on advertising, health warnings on the products, child-proof packaging, and requiring the registration of tobacco product manufacturers by the FDA and FDA approval of some novel products.

It is time to get this done because lives are at stake. We all are familiar with the cycle: Tobacco use leads to tobacco addiction. Tobacco addiction leads to disease. Disease leads to suffering and often to death. In fact, tobacco use is the leading cause of preventable death in the United States—the leading cause. It imposes a terrible toll on health and lives and dollars. It affects families and businesses and government.

So the best way to improve the health of Americans 10, 20, 30 years into the future or 40 years down the line is to stop the process by which this industry is targeting our youth. Here is what they know. They know that after the age of 21, very few people become addicted to nicotine. It is a product that people try in their youth, and with repeated use they become addicted to it and then continue, normally for years and years. That makes for a very good customer of the tobacco industry, a very good customer of the nicotine industry, and very bad consequences for the health of our children, who become our young adults, who become our middle-aged adults—very bad costs for health at each stage.

According to a Surgeon General's report released in March 2012, tobacco use among youth is a "pediatric epidemic." But the thing is that our children just aren't starting to smoke because of happenstance. No, they are aggressively targeted by the tobacco industry. Big Tobacco is working day and night to design products to appeal to kids, to get them hooked on this deadly habit so that they will be reliable consumers or reliable customers.

In fact, the industry calls them "replacement smokers." The products we supplied before have resulted in a whole lot of our customers dying. So we need replacement smokers; we need replacement consumers.

This clearly is a product with great harm associated with it. There are cigars, cigarillos, tobacco candy, snus, and e-cigarettes, and the list goes on and on. Products cost often as little as 99 cents and are sold in colorful or cool packaging, and nowhere is that more true than in the burgeoning e-cigarette industry.

This chart shows very readily the strategy of using candy flavors and fruit flavors targeted at kids. They have everything from cherry and watermelon, and the list continues with all kinds of—check this out—gummy bear flavors. When you advertise e-cigarette flavors like gummy bears, you are not targeting people over 21. You are targeting our children. You are targeting them with bubble gum flavor and wild cherry flavor and candy apple flavor. These flavors are not for adults.

They mask the taste of the product and make it more tempting, more exciting for our young people.

Madam President, I ask unanimous consent to use a prop.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. I thank the Chair.

This is an actual container, like these containers that are shown on the poster. This is called JJ Juice. They call it juice. They put juice in the title, as if to imply it is healthy. This is liquid nicotine targeted at our children with all of these kinds of flavors.

This particular container was a response to the advocacy of myself and others to say that this targeting of our children is not OK. So the industry decided to create a "Senator's Choice" flavor, and they call this flavor "the greatest blend to date" using "the purist, highest quality liquid essence of guava, combin[ing] it with all-natural, American-made raw ingredients." It is almost like a review of a fine wine, this "Senator's Choice." Again, they created this specifically to protest the fact that Senators were standing up and saying that this targeting of children is not OK. It is immoral, and it is wrong. We have a law in place to end it, but the administration must act or that law has no impact.

What is actually in this? Well, the ingredients list does not have essence of guava on the ingredient list. It has glycerin and propylene glycol, nicotine, and artificial flavorings, which somehow doesn't sound nearly as nice as the description on their Web site.

Let's see the impact of this targeting of our youth because, unfortunately, Big Tobacco's—the nicotine addiction industry—strategies work. That is why they are continuing to employ them. High school e-cigarette use tripled in just 1 year, from 2013 at 4.5 percent to 2014 at 13.4 percent. When we have the numbers for 2015, I am sure we will find that it is substantially higher because of this aggressive marketing campaign aimed at our junior high and high school students.

Nearly one in seven high school students have used an e-cigarette in the last 30 days. That represents 2 million of our children—2 million of our teenagers nationwide.

An updated CDC study released recently confirmed that youth tobacco use is continuing to grow. Our children are not using e-cigarettes to quit smoking; they are using e-cigarettes to start smoking. So when the industry claims that all of these e-cigarettes are improving the health of those who currently use cigarettes, it is another tobacco industry big lie. Big Tobacco brings us another big lie. Children are using these products to start smoking, not to stop smoking. Every day that we don't act, more of our children are at risk for a lifetime of tobacco and nicotine addiction.

The choice is simple. Let's end this irresponsible inaction. Let's stop enriching the multibillion-dollar tobacco