

his actual policies seem to ignore this fact and are setting us up for a future of higher prices, grid instability, and insufficient supply.

The President's policies have already resulted in a 2-year-plus inflation crisis.

If he keeps going the way he has been going, his legacy may include an energy crisis as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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—VETO MESSAGES ON S.J. RES. 9 AND S.J. RES. 24

Mrs. MURRAY. Mr. President, I ask unanimous consent to modify the previous order in relation to the veto messages on S.J. Res. 9 and S.J. Res. 24 so that, beginning at 2:20 p.m. today, there be up to 20 minutes for debate, concurrently and equally divided between the two leaders or their designees, prior to rollcall votes on the passage of S.J. Res. 9 and S.J. Res. 24 in the order listed, the objections of the President to the contrary notwithstanding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONTINUING RESOLUTION

Mrs. MURRAY. Mr. President, we all know we are down to the wire right now, so we need to keep moving with this CR so we can avoid a damaging and completely unnecessary shutdown.

This is a straightforward, bipartisan CR that simply keeps the government funded so we can continue work on our full-year bills. It includes absolutely essential, time-sensitive reauthorizations for the FAA and others and extends urgently needed funding for disaster relief and our allies in Ukraine.

I worked closely with the Senator from Maine and leadership in both parties to put together a truly straightforward bill that can pass the Senate, pass the House, and be signed into law. I am confident there is enough support for this to pass the Senate and the House just as soon as we put it up for a vote. The question is how quickly we can all work to get this done.

I understand there are Senators who don't think there is enough in this bill, but this is not meant to be the end-all, be-all when it comes to legislating; it is meant to prevent a devastating shutdown. I think we all understand there is more work to do on many of these issues.

Many of you want to do more on disaster relief—something we must do after we prevent a shutdown that cuts off relief to communities in the middle of a recovery. I want to address the childcare funding cliff head on, which we have got to do after we pass this so

we can save parents and kids from a shutdown that would mean they would lose their access to Head Start. I know there are colleagues concerned about doing more on border security—something I am willing to continue to discuss—but time is of the absolute essence here, and a shutdown would mean the folks who are working at our southern border would be forced to work without paychecks.

A shutdown is no solution to anything. We have got 12 bipartisan appropriations bills I have worked with many Members on both sides of the aisle to pull together, and I want to get them passed and address all of these critical issues, but we need to prevent a shutdown first.

So let's not act like this CR is the last bill Congress is ever going to pass. Let's get this done so we can avoid a shutdown that hurts our families, hurts our economy, hurts our national security, and more. Then let's get back to work on the other issues that are important to everyone here and to the folks we work for back home. I urge all of our colleagues to vote yes now on the motion to proceed.

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.

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

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

Mrs. MURRAY. Mr. President, I urge that we go to the vote.

VOTE ON MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to proceed.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. SMITH) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—76

Baldwin	Cornyn	Hirono
Barrasso	Cortez Masto	Hoeven
Bennet	Cotton	Hyde-Smith
Blumenthal	Cramer	Kaine
Booker	Duckworth	Kelly
Boozman	Durbin	Kennedy
Brown	Ernst	King
Cantwell	Feinstein	Klobuchar
Capito	Fetterman	Lankford
Cardin	Gillibrand	Luján
Carper	Graham	Manchin
Casey	Grassley	Markey
Cassidy	Hassan	McConnell
Collins	Heinrich	Menendez
Coons	Hickenlooper	Merkley

Moran	Rounds	Van Hollen
Mullin	Rubio	Warner
Murkowski	Sanders	Warnock
Murphy	Schatz	Warren
Murray	Schumer	Welch
Ossoff	Shaheen	Whitehouse
Padilla	Sinema	Wicker
Peters	Stabenow	Wyden
Reed	Tester	Young
Romney	Thune	
Rosen	Tillis	

NAYS—22

Blackburn	Hagerty	Risch
Braun	Hawley	Schmitt
Britt	Johnson	Scott (FL)
Budd	Lee	Sullivan
Crapo	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	Paul	
Fischer	Ricketts	

NOT VOTING—2

Scott (SC)  
Smith

The motion was agreed to.

#### SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT

The PRESIDING OFFICER (Mr. KING). The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3935) to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 1292

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. Mr. President, I call up my amendment No. 1292 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for Mrs. MURRAY, proposes an amendment numbered 1292.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1293 TO AMENDMENT NO. 1292

Mr. SCHUMER. Mr. President, I call up my amendment No. 1293 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1293 to amendment No. 1292.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

MOTION TO COMMIT WITH AMENDMENT NO. 1294

Mr. SCHUMER. I move to commit H.R. 3935 to the Committee on Commerce, Science, and Transportation, with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], moves to commit the bill H.R. 3935 to the Committee on Commerce, Science, and Transportation with instructions to report back forthwith an amendment numbered 1294.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1295

Mr. SCHUMER. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1295 to the instructions of the motion to commit H.R. 3935 to committee.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “3 days” and insert “4 days”.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Murray

substitute amendment No. 1292 to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Charles E. Schumer, Patty Murray, Tammy Baldwin, Jon Ossoff, Angus S. King, Jr., Richard J. Durbin, Jeanne Shaheen, Margaret Wood Hassan, Amy Klobuchar, Ron Wyden, Jack Reed, Elizabeth Warren, John Fetterman, Edward J. Markey, Tim Kaine, Robert P. Casey, Jr., Richard Blumenthal, Catherine Cortez Masto, Chris Van Hollen, Tammy Duckworth

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Charles E. Schumer, Patty Murray, Tammy Baldwin, Jon Ossoff, Angus S. King, Jr., Gary C. Peters, Mazie K. Hirono, Joe Manchin III, Richard J. Durbin, Jeanne Shaheen, Elizabeth Warren, Tammy Duckworth, Edward J. Markey, John Fetterman, Tim Kaine, Robert P. Casey, Jr., Jacky Rosen, Jeff Merkley, Richard Blumenthal, Margaret Wood Hassan.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, September 28, be waived.

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

I yield the floor.

The PRESIDING OFFICER (Mr. PETERS). The Senator from Hawaii.

GOVERNMENT FUNDING

Mr. SCHATZ. Mr. President, no one wins in a shutdown—not Republicans, not Democrats, and certainly not the people of Hawaii or Americans across the country. I have been here for three previous shutdowns, in the majority and in the minority, and I have seen the same thing over and over again. Shutdowns don’t work. The government eventually reopens, and neither side has accomplished a single thing.

No one wins, but Americans have a lot to lose. Millions of Federal workers, including military personnel, will be forced to work without pay. Children most in need will lose access to food and early education programs. Tens of millions of people can’t get care at community health centers. The food that we eat will go uninspected. Relief for disaster-stricken communities will grind to a halt. Loans for small businesses will not get processed. Seniors will have to wait to get new Medicare cards. Travelers will face the risks of more delays.

We have the ability and the responsibility to prevent all of this unnecessary pain and disruption, which is why, Tuesday and today, the Senate has a solution. The Senate voted overwhelmingly to advance a bipartisan bill that will keep the government open.

Look, this is not the Civil Rights Act. This is not that big of a legislative accomplishment. It is a 47-day stopgap measure to prevent a really ridiculous, terrible thing from happening. But we do need to pass it.

Anyone that is serious about governing knows that the only way to prevent a shutdown is through bipartisanship. And let me just repeat that: The only way to prevent a shutdown is through bipartisanship.

This bill is a compromise. No one will get what they really wanted, but it is the only viable path to keeping the government open as we work on passing appropriations bills in the regular order for the full year. It is really that simple.

I just want to point out one thing about shutdowns. We don’t have to do this to ourselves. Shutdowns are a uniquely American tactic. We are not more prone to polarization or partisanship than other governments across the world. But you look around the planet, and you won’t find other legislatures pulling the plug on the government itself and the critical services that people need because they couldn’t resolve a policy dispute. It just doesn’t happen because it is that ridiculous, it is that insane, it is that counterproductive. Only we do this to ourselves. But here, some House Republicans are openly inviting a shutdown that we know will exact pain on millions of American families.

Representative NORMAN has said:

We are going to have a shutdown. It’s just a matter of how long.

Representative ROSENDALE agreed, saying:

I will not vote for a CR. It doesn’t matter what you attach to it.

What a weird thing to say:  
It doesn’t matter what you attach to it.

“It doesn’t matter what you attach to it”—I am for a shutdown.

And this from Representative BOB GOOD, who sums up their warped view:

We shouldn’t fear a government shutdown.

Well, maybe a Member of Congress is not afraid of a government shutdown, but all of the people who work for the Federal Government and all of the people who rely on Federal services do fear a government shutdown.

One of their Republican colleagues agrees with me:

This is not conservative Republicanism. This is stupidity. . . . These people can’t define a win.

That is the problem. The only thing these people know is that they want to shut the government down. They haven’t even articulated their policy demands, and we are 48 hours out.

So we need to act like grownups and do our job. And I just want to be clear:

We are acting like grownups and doing our job. This is not a criticism of the U.S. Senate—so far, so good.

And listen, even though it is 48 hours, we have a long way to go. We have a lot of negotiating to do, and we have a lot of bumps in the road. As I like to say, it will get worse before it gets better. So I am not suggesting that we are done here, but I am suggesting that we are behaving like grownups.

For the people of Maui and those in so many other communities across the country that have had the misfortune of being struck by disasters, this bill provides funding that will allow recovery work to continue uninterrupted. The ongoing recovery effort on Maui alone will require enormous Federal resources, in addition to what is needed in dozens of other States that have been slammed by hurricanes, floods, and other extreme weather. And while this funding by itself won't ever be enough to cover everything in each one of these communities, it is an important downpayment.

Whatever our disagreements or our personal politics, we can all agree: No one wins in a shutdown. We have lived through this before and know how this ends.

There is an alternative. We can continue what we started earlier this week and just did right now on the floor—pass this bill with bipartisan support and keep the government open.

Let's get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WELCH. Mr. President, I want to join my colleague from Hawaii, Senator SCHATZ, whose reasons for avoiding a shutdown are points that we all share, as his State also has suffered a devastating fire now in Maui, where we in Vermont have suffered a major flood this summer and need FEMA aid.

There are a couple of things I just want to say. No. 1, I want to express my gratitude to my colleagues in the Senate who have come together—Leader SCHUMER and Leader McCONNELL—in bipartisanship, where we have a way of passing a bill to keep the lights on, to keep government functioning. No good comes out of a shutdown, to quote Senator McCONNELL.

Like Senator SCHATZ, I have been through it before. And as Senator SCHATZ has said, when you ask the folks who literally explicitly favor a shutdown, “What is next?” they don’t have any answer and don’t seem to think they need to have an answer.

And we do. The consequences of a shutdown are really devastating in large ways and in small ways. A shutdown means our men and women in uniform don’t get paid. Seriously? We are going to condone asking people who are protecting the safety of this Nation to do it without pay? That is what shutdown advocates are saying. It is no big deal to them.

And on some small things, I got a letter from a Vermonter whose heart has

been set on taking his family to a hike in the Grand Canyon. I don’t know if any of you have ever done that hike. You have to go on the website. It is almost like a lottery. You have to get a permit to hike. He got a permit to hike and camp for 2 nights for his family. That is, I think, October 5 and October 6. If we are shut down, that family hike is not going to happen. Well, do you know what? That is cruel. It is such a wonderful thing that our families can enjoy the Grand Canyon. They won’t be able to do it.

But I want to talk specifically about what happens to Vermonters, and this is a situation that Senator SCHATZ and Senator HIRONO share with Hawaii. We got hammered in this flood. FEMA has done a tremendous job. The FEMA fund needs to be replenished because, as a result of the low amount of money in the FEMA fund, they have had to cut back on their efforts of recovery that have already been promised.

Just yesterday, the Washington Post reported that FEMA is delaying \$2.8 billion in disaster aid to keep from running out of funds. They have to have some money available if there is another event that requires immediate response to save lives. We understand that. That is the right decision for them. But it has real consequences for us in Vermont.

Repayment of these long-term recovery projects that are being halted are not from last month. They are from last year. Just think of what that means for my State of Vermont, which is in the throes of recovery now. FEMA’s transition to “immediate needs” funding has paused 13 projects in Vermont, totaling about \$7.5 million. As of September 15, Vermont has incurred \$291 million in flood-related infrastructure damages, and we need over \$160 million from FEMA and \$131 million from the Department of Transportation. On top of that, the State has estimated that it has incurred \$225 million in damages related to FEMA public assistance activities, \$75 million for FEMA public assistance hazard mitigation for 406 mitigation activities, \$48 million for the Severely Damaged or Destroyed Residential Property Mitigation or Buyout Program, \$20 million in damages related to FEMA individual assistance activities, and \$11 million for the Minor Residential Damage Repair Program.

Again, it was so reassuring to me that Republican colleagues approached me and said: PETER, we are going to be there to help you because we know, but for the grace of God, it could have been in my State. Thank you, colleagues.

But there is a small group in the House that has this notion that it is no big deal if we literally shut down government.

Well, it is a big deal for those folks in Vermont who need FEMA relief. It is a big deal for those men and women who serve in the U.S. military services when they won’t get paid. And it is a big deal to that family that wants to

have this dreamed-about hike in the Grand Canyon and won’t be able to do that if, in fact, we are shut down on October 5 and October 6.

So, thank you to my colleagues. I believe we are going to pass the bipartisan bill. Bipartisanship is the only way you can avert a shutdown and for us to have an opportunity to negotiate other issues down the road. And I thank my colleagues for their assistance in our effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

PHARMACY BENEFIT MANAGERS

Mr. GRASSLEY. Mr. President, I have come to discuss with my colleagues the plight of our local pharmacists, which is always difficult, particularly in small towns; but it is going to be particularly difficult come January 1 and through next year. I have heard firsthand from rural pharmacists about the looming cashflow challenges that they face next year. These challenges are a direct result of the powerful pharmacy benefit managers and the managers’ behavior in response to Federal regulations.

This is the situation. You see, pharmacies are going to face direct and indirect remuneration clawback fees, or what we call DIRs, from the PBMs for calendar year 2023, just after January 1, 2024. At the same time, pharmacies will also be facing lower post point of sale reimbursement from PBMs beginning that same date of January 1 of next year. So it is a double whammy against cashflow problems of small rural pharmacies.

For over a decade, these powerful PBMs have gouged rural pharmacies by clawing back part of the reimbursements many months after the sale. It is almost like you sign a contract the first of the year that you are doing business with the PBMs. Then, at the end of the year, you get a dun to pay back sometimes thousands of dollars, and I have even heard examples of tens of thousands of dollars.

You see, this situation comes because three very large PBMs control nearly 80 percent of the prescription drug market. Some of them are vertically integrated, also, with chain pharmacies, insurance companies, and other parts of the prescription drug supply chains. So PBMs have a lot of power over what the prescription drug patients can access through the formulary and how much these drugs are going to cost the patient and then the reimbursement for the pharmacy. In other words, what is the pharmacy getting paid for doing this service?

I want to end all direct and indirect reimbursement fees. I attempted to do this in legislation, which never passed the Senate, in a bipartisan bill by GRASSLEY and WYDEN called the Prescription Drug Pricing Reduction Act. Even though the legislation didn’t pass, we, luckily, in 2021, had the Centers for Medicare and Medicaid Services determine that that Agency had

the authority to end most but not all direct and indirect reimbursement fees. I support CMS's actions they have already taken, but we still need to take legislative action to end all DIR fees. CMS's regulations will go into effect this January. With CMS's regulations nearing the effective date to end most DIR fees, you would think rural pharmacies would be about to see some relief. Sadly, this is not the case. These changes have turned into a cashflow issue for many rural pharmacies, forcing many rural pharmacists to consider closing or going without pay for a while so that they can keep their staffs around and keep the lights on.

Now let's get to a suggested solution for this issue.

PBMs should work with rural pharmacists to make sure that they don't close, because if you are paying everything back to the PBMs or you are getting less reimbursement and you are running your accounts from day to day, it brings financial problems particularly to these small rural pharmacies. Of course, PBMs are so financially strong that they have the ability to help these small pharmacists after the first of the year. We aren't asking them to help forever; we are asking them just to help through this interim period of clawback and less reimbursement. So what I am asking here of PBMs is PBMs should work with pharmacies to give a little extra time to pay back the 2023 direct and indirect reimbursement fees. I am not asking the PBMs to give up a single dollar that they are entitled to.

Because CMS can help us solve this problem, in their final regulation, the Agency spoke to concerns about rural pharmacy cashflow issues, saying that they were—their words—"particularly attuned" to this issue.

CMS said that, through law, they have the power to conduct oversight. They said that they could enforce, first of all, provider network access standards and, second, prompt payment rules.

In July, I wrote to the CMS Administrator to see what the Agency is doing to conduct this oversight and, in turn, help small pharmacies through 2024—and, of course, only that 1 year—with their cashflow problems.

As of mid-September, I had not received a response from CMS. I will soon tell you about a telephone conversation I had with them. It shouldn't take an Agency almost 2 months to respond to me about a problem that they said that they are "particularly attuned" to. Remember, I told you previously those words—"particularly attuned" to—are their words.

So last week I spoke for a long time on the phone with the CMS Administrator. I asked what her Agency is doing to conduct oversight and protect our constituents' access to their rural pharmacy and particularly our older seniors who can't travel for miles to get their drugs. I asked that question because, so far, I have not seen any action of oversight by this Agency.

The Administrator committed in the phone call to monitoring compliance to pharmacy access standards and the prompt payment requirements, but, at the same time, the Administrator didn't offer any specific action that she has taken or even what action she might take.

The Administrator also committed to looking into what the Agency can do to encourage payment plans between rural pharmacies and PBMs or, at the very least, bring rural pharmacies and PBMs together to work out a joint effort. I am going to be holding the CMS accountable for following through on that promise.

Iowa's seniors and rural pharmacies are counting on the Centers for Medicare and Medicaid Services. The Agency can't sit on the sidelines and let rural pharmacies go out of business.

I told this directly to the CMS Administrator, and I will state it now to the same CMS Administrator: Please use your authority and bully pulpit to protect seniors' access to their rural pharmacies. These very powerful PBMs, which receive a lot of public funding from Medicare and Medicaid Programs, can also put many rural pharmacies out of business if you just stand down. PBMs can't put the blame on others. They must and ought to work with rural pharmacies. Don't drive them out of business by idly standing by. PBMs have the opportunity to protect seniors' access to their local pharmacy.

It is kind of this situation in rural America because I see it all the time in rural Iowa—losing local health delivery professionals. It happens that your local pharmacy is oftentimes the only healthcare provider that you have. So, obviously, and what I am telling my colleagues today is, we need them in our communities.

I say to my colleagues—because everybody in the U.S. Senate has rural communities—I hope you will check into this situation affecting small pharmacies, starting January 1, 2024. We have got about 3 months to get CMS, rural pharmacies, and PBMs together to smooth out this cashflow problem that rural pharmacies are going to have through next year.

I am not going to stop fighting to protect rural pharmacies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, so ordered.

#### BORDER SECURITY

Mr. MORAN. Mr. President, I rise this afternoon to have a conversation with my colleagues and with my constituents to talk about an issue that is important to our Nation here in the Nation's Capital for the well-being of our country but, certainly, an issue

Kansans care greatly about, and that is our crisis on our southern border, in particular, but border security across and around the country.

The administration's continued failure to control the border has created not just a humanitarian crisis but also a national security crisis as well.

It is no secret that the lack of operational control of the border has led to the apprehension of Chinese nationals, individuals with ties to ISIS, and others who wish to do this country harm, serious harm.

Perhaps the biggest failure of the nonchalant approach of this administration to the border is the rampant flow of harmful drugs into the United States. Deadly drugs, such as methamphetamine, heroin, cocaine, and most critically in today's world, fentanyl—fentanyl being freely carried into this country and distributed to the cities, towns, and neighborhoods. It is a real detriment to our children and the most vulnerable. Those drugs are distributed to cities in Kansas and causing the death and misery of many Kansans and Americans today.

A bright spot in this effort to combat fentanyl and other drugs is the Drug Enforcement Agency. This morning, I was at their headquarters to celebrate with them the DEA's 50th anniversary.

I am the ranking member of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee; therefore, Senator SHAHEEN and I are responsible, generally, for the appropriations of the Drug Enforcement Agency. I have seen firsthand the critical results achieved by the DEA and their personnel in this fight.

DEA agents, investigators, analysts, chemists, attorneys, and support staff have provided invaluable services to the public since the creation of the DEA 50 years ago in 1973.

The DEA has faced increasingly well-equipped, well-financed, and well-resourced international drug trafficking organizations pushing more complex drugs: synthetic opioids which mimic controlled substances, including fentanyl.

I would like to commend the DEA for their work. I would like to recognize their 50th anniversary in that process by thanking those in the DEA today. We need to be reminded of the number who have been wounded and injured in the line of duty, including 79 individuals who have received a DEA Purple Heart.

This administration, this Congress, this Senate—we owe it to the dedicated individuals at DEA and to the lives and family members of those who lost loved ones to put forth the effort required to create a whole-of-government approach to securing the border to cut off the pipeline of drugs into this country.

In 2022 alone, there were around 110,000—let me say that correctly—there were around 110,000 overdose deaths. That is a little over 300 deaths

a day. Around 70,000 of these deaths were attributed to synthetic opioids and fentanyl, including 1,200 individual Kansans.

Mr. President, I find this next fact staggering. So far this year, the DEA has confiscated more than 62,400,000 pills, and it estimates that 70 percent of those pills contain a lethal dose of fentanyl—70 percent of 62 million. This puts at risk the lives of 43 million Americans.

We know that Mexican drug cartels control much of the fentanyl market, and in the United States, the amount of fentanyl available has allowed the market price to drop to as low as 50 cents a pill.

Further, we also know that many of the precursor chemicals for these synthetic drugs originate in China. These chemicals are extremely difficult to interdict. They are used in everyday items such as cheese and soap. They can be easily hidden in shipping containers.

This is a full-blown national security crisis, and it is time the administration reacts to treat it like what it is—a national security crisis, a humanitarian crisis, and loss of lives of American citizens.

I was in Mexico with several of my colleagues earlier this year, and I discussed this issue with President Lopez Obrador. I urged him to take this issue up with Chinese officials, and I do believe that we have a willing partner, in this instance, in Mexico to combat this problem.

The fiscal year 2024 CJS bill that has just been passed from the Senate Committee on Appropriations is our effort with Senator SHAHEEN, and it recognizes the challenges the DEA faces, including \$66 million of additional funds over the fiscal year 2023 level.

I know we are talking about fiscal responsibility today. That comes at a time in which our appropriation bill is reduced from last year by \$1.3 billion. So I would indicate to my Kansans that I share their concern about the levels of spending and the balancing of our books.

In the bill that I am most responsible for in the appropriations process, we have reduced spending this year from last year \$1.3 billion. But within the amount of money that we can spend, we prioritized the fight against drugs. The Fiscal Responsibility Act has made our work more difficult but moves us more closely toward balancing the budget, and it shows that we can work together in this case in support of combating the fentanyl—and other drugs—crisis in our country in a bipartisan manner.

While law enforcement efforts to combat fentanyl trafficking are bipartisan, we have not yet had bipartisan support to seriously close the border to drug traffickers. There are a lot of challenges we face. It also is important to recognize that we need less demand in the United States, and Americans are buying the drugs that come here.

We need to make certain that we do the things that are necessary to make certain Americans certainly know the consequences of drug use and the consequences to them, their families, their loved ones, and even to our Nation.

While law enforcement efforts to combat fentanyl trafficking are bipartisan, we have a lot more work to do when it comes to the U.S. border with Mexico and our other borders. For all the work the DEA does to disrupt drug trafficking and distribution networks, the border is by far the single most important line of defense.

We are debating whether or not to proceed on a continuing resolution to continue funding the Federal Government. I oppose a shutdown of government, in part because a shutdown would make the crisis that we face at our border even worse. Our DEA and Border Patrol agents are already starved for resources, and many cannot afford to miss a paycheck while continuing to put their lives on the line to secure the border.

This body must take seriously the crisis we face, and while funding the government is important in this battle, we also have a lot more that we can do. We need to make certain that the appropriations bills that I just talked about, the 12 appropriations bills that have been reported by the Senate committee, work their way across this Senate floor, recognizing that the continuing resolution is only a pause. While government continues to function, we continue to work.

I look forward to every opportunity to see that we do more at the border, that we put Americans on notice about the importance of avoiding drug abuse and drug use in this country, and that our national security is at risk. I look forward to that conversation, but more importantly, I look forward to the results.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—S. 2968

Mr. KENNEDY. Mr. President, I am back again to try to keep the National Flood Insurance Program from expiring.

I will be the first to concede that America needs a national flood insurance program that looks like we designed it on purpose. What we have now does not look like that. To call it imperfect is an understatement. But the only thing worse than having what we have right now is to not have a national flood insurance program at all.

The fact of the matter is, for all practical purposes, people who are at risk for flooding cannot buy flood insurance from the private markets, which means they can't buy a home, which means their mortgages would be foreclosed upon. That is why we have a National Flood Insurance Program.

Should we improve it? Yes. I have been trying for 7 years. We need to keep trying. But we are not going to get it done over the next couple of days.

I believe government is going to shut down tomorrow—or at least Saturday, rather. I hope not, but I believe it is. And if it does, the National Flood Insurance Program will be shut down.

I don't want to scare people half to death. It doesn't mean that FEMA will stop—which runs the NFIP—will stop paying claims, but it will stop commerce, if nothing else, because FEMA can't issue new policies. And, again, I realize it is not perfect. But we are in hurricane season.

Let me say that again. We are in hurricane season.

Is this important to my State? You bet. But it is not just important to my State; it is important to every single coastal State. And that is why I would like to see us extend this program for a very, very short period of time.

My bill is a clean extension. It doesn't make any changes to the program. I wish I had the authority to make changes, but I don't. This bill will just extend what we have now, imperfect as it may be—and Lord knows it is imperfect—through December 31, 2023. That will give us some additional time to design a program that looks like somebody designed it on purpose.

Mr. President, for that reason, I ask unanimous consent—did I mention, Mr. President, that my State is in the middle of hurricane season?

Let me say that again—and so is every coastal State. And we are going to shut down the National Flood Insurance Program in the middle of hurricane season, the U.S. Senate? What planet did we just parachute in from?

For that reason, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill, S. 2968, which is at the desk; I further ask that the bill be considered read a third time and passed—and passed—and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object. We can today renew the National Flood Program and reform it. All it takes is for the Senators assembled here not to object to the reforms.

I think that flood insurance provided by the taxpayer, subsidized by the taxpayer, shouldn't be for rich people or for their vacation home or their beach homes. Government has no business insuring rich people and their second homes. So I have some proposals to reform this system. We are being asked, though, to extend the flood program without any reforms, without any reforms to protect the taxpayers. Like many Federal programs, the flood insurance is well-intentioned, but it very well may be the best real-life example of a moral hazard.

The program covers over 5 million policyholders and provides over \$1 trillion in coverage. We are told that the program is funded through insurance

premiums. But charging well below the market price of insurance and capping how much these rates can rise inevitably leads to shortfalls.

A 2014 report by the Government Accountability Office found that the flood program collected as much as \$17 billion fewer in premiums than what the market would have dictated. So when the program inevitably found itself in need of money, in theory, it borrowed that money from the taxpayers, not that the taxpayers had any choice in the matter. They took it. As they often are, they were on the hook regardless of whether they wanted to be or not.

Just a few years ago, the flood program owed over \$30 billion to the taxpayers. Congress later canceled \$16 billion in debt, but the flood program has not made any further repayment to the taxpayers and now stands at over \$20 billion in debt.

In short, it is a subsidy. It is a gift. It is the taxpayers giving people who have homes along the coast subsidized rates, and we all have to pay for it.

You might say: Well, maybe some poor people have no place to go; the government has a role in that, but a lot of these homes are people's second homes.

I say we should limit the insurance to houses under a certain amount, modest homes. Some guy has a \$5 million mansion on the coast of Florida should not get his insurance through the government. We shouldn't all have to pay for the insurance for some somebody who has a \$5 million home.

The taxpayers are expected to cough up money whenever the program needs it, but the program doesn't seem to be in a hurry to pay the taxpayer back. But perhaps the greatest insult to the taxpayer is the lack of true limits on the delinquent program. There are no limits on how many claims that can be filed and how much money can be received by a policyholder. Rather than encourage people to leave flood-prone areas, it encourages people to stay and rebuild.

And, in thousands of instances, the program encourages people to rebuild and rebuild and rebuild. According to the PEW Charitable Trusts, over 150,000 properties have been rebuilt over and over again. In fact, 25 to 30 percent of flood program claims are made by policyholders whose properties flood time and again.

There is no learning curve here. The government provides you something for a subsidy and you got your beach home and it keeps getting flooded and you just keep building if the government will pay for it. Have Uncle Sam pay for it. Have your neighbors pay for it.

Over 2,000 properties have flooded more than 10 times. They don't move; they just keep rebuilding in an area that is a flood zone.

One home in Batchelor, LA, flooded 40 times and received a total of \$428,000 in flood payments. It would have been cheaper to buy him a new home in a neighborhood that doesn't flood.

Can you imagine having to withstand the ordeal of your home flooding 10, 20, 40 times? Well, the taxpayer doesn't have to imagine paying for it because they are stuck with the bill.

Adding insult to injury, the Congressional Budget Office found that the flood program tends to benefit the wealthy and that 23 percent of subsidized coastal properties were not even the policy owner's first house. We are talking about vacation houses that average, ordinary people who are suffering to go to the grocery store are having to pay for the insurance for some guy's vacation home.

Yes, it is true. The government forces the taxpayer to rebuild the summer homes of the rich. In fact, sometimes it seems that the flood program caters directly to the wealthy. Nearly 80 percent of these flood policies are located in counties that rank with the top 20 percent of income.

Enough is enough. It is an insult to rob from the taxpayer to give to the wealthy. That is why I offer an amendment that would require the flood program to cover only primary residences, no vacation houses, and establish a cap so that only modestly priced houses would be in it.

I agree that there is a disruption. If it ends immediately, there would be a disruption. We can have an interim.

My offer today, if accepted, if not objected to, would be: Today we fix this. We can stand right here today and fix this if there is no objection. We would continue the program only for primary residences, only under a certain amount, and it would continue. We would finally reform it. A long-awaited reform that people wanted for years could happen today if there is no objection.

So, therefore, I ask the Senator to modify his request so that the Paul amendment at the desk be considered and agreed to; the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Does the Senator from Louisiana so modify his request?

Mr. KENNEDY. Reserving the right to object, Mr. President. Maybe the homes that my good friend Senator PAUL is describing are homes in Kentucky, but they are not homes in Louisiana. The homes in Louisiana that need flood insurance are not mansions. These are homes of working people. These are modest homes being paid for by people who get up every day, go to work, obey the law, pay their taxes, and try to do the right thing by their kids.

I don't know about the millionaires that Senator PAUL is talking about. Again, maybe they are in Kentucky. But they are not in Louisiana. My coast is a working coast.

Point 2: What Senator PAUL proposes is to limit flood insurance to \$250,000.

The median sales price of a home in America today is \$430,300. Now, there

are a lot of reasons for that. One of the reasons for that is President Biden's inflation. But those are the facts. In Louisville, KY, the median sales price is \$271,000. In Dallas, TX, it is \$389,000. In Miami, it is \$605,000.

Why do you want to fool the American people? Why do you want to "reform" a flood insurance program that is going to deny flood insurance?

Do some people own second homes? Yes. I thought Republicans weren't supposed to penalize success in America. I thought our position was that if you worked hard and accumulated wealth, first, you should get to keep most of it. Why? Because you earned it. And second, we should applaud success in America. If you earn enough to buy a second home, we shouldn't discourage that. The third reason I cannot agree to my friend Senator PAUL's suggestion is because he knows as well as I do that many of us have worked together to try to reform the Flood Insurance Program. We haven't reached consensus yet. We are going to keep working. But if I agree to Senator PAUL's suggestion today, both he and I will be selling out our colleagues who would not agree to these changes, and they are not here right now.

The easy thing for me to do is to accept the Senator's proposal, but I don't play that way. I am not going to do it without giving every Member of this Senate who would like input into Senator PAUL's suggestions the chance to object as well. I don't play that way.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. PAUL. Reserving the right to object, the statistics really do tell the story. Twenty-three percent of all homes that are insured under this program, whether they are in Louisiana or any other coastal State, are second homes or vacation homes.

I would be perfectly willing to negotiate what the actual price of the home is that can be in this situation, and I would offer to modify the amendment from \$250,000 to \$350,000 to allow more homes to be in. But saying the median is \$433,000—well, the limit right now is infinite. There is no limit. You can have a \$5 million vacation home, and the government is going to subsidize it.

If we don't subsidize these houses, does that mean we are discouraging people who have wealth or have second homes? No. This has nothing to do with that. It is saying the taxpayer shouldn't subsidize rich people.

The thing is, the reform will be objected to today, and there will not be any reform to this program, and these programs go on year after year because no one will bring to light what is actually happening here.

If you were to ask the American people today "Do you think we should be subsidizing flood insurance for people's beach house," I think they would say "No. Buy your own damn insurance if

you have a beach house. The government shouldn't be paying for it." So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I appreciate my colleague Senator PAUL and his comments. I, like him, would like to continue to work with our colleagues to reform this program. But when reality calls, you shouldn't hang up, and that is what we have done here today, because this government is going to shut down. I hope I am wrong—God, I hope I am wrong—but I think this government is going to shut down midnight Sunday night, and the National Flood Insurance Program is going to shut down with it, right smack dab in the middle of hurricane season.

I thought the first role of government—I thought this is what Republicans believe; I thought this is what Libertarians believe—the first role of government is to protect people and property. And all the U.S. Senate has done today is expose ordinary Americans—not millionaires; ordinary Americans—who live in modest homes, who get up every day—I am going to say it again—and go to work and obey the law and pay their taxes and try to do the right thing by their kids and whose home is their biggest asset. We are going to tell them: It is OK. Even though you can't buy the flood insurance from a private provider, the government is going to stop you from buying it from the National Flood Insurance Program right in the middle of hurricane season.

That is not what this country is all about.

All my bill would have done—and I will be back. Just like the Terminator, I will be back. All my bill would do would be to take the current program—the current program, I will concede—I agree with Senator PAUL—the current program looks like somebody knocked over a urine sample. It is that bad. But we need to work to improve it. But in the meantime, we do not need to allow it to expire.

I yield the floor.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO "ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LESSER PRAIRIE-CHICKEN; THREATENED STATUS WITH SECTION 4(d) RULE FOR THE NORTHERN DISTINCT POPULATION SEGMENT AND ENDANGERED STATUS FOR THE SOUTHERN DISTINCT POPULATION SEGMENT"—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message

with respect to S.J. Res. 9, which the clerk will report.

The senior assistant legislative clerk read as follows:

Veto message, a joint resolution (S.J. Res. 9) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment".

The PRESIDING OFFICER. There will now be 20 minutes of debate equally divided between the two leaders or their designees.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, today, I rise in support of the passage of S.J. Res. 9, providing for congressional disapproval of the U.S. Fish and Wildlife Service's rule regarding the lesser prairie-chicken under the Congressional Review Act over the objections of President Biden.

This week, the White House continued their war on American agriculture with its latest veto on our bipartisan lesser prairie-chicken resolution, S.J. Res. 9.

The White House has shown time and time again how truly out of touch they are with grassroots farmers and ranchers and their commitment to the environment.

Recently, the White House made the bold claim that the prairie-chicken population serves as an indicator for healthy grasslands and prairies.

To start with, I want to personally invite the U.S. Fish and Wildlife folks to the great plains of Kansas to see firsthand the many conservation efforts of our local landowners. The comment from the White House suggests that the prairies of Kansas are unhealthy, that our ranchers are the problem and not the solution. It seems obvious that once again the Agencies know little to nothing about the blood, sweat, and tears and the pride our landowners pour into their land to make sure it is cleaner, safer, and healthier for future generations.

Furthermore, the White House suggests our efforts in Congress to delist the bird "create uncertainty for landowners and industries who have been working for years to forge the durable, locally-led conservation strategies."

Mr. President, all of the industries impacted by this listing, who are supporters of our resolution, would strongly disagree with your statement.

However, the White House is right on one thing—it is right on the count. For over 20 years, Federal, State, and private landowners have voluntarily collaborated with the Fish and Wildlife Service to conserve the lesser prairie-chicken and its habitat. These partnerships have already resulted in conservation agreements covering roughly 15 million acres of potential habitat for the species. In fact, these efforts have been so successful that the lesser prai-

rie-chicken species is now considered stable in Kansas.

On the other hand—make no mistake about it—this veto creates uncertainty. I have to ask the White House: What message does listing the bird now, after all the good conservation work, send to those of us who have successfully labored to improve the lands handed to us from previous generations? I will tell you the message it sends: that the hammer will still fall regardless of these successful efforts, and the government will step in and regulate our industry out of existence despite successful conservation efforts.

The Federal Government thinks it knows best when it comes to conservation. I rise to say that this assumption is wrong. Despite billions of dollars spent in the name of the Endangered Species Act, the law continues to fail at its underlying mission of recovering and delisting species. Less than 2 percent of all listed species have been removed from ESA protection since 1973.

It is clear the ESA is merely another tool weaponized by this administration to attack those of us in rural America. This is unsurprising coming from a White House that vetoed the bipartisan resolution striking down the waters of the U.S. rule.

Through a combination of public and private efforts, the lesser prairie-chicken is now better protected than at any previous time. A listing as "threatened" or "endangered" will not provide any additional conservation benefits above what already exist.

While the numbers of the lesser prairie-chicken tend to follow rainfall, numbers range-wide have been growing since the Obama administration attempted to list the bird in 2014.

No one in this body wants to see this bird go extinct. No oil producer, rancher, farmer, wind energy producer—none of us wants the demise of the prairie-chicken. That is why voluntary partnerships have worked. A listing now will only push oil and gas developments to countries that have long track records of violating human rights or extract these important energy sources in a manner which is more harmful to the environment than American producers.

Whether it is gas, diesel, wind, or solar energy, a listing now will only increase the cost of energy for Kansans. A listing now will federalize millions of acres of ranchland, increasing the regulatory burden for our farmers and ranchers, ultimately increasing the cost of food. I ask you, for what purpose? An attempt to protect a species by an Agency which has only successfully recovered 2 percent of species it has listed.

I know and believe in the local communities that have and will continue to do what is best for the land, which is what will be best for the lesser prairie-chicken.

This administration continues to ignore the impact that overregulation