

Compared with President Trump's one sub-Cabinet nomination sent to our committee in his first 100 days, President Obama made 13 sub-Cabinet nominations in his first 100 days, President George W. Bush made 10, and President Clinton made 14 to our committee.

There are actually nearly 700 more Presidential nominees requiring Senate confirmation who aren't considered key by the Washington Post analysis, so you can see this adds up to be a pretty big number of Presidential nominees whom we have a responsibility to consider and to confirm if we approve them.

Unfortunately, there are ominous signs about how Democrats will treat non-Cabinet nominees. As the Presiding Officer is especially aware, Democrats required the Senate to take nearly a week of floor time to consider the nomination of Iowa Governor Terry Branstad to serve as Ambassador to China. There was absolutely no excuse for this other than obstructionism.

Governor Branstad is the longest serving Governor in American history. He has a well-documented relationship with the Chinese President. He was one of the first appointees that the President announced. He was approved by a voice vote by the Senate Foreign Relations Committee, and ultimately approved by the full Senate earlier this week 82 to 13.

Yet, as a delaying tactic, Senate Democrats forced us to use nearly a week of our floor time to consider Governor Branstad. If Democrats treat other noncontroversial Ambassadors and sub-Cabinet members the same way they treated Governor Branstad, requiring nearly a week of Senate floor time to consider a nominee, then I think President Trump would almost certainly bypass the Senate and name hundreds of acting heads of sub-Cabinet departments. Under our Constitution, he may do that whenever he chooses. There are flexible limits on the time one may serve in an acting position, but if that time expires, the President can simply appoint someone else.

Hopefully, President Trump will speed up his nomination of sub-Cabinet members, and hopefully Democrats will return to the common practice of routine floor approval of Presidential nominations when the confirmation process has determined that the nominee deserves to be approved.

Our Founders created a system of government based on checks and balances of the three coequal branches of government. There has been much complaining recently about the rise of the executive branch at the expense of the legislative branch. Having an executive branch and embassies mostly staffed by acting personnel not confirmed by or accountable to the U.S. Senate undermines the principle of three coequal branches of government.

The President should want his team in place and should speed up recom-

mending key nominees to the U.S. Senate. And Senators, especially those in the minority, should want to have a say in the vetting and accountability that come with the Senate confirmation process.

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#### FRED D. THOMPSON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 375, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 375) to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the "Fred D. Thompson Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 375) was ordered to a third reading, was read the third time, and passed.

Mr. ALEXANDER. Mr. President, I am grateful that the Senate has approved that measure naming the Fred D. Thompson Federal Building and United States Courthouse in Nashville.

I stand at the desk of former Senator Thompson. This was a desk that Senator Howard Baker also had. I have the desk myself because Senator Thompson and I were inspired by Senator Baker to be involved in politics and government in our State and the House of Representatives—our delegation.

I think Senator CARPER and his committee all seem to think that it is very appropriate that the new Nashville courthouse be named for Senator Thompson. It gives me a great deal of pride and personal privilege to be able to ask for that to be done. I thank Congresswoman BLACKBURN in the House for her leadership and all the Members of the delegation and the Members of the Senate for their cooperation in this.

I thank the Presiding Officer.

I yield the floor.

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#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Oregon.

##### NOMINATION OF COURTNEY ELWOOD

Mr. WYDEN. Madam President, the Senate will shortly consider the nomination of Courtney Elwood to be the CIA's General Counsel. I wanted to take a few minutes this morning to discuss the nomination and put it in the context of the extraordinary national security challenges our country faces.

It is hard to imagine a more despicable act than the terrorist attack in Manchester Monday night, killing innocent teenagers and children who were out to enjoy a concert. The suffering that Americans and all in the Senate have been reading about and watching on television is heart-breaking by any standards. I think it is fair to say that, as Americans, we stand in strong solidarity with our British friends, our allies, as they confront this horror. Our country will, as we have for so many years, stand shoulder to shoulder with them as there is an effort to collect more information about this attack, about what actually happened, and work to prevent future attacks.

Not everything is known about the attack, but one thing Americans do know is that it can happen here. That is why, as I begin this discussion on this important nomination and the challenges in front of our country, I would like to start, as I invariably do when we talk about intelligence matters, by recognizing the extraordinary men and women who work in the intelligence community, who work tirelessly across the government to keep our people safe from terrorist attacks. So much of what they do is in secret, and that is appropriate. It is so important to keep secret what is called the sources and methods that our intelligence community personnel are using. It is important to the American people and it is important to our country to make sure that the people protecting them every day can do their jobs.

The reason I took this time this morning to talk about this nomination is to talk about the broader context of what we owe the American people, and I feel very strongly that we owe the American people security and liberty. The two are not mutually exclusive, and it is possible to protect the people of our country with smart policies that protect both their security and their liberty.

Smart policies ensure that security and liberty are not mutually exclusive. For example, I would cite as a smart policy something I was proud to have been involved in. Section 102 of the USA FREEDOM Act sought to make sure that we weren't just indiscriminately collecting millions of phone records on law-abiding people. A provision, section 102, says that when our government believes there is an emergency where the safety and security and well-being of the American people is at stake, our government can move immediately to deal with the problem and then come back later and settle up with respect to getting a warrant. That was something that, I thought, really solidified what was a smart policy.

Our Founding Fathers had a Fourth Amendment for a reason—to protect the liberties of our people. What we said is that we are going to be sensitive to those liberties, but at the same time, we are going to be sensitive to

the security and well-being of the American people at a dangerous time. We are going to say that, if the government believes there is an emergency, the government can go get that information immediately and come back later and settle up with the warrant process.

Issues ensuring that we have security and liberty are especially important today. We obviously face terrorism. We are challenged by Russia and North Korea, and the list can go on and on. The fact is, there are a host of these challenges, and it seems to me that if we look at the history of how to deal with a climate like this, too often there is almost a kind of easy, practically knee-jerk approach that is billed as dealing with a great security challenge that very often gives our people less security and less liberty. At a time when people want both, they end up getting less. That is what happens so often in crises, and far too often it happens in large part because senior lawyers operating in secret give the intelligence community the green light to conduct operations that are not in the country's interest.

I am going to walk through how misguided and dangerous decisions can be made and how much depends on how the lawyers interpret current law. In past debates people have said: You know, that happened years ago, many years ago, and various steps were taken to correct it. Today, I am going to talk about how misguided and dangerous decisions can be made today.

At the center of this question is the nominee to be the CIA general counsel and what I consider to be very troubling statements that have been made on a number of the key issues that involve decisions that will be made now. In outlining those, I want to explain why it is my intention to vote against the confirmation of Courtney Elwood to be the CIA's general counsel.

The key principle to begin with is that there is a clear distinction between keeping secrets of sources and methods used by the intelligence community, which is essential, and the creation of secret law, which is not. We in the Senate have a responsibility to make sure the public is not kept in the dark about the laws and rules that govern what the intelligence community can and cannot do.

I believe the American people understand that their government cannot always disclose who it is spying on, but they are fed up with having to read in the papers about the government secretly making up the rules. They were fed up when they learned about the illegal, warrantless wiretapping program. They were fed up when they learned about the bulk collection of phone records of millions of law-abiding Americans.

What our people want to know is that the rules are going to be, No. 1, clear to everybody and, No. 2, that the government is operating within those rules. That is why the nominations for the

intelligence community are so important. The American people need to know how these men and women understand the laws that authorize what they can and cannot do in secret.

Shortly, the Senate will consider the nominee to be the CIA's general counsel. I believe there are few more important positions in government than this one, when it comes to interpreting key laws. The advice the general counsel provides to the Central Intelligence Agency will be shielded from the American people and possibly from Congress as well. There is almost never accountability before the public, the press, watchdog groups, or other public institutions that help preserve our democracy. There are almost never debates on the floor of the Senate about the legality of the CIA's operations. It is all in secret.

The advice of this general counsel will carry especially important heft, given what CIA Director Mike Pompeo said during his confirmation. Again and again during those confirmation hearings, when asked what boundaries Director Pompeo would draw around the government's surveillance authorities, the Director responded that he was bound by the law. In effect, the Director said to the Senate and this body that he would defer to the lawyers. So if Congress and the American people were to have any clue as to what the Central Intelligence Agency might do under Director Pompeo, we were going to have to ask the nominee to be general counsel. That is why it is critical that she answer questions about her views of the law and that she answer them now before a confirmation vote.

I asked those questions, and what I heard in return was either a troubling response or some combination of "I don't know," and "I will figure it out after I am confirmed."

Now, without answers, we are left largely to judge Ms. Elwood by her record. So I am going to start by looking back at her previous service and what she says about it now.

With respect to the National Security Agency's illegal warrantless wiretapping, that became public at the end of 2005 when Ms. Elwood was at the Department of Justice. She reviewed public statements about the program and held discussions about those public statements with individuals inside and outside the administration. That includes discussions with the Department of Justice's Office of Legal Counsel about the Department's legal analysis justifying the warrantless wiretapping program. She was especially involved when the Attorney General made public statements about the program. So the committee asked her about some of that Justice Department public analysis, and, in particular, the Department of Justice January 2006 white paper that was thought to justify the warrantless wiretapping program. Ms. Elwood responded that she thought at the time that the Department of Justice's analysis was "thorough and

carefully reasoned and that certain points were compelling."

This was an illegal program. It violated the Foreign Intelligence Surveillance Act. No interpretation of the law that defended that warrantless wiretapping program is carefully reasoned or compelling. It was an illegal program.

Ms. Elwood also said that some of the analysis "presented a difficult question" and that "reasonable minds could reach different conclusions." Of course, the point is not what "reasonable minds" might conclude. The point for us in the Senate is what her mind would conclude. Remember, this is the Department of Justice's conclusion that the laws governing wiretapping of Americans inside the United States could be disregarded because the President says so or because the Department of Justice secretly reinterprets the law in a way that no American could recognize. Remember, too, that we are talking about a program that may have begun shortly after 9/11, but it was still going on secretly and without congressional oversight more than 4 years later when it was revealed in the press. That was the context in which the Department of Justice—at the end of 2005 and the beginning of 2006, when Ms. Elwood was at the Department—determined that the warrantless wiretapping program was perfectly legal and constitutional.

This is—to say, in my view—at the least, dangerous, and it could happen again.

I wanted to give Ms. Elwood every opportunity to reconsider and distance herself from these assertions I described. So I asked very specific questions. First, did the Fourth Amendment warrant requirement apply? No, she responded. She endorsed the view that the warrantless wiretapping of Americans on American soil did not require warrants under the Fourth Amendment. That was not very encouraging.

What about the other arguments made to try to justify this illegal program?

The first was the notion that the 2001 authorization for use of military force somehow gave the government the green light to conduct warrantless wiretapping of Americans inside the United States. This argument was ludicrous. The authorization for use of military force said nothing about surveillance. The applicable law governing national security wiretapping was the Foreign Intelligence Surveillance Act—period. If the Bush Administration had wanted the law to conduct warrantless wiretapping after 9/11, it could have asked the Congress to pass it as part of the PATRIOT Act. It didn't. So when they got caught and had to explain to the public what they had been doing all these years, they said that the authorization for use of military force, which the Congress understood as authorizing war in Afghanistan, somehow magically allowed for

wiretapping in the United States. The second argument was that the President had something called “inherent power” to disregard the law.

I asked Ms. Elwood if she agreed with either of these arguments. She wouldn’t answer the question of whether the authorization for use of military force authorized warrantless wiretapping, and she wouldn’t answer the question of whether the President’s so-called inherent power authorized the warrantless wiretapping. That was not very encouraging, either.

I did get one answer. Ms. Elwood said that the arguments that the Bush Administration’s secret interpretation of the authorization for use of military force, combined with the President’s so-called inherent powers, allowed for the warrantless wiretapping, in her view, that “seemed reasonable.” That definitely was not encouraging.

Then it occurred to me that having asked her about the past in some of these concerns that I have just raised, I thought maybe that is all part of yesteryear. Maybe that is all in the past. Let bygones be bygones. So I looked for assurances that Ms. Elwood’s defense of warrantless wiretapping wasn’t relevant now. After all, Ms. Elwood’s response to questions about the program referred to the law at the time. Maybe current law makes clear to everyone, including the nominee, that there will never again be warrantless wiretapping of Americans in the United States.

So what does the law actually say now? Back in 2008, Congress took a big part of the warrantless wiretapping program and turned it into the law now known as section 702 of the Foreign Intelligence Surveillance Act. The Congress wanted to make it absolutely clear that our country had really turned the page and that Americans wouldn’t have to worry about any more violations of the law. So the Congress included in the law a statement that said: We really mean it. This law is “the exclusive means” by which electronic surveillance could be conducted.

I asked Ms. Elwood about whether the President’s supposed powers under the Constitution could trump the current statutory framework in the Foreign Intelligence Surveillance Act. Specifically, I asked her whether that provision in law—the one passed in 2008 that explicitly states that the Foreign Intelligence Surveillance Act is the exclusive means for conducting wiretapping—would keep the President from asserting some other constitutional authority in this area.

She said she had not studied the question. This was the most troubling answer of all because this is about how the law stands today. This is not talking about yesteryear. This is about how the law stands today, and this was the nominee to be general counsel to the Central Intelligence Agency’s not ruling out another assertion of so-called inherent Presidential power to override the law.

My fear is that if the public cannot get reassuring answers now to these

fundamental questions of law, then Americans could end up learning about the nominee’s views when it is too late—when our people open up the newspapers someday and learn about an intelligence program that is based on a dangerous and secret interpretation of the law. It happened repeatedly in the past, and my message today is that the Senate cannot let it happen again.

One of the reasons Ms. Elwood’s views on whether the government was obligated to respect the Foreign Intelligence Surveillance Act is so important is that, for the most part, the Central Intelligence Agency operates under authorities that are actually more vague than is the Foreign Intelligence Surveillance Act. In fact, those authorities are not even established in a statute that people in Iowa and Oregon could just go and read. The CIA’s authorities to collect and use information on Americans and even to secretly participate in organizations in the United States are conducted under an Executive order, Executive Order No. 12333.

In January, during the last 2 weeks of the Obama administration, the intelligence community released two documents that offered a little bit of insight into how intelligence is collected and used under this Executive order. It was good that the Obama administration released the documents. More transparency is why I can come to the floor and be part of this conversation.

These and other publicly available documents demonstrate the extent to which the CIA deals with information on Americans all of the time. Right now, the CIA is authorized to conduct signals intelligence as well as the human intelligence that is generally associated with the Agency, and the intelligence the CIA obtains from various sources, which can be collected in bulk, inevitably includes information on law-abiding Americans.

What do the rules say that apply to all of this information on Americans? What these rules say is, under this Executive order, the CIA can mostly do what it wants. If Ms. Elwood could find wiggle room in the airtight restrictions of the Foreign Intelligence Surveillance Act, I think the Senate ought to be asking: What might she do with the flexibility in the rules that govern what the CIA can do under this Executive order?

In fact, even when this Executive order includes limitations, there are usually exceptions. Guess who decides what the exceptions are. The CIA Director and the CIA General Counsel.

In short, the rules look like an invitation for the CIA Director and the general counsel to conduct secret programs and operations that rely on case-by-case decisions that have no clear or consistent legal framework. That is why it is so important that these nominees give us some sense of where they stand before they are confirmed.

I started with Mike Pompeo, who is now the Director of the Central Intelligence Agency. He wrote an article—an op-ed piece as it is called in the press—that called for the government to collect the bulk records of law-abiding Americans’ communications and to combine all of those records—“publicly available financial and lifestyle information into a comprehensive, searchable database.”

That, in my view, is breathtaking. It makes what everybody was talking about with regard to the old phone records collection effort look like small potatoes.

At his hearing, I asked then-Congressman Pompeo whether this database would have any boundaries. In other words, he is setting up a brandnew database—bigger than anything people have seen. He is going to collect people’s lifestyle information and who knows what else.

He said “of course there are boundaries. Any collection and retention must be conducted in accordance with the Constitution’s statutes and applicable Presidential directives.”

The real question is, What does that mean?

It means the person who is deciding what, if anything, Director Pompeo’s CIA cannot do is the lawyer, and that is where the nominee—Ms. Elwood to be general counsel—comes in.

We might ask: How would these questions come up at the CIA?

As a hypothetical, one question I asked Director Pompeo was: What happens when a foreign partner provides the CIA with information that is known to include the communications of law-abiding Americans?

For example, what if the Russians collected information on Americans and, instead of providing it to WikiLeaks, gave it to the CIA? It could be sensitive information about political leaders and our country and journalists and religious leaders and just regular, law-abiding Americans. What would Director Pompeo do in that situation? When, if ever, would it be inappropriate for the CIA to receive, use, or distribute this information?

His answer was that it is highly fact-specific. He said he would consult with lawyers.

So, when she came for her nomination hearing, I said this is our chance. Let’s ask the lawyer, Ms. Elwood, who is the nominee to be general counsel.

She said, like Director Pompeo, it would be based on all of the facts and circumstances. She said she had no personal experience with such a decision and was unable to offer an opinion.

This, in my view, is a prescription for trouble. We have a CIA Director and a nominee to be general counsel of the Agency, and neither of these two individuals will tell the Congress and the American people what the CIA will do under these circumstances which relate directly to the privacy of law-abiding and innocent Americans.

In her responses to committee questions, Ms. Elwood referred to one of the

documents that was released in January—the revised Attorney General guidelines—which she said imposed “stringent and detailed restrictions” on what the CIA can do with the intelligence it collects that is known to include information about Americans.

We are not talking about an insignificant amount of information on Americans. We are talking about bulk collection. We are talking about information on Americans that the rules, themselves, describe as “significant in volume, proportion, or sensitivity.” Obviously, the mere fact that the CIA collects and keeps this kind of information raises a lot of concerns about infringements of Americans’ privacy.

I wanted to know what these stringent restrictions were that Ms. Elwood was talking about that she said would, again, just sort of magically protect the rights of Americans.

One of the issues our people are especially concerned about is whether the government, after it has collected lots of information on Americans, can conduct warrantless, backdoor searches for information about specific Americans. Those who dismiss the concerns about these backdoor searches argue that if the intelligence has already been collected, it is just no big deal to search it, even if the search is intended to obtain information on innocent, law-abiding Americans. The problem is, the more collection that is going on, the bigger the pool of Americans’ information that is being searched.

This has come up with regard to section 702 of the Foreign Intelligence Surveillance Act, which we are going to debate in the coming months. As my colleagues know, a bipartisan coalition—a bipartisan group of Senators and House Members—has been trying for years to get the intelligence community to tell us how many innocent, law-abiding Americans are being swept up in the section 702 collection. That number, if we can ever get it, is directly related to whether the intelligence community should be allowed to conduct warrantless searches on particular Americans, and it is directly related to the point I offered at the outset, which is that we must have policies that promote security and liberty. If we do it smartly, we can have both.

These questions I have described also apply to information that is collected under the Executive order. In the case of the Executive order, there is not even a discussion about how much information about Americans gets swept up.

So what do the rules say about backdoor searches that have been conducted by the CIA under this Executive order?

It turns out, the CIA can conduct searches through all of this information on law-abiding Americans if the search is “reasonably designed to retrieve information related to a duly authorized activity of the CIA.”

Ms. Elwood has told the Intelligence Committee that there are really strin-

gent requirements on this, but as I just read—“reasonably designed to retrieve information related to a duly authorized activity of the CIA”—that sure does not sound like it has much teeth in it to me. It does not sound very stringent to me.

I asked Ms. Elwood at the hearing what other restrictions might apply.

In a written response, she referred to training requirements, to record-keeping, and to the rule that the information must be destroyed after 5 years. None of that changes the fact that there is no meaningful standard for the searches. There is no check. There is no balance. Even the CIA’s rule that the information can only be kept for 5 years has a huge loophole in that it can be extended by the CIA Director after consultation with—guess who again—the general counsel.

Again, we have rules that are vague to begin with, whose implementation is up to the discretion of the CIA Director and the general counsel. At this point, the Senate has virtually nothing to go on in terms of how this nominee for this critical general counsel position would exercise all of this power.

Another aspect of CIA activities that are authorized by the Executive order is that of the secret participation by someone who is working on behalf of the CIA and organizations in our country.

These activities would obviously be concerning to a lot of Americans. Most Americans probably believe the CIA is not even allowed to do this anymore, but it is. The question is, whether there are going to be rules that prevent abuses.

Since that is yet another modern-day, present-time topic, I said I am going to ask Ms. Elwood some questions on this. For example, for what purposes could the CIA secretly join a private organization in the United States?

The rules say the CIA Director can make case-by-case decisions with the concurrence of the general counsel, so I thought it would be appropriate to ask what the view is of the nominee to be the general counsel. Ms. Elwood’s response was that she had no experience with this matter and looked forward to learning about it. And that, of course, is typical of so many of her answers. Repeatedly, she declined to provide any clarity on how she would interpret the CIA’s authorities under this sweeping Executive order, but these are the calls she could make every single day if confirmed. At this point, the Senate has no clue how she would make them. It is my view that we cannot vote to confirm a nominee—particularly one who will operate entirely in secret—and just hope for the best.

I have other concerns about the Elwood nomination, particularly some of her views with respect to torture.

I asked Ms. Elwood whether the torture techniques the CIA had used violated the Detainee Treatment Act, often referred to as the McCain amend-

ment. She had no opinion. I asked her whether those techniques violated the statutory prohibition on torture. She had no opinion. I asked her whether the torture techniques violated the War Crimes Act. She had no opinion. I asked her whether the torture techniques violated U.S. obligations under the Convention Against Torture, the Geneva Convention and other U.S. treaty obligations. She had no opinion.

How could she have no opinion? She has said that she read the 500-page executive summary of the Intelligence Committee’s Torture Report. The horrific details of waterboarding, extended sleep deprivation, stress positions, and other torture techniques are known to everyone, but the nominee to be the CIA’s General Counsel has no opinion on these matters.

Ms. Elwood did, however, commit to complying with the 2015 law prohibiting interrogation techniques not authorized by the Army Field Manual. That gets us again to the question of what decisions she would make now, based on current law. Everyone agrees that waterboarding is prohibited by the Army Field Manual, but the Army Field Manual can be changed. Fortunately, the 2015 law also prohibits any changes to the Army Field Manual that involve the use or threat of force. I asked her whether the CIA’s torture techniques fell safely outside of anything the Army Field Manual could legally authorize. Her response, again, was that she had not studied the techniques.

So that was her position. She said she will comply with the law and agreed that the law prohibits interrogation techniques that involve the use or threat of force, but she refused to say whether waterboarding or any of the other CIA torture techniques falls outside that prohibition.

Finally, I asked the nominee how the constitutional rights of Americans would apply when the government seeks to kill them overseas. She responded that she had not considered the matter. Do these rights apply to legal permanent residents of the United States who are overseas? She did not have an opinion on that either.

To fully understand why this kind of avoidance is such a problem, we need to consider again what the CIA general counsel does and how she does it. I have been on the Senate Intelligence Committee since 2001. I have seen far too many intelligence programs go on for years before we find out about them. In so many of these cases, the problem lies in how senior lawyers interpreted their authorities. These interpretations are made in secret. They are made by a handful of people, and they are revealed to almost no one. We place almost immeasurable trust in the people who make these decisions. We cannot take this lightly.

The Senate and the American people have one shot—and one shot only—to get some insight into how those lawyers will make their decisions and how

they view the laws that apply to them. That one shot is the confirmation process. So when a nominee refused to take positions, it short-circuits the process. This is not acceptable. We cannot just confirm someone to be the CIA's general counsel without knowing what she will do in that position. That would be an abdication of our duty.

I want to close by saying that, at this extraordinary time in American history, a time when our country—and if you sit on the Intelligence Committee, as I have for a number of years, you go into the Intelligence Committee room, and it is all behind closed doors, and you often walk out of there very concerned about the well-being of our people, given some of the grave national security threats we hear about once or twice a week.

The point is that our choice is not between security and liberty; it is between smart policies and ones that are not so smart. For example, on this floor, when the leadership of the committee was interested in weakening strong encryption, which is what keeps our people safe—we have our whole lives wrapped up in a smartphone, and smart encryption ensures that terrorists and hackers can't get at that information. It ensures that pedophiles can't get access to the location tracker and pick up where your child might be. We all know how much our parents care about the well-being of kids.

People are saying: Let's just build backdoors into our products, and I said I am going to fight that. I will fight it with everything I have whenever it is proposed because it is bad for security, bad for liberty, bad for our companies that are trying to continue to offer high-skill, high-wage jobs because our competitors won't do it, and so far we have been able to hold it off.

As we seek in the days ahead to come up with smart policies that protect security and liberty, we have to get answers from those in the government who are going to have these key positions. Given the fact that the CIA Director, Mike Pompeo, made it clear in his hearing that he was going to rely on the person chosen by the Senate as his general counsel, I felt it was very important that we get some answers from the person we will be voting on shortly.

I regret to say to the Senate that this morning we are largely in the dark with respect to Ms. Elwood's views on the key questions I have outlined today.

I yield the floor.

Mr. VAN HOLLEN. Madam President, President Trump has routinely attacked basic American freedoms—of the press, of peaceful assembly, of religion, of speech. When he lost the popular vote, President-elect Trump assailed the integrity of our electoral process and falsely claimed that millions of people voted illegally. When the press exposed those falsehoods, Mr. Trump dismissed credible reporting as "fake news." When the courts ruled

that his travel ban was unlawful, President Trump accused judges of abetting terrorists.

These actions have consequences beyond our own borders and embolden dictators around the world. President Trump displays a worldview that favors the military over diplomacy and transactional relationships over strategic alliances. President Trump's uncritical embrace of autocrats like Russian President Putin, Egyptian President Sisi, Turkish President Erdogan, and Philippine President Duterte is a repudiation of every reformer and activist seeking freedom from tyranny. It is a repudiation of America's values and founding principles.

President Trump's approach to the world is shortsighted and self-defeating. The greatest threats to U.S. national security come from countries that are corrupt, poorly governed, and fraught with poverty and disease. These countries require sustained engagement and assistance to prevent the kind of threats that could require American soldiers to go into war. These countries require American leadership and the American example to help address the root causes of conflict and to give a voice to the aspirations of their people.

That is why President Trump's proposed 32 percent cut to the budget of the State Department, his failure to put forward nominees for leadership positions, and his disrespect for the career employees who serve our country are so dangerous. By undermining American influence abroad, President Trump erodes American strength.

While John Sullivan has an extensive career in public service, I am concerned that he lacks experience at the State Department. An understanding of the institution is, in many ways, as important as an understanding of our complex diplomatic terrain. Despite these concerns, I was encouraged by the statements and commitments he made at his confirmation hearing.

In his testimony before the Senate Foreign Relations Committee, Mr. Sullivan committed to promoting American values abroad, saying: "Our greatest asset is our commitment to the fundamental values expressed at the founding of our nation; the rights to life, liberty, and the pursuit of happiness. These basic human rights are the bedrock of our republic and at the heart of American leadership in the world."

He underscored that our alliances and partnerships "have been the cornerstone of our national security in the post-war era." He commended the foreign service officers, civil servants, and locally employed staff who faithfully serve our country every day.

These statements are a rejection of the worldview proposed by President Trump. I hope that Mr. Sullivan honors these statements in office. For this reason, I support his nomination for Deputy Secretary of State.

Mr. WYDEN. I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### PUERTO RICO'S FISCAL CRISIS

Mr. GRASSLEY. Mr. President, I rise today to discuss the significance of the unprecedented events now occurring in Puerto Rico.

According to the May 16 editorial in the Wall Street Journal, "The legal brawl over Puerto Rico's bankruptcy begins this week, and it will be long and ugly."

As we have seen in Greece and Detroit, what is happening in Puerto Rico should be a wake-up call for fiscally distressed States—meaning our 50 States, our cities, and our territories—to get their own houses in order. It is the canary in the mine that ought to be available to everybody. At the same time, it should be a cautionary tale for those who seek to extend similar bankruptcy authority to our own 50 States.

In 2015, after years of fiscal mismanagement and borrowing to finance their operations, Puerto Rico declared that its debt was unpayable and had to be restructured; however, because Puerto Rico lacked access to chapter 9 of the Bankruptcy Code, restructuring its complex debt outside of the court presented a challenge.

I held a hearing in the Judiciary Committee to examine this issue in December of 2015. We learned at that hearing that while bankruptcy is an effective tool to restructure debt, it merely treats the symptom and it doesn't solve the disease. I told you so, in that vein. I shared my views and the views of many others that unless Puerto Rico addressed its fiscal mismanagement woes, extending bankruptcy authority alone couldn't fix the problem. I told you so that, instead, it would merely kick the can down the road and harm thousands of retirees in Iowa and elsewhere who would bear the costs of Puerto Rico's irresponsible fiscal behavior. The Obama administration, though, pressed Congress to act and to provide Puerto Rico with an orderly bankruptcy-like process to restructure its debt.

According to the testimony of one Treasury official, "Without a comprehensive restructuring framework, Puerto Rico will continue to default on its debt, and litigation will intensify. . . . As the cascading defaults and litigation unfold, there is real risk of another lost decade, this one more damaging than the last." So now, even with a comprehensive restructuring framework, there is still a real risk of another lost decade.

Ultimately, this debt restructuring framework was coupled with an independent oversight board and adopted as the Puerto Rico Oversight, Management, and Economic Stability Act, referred to as PROMESA. This approach,

we were told, would tackle Puerto Rico's debt crisis in an orderly way and would help to remedy the years of fiscal mismanagement. Nevertheless, I remained concerned that PROMESA and its bankruptcy-like provisions would invite years of litigation and uncertainty due to the lack of existing court precedent.

So it should be no surprise that a recent Bloomberg article titled "Puerto Rico's Bankruptcy Fight is About to Plunge Into the Unknown" described the bankruptcy process as "a circular firing" squad with "no established rule book to shape what comes next." The article reports that one market analyst "foresees a chaotic brew of lawsuits" because "nobody has any idea what is going to happen."

According to one news report, this is just the beginning, as PROMESA's bankruptcy provisions are "more likely to face years of appeal than a typical case."

Despite assurances otherwise, what happens next in the months and years to follow may be far-reaching and likely will impact us all. In particular, prior to the enactment of PROMESA, Puerto Rico, like the States, couldn't declare bankruptcy. I told you this last year, and it is as I predicted last year—granting Puerto Rico the authority to restructure all of its debts, including its State-like constitutional obligations, would be viewed as precedent for giving States similar authority.

I am not really surprised to see this is happening right now.

Getting back to the fact that I told the Senate a year ago. This past September, William Isaac, the former head of the FDIC, called on Congress to pass a law "giv[ing] Illinois the option of utilizing chapter 9, which is akin to what Congress just did for the Commonwealth of Puerto Rico."

The New York Times reported on May 3 that "bankruptcy lawyers and public finance experts are watching Puerto Rico's case closely, to see if it shows a path that financially distressed states like Illinois might also one day take."

The Chicago Tribune's editorial board recently wrote that investors are growing nervous about the talk of States seeking a bankruptcy system after the fashion of Puerto Rico, calling Puerto Rico "the frightening ghost of Illinois future."

The editorial wondered how much more difficult it would be for States to borrow money if lenders knew the States could shirk their obligations in bankruptcy when that debt becomes due.

For those who weren't listening to me last year, those who dismissed concerns that PROMESA would set a troubling and dangerous precedent should take notice and make sure that a one-time piece of legislation does not create a new norm. I hold out hope that PROMESA might manage to provide some help for Puerto Rico.

Success, though, will ultimately require strong leadership from the Com-

monwealth's leaders, which, for years, that leadership has been very lacking.

There is a lesson to be learned. The fiscal crisis in Puerto Rico should motivate all 50 States, our cities, and territories to find the courage now to make tough choices, which are the foundation of responsible governance, rather than look to the Federal Government and bankruptcy as a way out. If they do not, the effect could be long-lasting, harming the vulnerable both within their populations and outside of their borders.

Obviously, what a lot of smart people told us a year ago to solve Puerto Rico's debt problems simply has not worked out.

So at a time when States, citizens, and markets are all watching, we must stress fiscal responsibility and pay attention to what is happening there in Puerto Rico. Otherwise, the uncertainty and chaos we were assured would not come to pass may be just over the horizon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THE PRESIDENT'S BUDGET

Mr. CARDIN. Mr. President, on Tuesday President Trump sent his proposed fiscal year 2018 budget to Congress. A budget is supposed to reflect the President's priorities and the values our country holds dear. Unfortunately, President Trump's full budget shows how much disdain he has for supporting American families here at home, how little he values America's strong leadership around the world, and how much he misunderstands the essential role the Federal Government has in keeping our air and water clean, roads and bridges functioning, and the public safe from deadly diseases and other threats.

This President's budget shows how much he values corporate profits and polluters over children's health and demonstrates an irrational ignorance of basic principles that have worked for and against the American economy throughout the years. The budget wastes money on a border wall and deportation force that will not make America any safer and will tear apart families and communities.

President Trump fails to uphold the promise he made as a candidate to protect American workers and seniors, and he breaks new ground in the level of uncertainty he is willing to inject into our economy, our local communities, and relationships with our historical allies and economic partners. More than any other Presidential budget in recent memory, this budget must be considered dead on arrival.

President Trump's full budget for fiscal year 2018 is an exercise in extre-

mism. President Trump wants to ax \$610 billion from Medicaid—the program that lifts up America's veterans and the most vulnerable men, women, and children, capping the funding in order to finance tax cuts for big businesses and the wealthiest among us. The budget further slashes the social safety net by cutting the food stamp program and eliminating critical social services programs. It directly hurts children by cutting \$6 billion from the Children's Health Insurance Program. The President wants to choke off funding for essential scientific research at the National Institutes of Health and infectious disease detection and response at the Centers for Disease Control and Prevention, while also slashing funding for key global health initiatives that ensure economic stability.

Further demonstrating his misunderstanding of the ripple effect Federal investments can have, the President inexplicably wants to end the economic development assistance programs to rural and economically distressed communities. I was particularly disappointed that he would eliminate the Appalachia Regional Commission, which is very important to the people in the western part of my State as an economic tool that can bring badly needed jobs to Appalachia country.

He wants to put the American dream out of reach for would-be homeowners and seekers of safe and affordable housing with the elimination of HUD's rental assistance and homeowner partnership programs. The President calls for shifting more than \$143 billion in additional student loan payments to hard-working students and their families. And he recommends ending a vital program that helps first responders, law enforcement, teachers, nurses, librarians, public safety, and military have a chance to reduce the burden of their student loans so that they can continue to serve their communities. The President also continues the ill-conceived Republican assault on Federal workers and retirees with his proposal for wholesale slashing the programs and staff, such as the economic and environmentally important EPA and Chesapeake Bay Program, making it nearly impossible for many departments to carry out their basic mission.

I want to talk a few minutes about the foreign assistance budget. I have the privilege of being the ranking Democrat on the Senate Foreign Relations Committee. In terms of our Nation's foreign policy, if the budget is a reflection of values, then what the Trump administration values is an American retreat from the world that would make the United States less safe and secure. The numbers speak for themselves in the narrow-minded budget release we have received.

What is most perplexing about the administration's combined 31.7 percent gutting of international affairs spending—as Secretary Defense Mattis has said: If you don't fund the State Department Diplomacy Center, you had

better give the Defense Department more bullets and soldiers. This is counterproductive to making the world a safer place for America.

America is safer when the United States helps feed millions of starving people in Africa and the Middle East, helps Europe defend its democratic institutions from Russia interference, helps support countries and international organizations caring for vulnerable refugee populations, helps train farmers and other technical workers, helps lead the world in fighting climate change and promoting global health, and helps fund programs to protect human rights and promote democracy. In each of these areas, the administration has taken a penny-wise and pound-foolish approach that will cost lives abroad and endanger Americans here at home.

Each of the programs I mentioned are either eliminated or there are significant cuts, making it impossible for our dedicated Foreign Service officers to carry out the critically important missions they undertake.

As I look at the massive spending cuts put forward by the White House for vital national security, it is impossible to conclude that this is anything but an “America alone” budget—one that, if enacted, will have disastrous effects on our standing in the world.

Luckily, the majority of Members of Congress know this budget is dead on arrival. I look forward to working with like-minded Republican colleagues to make sure nothing remotely close to this budget is enacted.

Fortunately, our Founders developed a system of checks and balances with the Constitution providing that Congress appropriates public funds. It is our responsibility to pass the appropriations bill. I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 Omnibus appropriations, to prevent enactment of this outlandish executive branch attempt to cripple our economy and do lasting damage to our Nation’s global leadership. Congress has a responsibility to ensure that we have a more realistic budget that helps the American public, contributes to genuine economic growth, and furthers America’s true values.

I want to cite some examples in some areas as to how detrimental this budget is. First of all, there are economic assumptions made by the President’s budget that are just not realistic. He assumes there is going to be a 3-percent economic growth rate, which economists tell us is simply not realistic. What does that mean? That means there is about \$2 trillion that is being used by economic assumptions which have no justification, meaning that we are going to see significant budget deficits increase if this budget were to become law. The budget double counts some of these gains in order to offset tax reductions. He is putting our economy at risk.

In healthcare, the President’s budget continues the administration’s mis-

guided and ill-conceived efforts to jeopardize the health and well-being of our constituents under the Affordable Care Act. Make no mistake about it, President Trump is trying to make sure that the healthcare system in this country does not work. He is deliberately putting at risk the cautionary provisions that are in the Affordable Care Act, which ensure that many of our constituents have affordable health rates without outrageous deductibles or copays. The Trump administration is jeopardizing that.

The Trump administration is jeopardizing the Medicaid system—\$610 billion cut in the Medicaid system, which is critically important for some of our most vulnerable people. There are 280,000 Marylanders who gained essential health coverage through the Medicaid expansion who will be left without access to care. There are an estimated 1.25 million Maryland Medicaid enrollees who will no longer be able to depend on benefits like mental health and substance abuse, pediatric dental services, or maternity coverage.

Our President is recommending a \$6 billion cut in the Children’s Health Insurance Program, the CHIP program. That is absolutely outrageous. There is a bipartisan effort in Congress to make sure the children of America have the health they need.

Then there is a \$7 billion—22-percent—cut in the National Institutes of Health. Democrats and Republicans have come together, recognizing that America has provided the true leadership and basic research to deal with the mysteries of illness, and the President wants to reverse that trend. That will not only cost us in terms of our health advancements, but it will also hurt our economy.

The President cuts the funds to the National Institute on Minority Health and Health Disparities. I thought we had made a commitment that we are going to narrow the gap of discrimination in our healthcare system. The President’s budget moves in the opposite direction.

In Social Services and Social Security, the President, on his campaign trail, promised not to cut the Social Security system. He broke that promise with this budget. These cuts are a “Robin Hood in reverse” budget. His cuts in the Supplemental Security Income Program and Social Security Disability Insurance Program will be devastating for low- and modest-income individuals, as well as persons with disabilities and those over 65 years of age.

So we have seen cuts to programs the President claimed he would not cut when he was a candidate. The budget cuts nearly \$200 billion from the Supplemental Nutrition Assistance Program, SNAP, or food stamps, which helps low-income Americans with food purchases. He also cuts the TANF Program, which helps people who are in need of assistance. The budget eliminates the LIHEAP, Low Income Home Energy Assistance Program, the

Weatherization Assistance Program, and State Energy Program. I guess Donald Trump wants low-income Americans to freeze in the dark. This is shameful and reprehensible.

Yes, there is money for some advancements—the advancement of the so-called border wall with Mexico. I visited Mexico just a few months ago. I visited the U.S.-Mexico border. I couldn’t find one border security guard, security personnel, who felt that building a wall made any sense. It will not keep out the illegal flow of people or drugs, and it will compromise our ability to work with our neighbors in the south to control immigration and to control drugs. The President’s Executive order on immigration and the President’s fiscal year 2018 budget ramp up deportation forces inside the United States, which will do more to harm our national security and public safety than to help. We shouldn’t be moving in that direction.

Legal Services is one of the areas I worked on for a long time with my Republican colleagues to make sure we fund the Legal Services Corporation. The Trump budget completely eliminates that funding. The late Justice Antonin Scalia said at Legal Services Corporation’s 40th Anniversary Conference in 2014: “LSC pursues the most fundamental of American ideals, and it pursues equal justice in those areas of life most important to the lives of our citizens.”

We believe in equal justice under the law. If a person cannot get legal help, they cannot get equal justice under the law. And the President says there is no Federal role for this. I hope that we will soundly reject that.

The President’s budget eliminates the Community Development Block Grant Program. That is very troubling. Here is one of the more flexible programs we offer the local government in order to be able to make their own decisions, and the President’s budget eliminates that program.

The President’s budget eliminates many of our programs under agriculture, which will hurt our rural areas and hurt our farming community. The budget proposes to eliminate new enrollment in the Conservation Stewardship Program and funding for the Regional Conservation Partnership Program. I am very familiar with the Regional Conservation Partnership Program. It was put in the last farm reauthorization bill. It was done as an effort to help deal with conservation in critically important areas, including the Chesapeake Bay watershed. It is a very important program to preserving our bay and preserving farm land so that we can have both a healthy bay and healthy agriculture. The President eliminates those programs. I could go on and on about agriculture—the many programs that are either severely restricted or eliminated under the President’s budget.

In education, the fiscal year 2018 budget released by President Trump

may be entitled “A New Foundation for American Greatness,” but President Trump and Secretary of Education Betsy DeVos have severely undercut our students, educators, and public schools. The budget proposes to eliminate the Preschool Development Grant Program, a program that has successfully placed more than 2,700 additional 4-year-olds in high-quality preschool programs across my State. The vulnerable children in this program get a boost that helps them to lower the achievement gap among students of color, low-income children, and children with disabilities across my State. We should be expanding these programs, not reducing them. And 85 Members of this body voted in favor of the Every Student Succeeds Act and the Student Support and Academic Enrichment Grant Program. That progress is jeopardized by the President’s budget.

Yes, he finds money for a new program to help school choice programs, which will undermine the progress we have made in public education. Mr. President, 95 percent of our students get their education through the public schools, and that is jeopardized by the \$1.25 billion the President has included in his budget for school choice programs.

Maryland families understand the value of higher education. For too many, the cost of higher education means that it is difficult, if not impossible, for their children to have the higher education they need. Yet the President’s budget takes away some of the tools we have in order to afford higher education. That is just not right. We should be making higher education more affordable, not less affordable.

In the environment, the President’s proposed budget would eliminate the Chesapeake Bay Program. The Chesapeake Bay Program and related efforts are delivering encouraging results throughout the watershed and have built a tremendous movement forward. Yet President Trump has still targeted them for elimination. The local governments are doing their job in stewardship of the bay. The States are doing their job. Our stakeholders are doing their job. We depend upon the Federal Government to monitor and make sure that the programs are there—that all stakeholders are doing their fair share. The elimination of the Chesapeake Bay Program would jeopardize all of that progress. We cannot let that happen.

The President’s budget would cut the EPA budget by 31.4 percent, the most severe cut of any major Federal agency. The investment in our Nation’s water and waste water infrastructure has been flatlined through this budget proposal.

What in the world makes President Trump think that our Nation’s drinking water infrastructure shall be kept at status quo? Don’t we all remember what happened in Flint, MI? We have

discovered similar things in New Jersey and Pennsylvania. In Baltimore, our public school system cannot connect their water fountains to the water supply because of lead contamination. We need to have a greater commitment to make sure that the water supply to America is safe.

Under the budget, the Office of Compliance would be cut by one-third of its budget. That is EPA not being able to enforce the law. Aren’t we a country of the rule of law? You would not think so under President Trump’s budget.

The President’s budget also does not contain a critical infrastructure plan. We heard that during the campaign. But nowhere in this budget is he providing for that increase. Instead, it proposes cuts in some of the highway trust programs.

Every day, civil servants perform countless tasks that help support and defend and protect America. Civil servants are saving lives, empowering small businesses, keeping America safe from harm, and otherwise ensuring a safe and prosperous future for our country, including our children and families. We know that our Federal employees often perform the type of work that no one else can do. It is a highly qualified Federal workforce. On May 5, Donald Trump issued a proclamation declaring May 7 through 13, 2017, as Public Service Recognition Week. He stated:

Throughout my first 100 days, I have seen the tremendous work civil servants do to fulfill our duty to the American people. At all levels of government, our public servants put our country and our people first.

He has a bizarre way of showing his appreciation. Earlier this week, he released a budget that punishes Federal workers by making them pay much more for their pensions, an additional \$5,000 for an average Federal worker, while making these pensions much smaller.

The relentless assault on the Federal workforce must end. The civilian workforce was smaller last year than it was 40 years ago, according to data from the Office of Personnel Management. Federal workers increasingly have been asked to do more and more with less and less. They have already sacrificed financially, contributing \$190 billion to deficit reduction just since 2011.

Workers hired in 2012 already are paying more for smaller pensions. Sequestration-related furloughs cost Federal workers \$1 billion in lost pay, and there was a 3-year pay freeze from 2011 to 2013, and substandard rises since then. Salaries and wages have fallen 6.5 percent since 2010, adjusted for inflation.

Now comes the latest attack on the Federal worker’s pension, on top of continued attacks on pay, healthcare and other benefits, collective bargaining, and due process rights. President Trump would eliminate the annual cost of living adjustments for people in the Federal Employees Retirement

System, including current retirees, and reduce them by half a percentage point for people in the old Civil Service Retirement System, including current retirees.

According to certified financial planner Art Stein, the annuity would lose one-third of its value over 20 years if inflation averages between 2 and 3 percent annually, and nearly half of its value if inflation averages 4 percent. According to the National Active and Retired Federal Employees Association, the average FERS annuitant would lose \$99,471 over 20 years, and the average CSRS annuitant would lose \$60,576 over 20 years under the Trump budget.

That is outrageous. That is outrageous. We are talking about people who are already retired. They can’t re-enter the workforce. They have no choice. Yet we are telling them that they are not going to get what we promised. It is important to understand that 85 percent of the Federal workforce is located beyond the Washington metropolitan area. Federal workers are in big cities and small towns across America, striving to make things better for their neighbors.

Do we really want to engage in a race to the bottom with respect to our Federal workers? These are the people who make sure our parents’ Social Security checks arrive on time. They make sure the air we breathe, the water we drink, and the food we eat are safe. They are trying to find a cure for our spouse’s cancer and our sibling’s type 1 diabetes.

They support our sons and daughters in harm’s way, and they care for the wounded warriors at home. They patrol our borders and discover and disrupt terrorist threats aimed at our community. They are working to ensure that our grandchildren inherit a habitable climate. When we punish Federal workers—30 percent of whom are veterans, by the way—we are not just harming them and their families, but we are harming each and every American.

I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 omnibus appropriations, to prevent the enactment of this dangerous executive branch attempt to cripple our economy and do lasting damage to our Nation’s global leadership. Congress has the responsibility to ensure that we have a more realistic budget that helps the American public, contributes to genuine economic growth, and furthers America’s true values.

I yield the floor.

THE PRESIDING OFFICER (Mr. DAINES). The Senator from Utah.

#### HEALTHCARE LEGISLATION

Mr. HATCH. Mr. President, I rise today to speak about the continuing effort to repeal and replace ObamaCare. This effort has essentially been going on since the day the bill was signed into law. I think most of us on the Republican side recognize the overwhelming consensus surrounding the



failures of ObamaCare as a major reason we currently find ourselves in the majority.

As you know, the House passed the American Health Care Act, a bill that would repeal and replace ObamaCare, earlier this month. This is an important step in the process. Later today, we expect to hear from the Congressional Budget Office about the House bill. The CBO score will lay down an important marker for the repeal and replace efforts in the Senate. It will allow us to work to ensure that the House bill fits into the constraints of the reconciliation rules in the Senate, while we continue to strive toward our own policy goals to implement patient-centered healthcare and healthcare reforms that address cost and promote choice and competition.

I am very interested in what they say. These changes are more important than ever. Just today, we received a report from HHS that, from the time ObamaCare took effect through 2017, there was an average premium increase of 105 percent across the 39 States using healthcare.gov. This is just one snapshot of the runaway costs of ObamaCare, and it is just one of many examples indicating why we need to act as quickly as possible to repeal and replace the misguided law.

As the Senate continues to discuss the policy matters related to this effort, we will need to confront a number of different issues as we work to provide enduring reforms for our beleaguered healthcare system. As chairman of the Senate committee with jurisdiction over most of the salient issues under discussion, I want to make my views on these matters very clear.

First, it is my view that all of the ObamaCare taxes need to go. We should not be treating the ObamaCare taxes as a smorgasbord, picking and choosing which ones to keep and which to discard. I don't think there is a single tax increase in ObamaCare that has enjoyed support on this Republican side.

When all is said and done, the tax provisions of the Affordable Care Act represented a trillion-dollar hit on the economy in just the first 10 years. That is nearly 1 percent of the projected gross domestic product over the same period. In my view, it would be inappropriate, after spending the better part of a decade railing against ObamaCare's burdensome job-killing taxes, for us to then turn around and say that some of them are fine so long as they are being used to fund Republican healthcare proposals.

It is very simple. We need to repeal all of the ObamaCare taxes—the medical device tax, the health insurance tax, the so-called Cadillac tax, the taxes on healthcare savings and pharmaceuticals, and several others. They all have to go.

Second, we need to fully repeal the individual mandate. There has been some talk about keeping the mandate around temporarily, if nothing else, to help shore up the new system. But as I

said with the ObamaCare taxes, Republicans have spent years condemning the individual mandate as an unconstitutional assault on individual liberty. We have also argued that it was ineffective and that it has failed to draw enough younger and healthier consumers into the insurance market in order to offset the cost of ObamaCare's draconian market reform mandates.

I don't see how we can now turn on a dime and say that the individual mandate is now somehow acceptable because we are using it to prop up a system that Republicans have designed. Like the taxes, the individual mandate, in my view, needs to be repealed. Lastly, we need to resist any temptation to alter the tax treatment of employer-provided health insurance as part of this particular exercise. Don't get me wrong. There have been a number of health reform proposals over the years that have dealt with this issue, including a legislative framework that I drafted, along with two of my colleagues. However, given the limitations we face in this current exercise and the fact that we are not starting from a blank slate but rather attempting to repeal a law that has been implemented for a number of years, we should be wary of the impact of pulling employer-sponsored insurance into this current debate.

The purpose of this budget reconciliation exercise to repeal and replace ObamaCare is to address costs in the individual markets. I believe it is important that everyone, whether they are Members of Congress, stakeholders in the business community, or living elsewhere in the country, manage their expectations about the possible outcomes of this process given the limitations we are facing.

While the constraints inherent to the budget reconciliation process may be inconvenient at the specific moment, they serve a number of important purposes. Under this process, the Senate will need to reduce the deficit by at least as much as the House bill. There is no way around that. The process for determining what provisions of the House bill will need to be changed is still ongoing. Of course, we will have to take a good long look at the numbers we get from CBO later today.

Not only do we need to take into account the CBO numbers and the budget rules, but we also need to consider what the best policy is, and, at the end of the day, what approach is doable. We can do a lot in this exercise, but we should not make this the be-all and end-all of our healthcare reform effort.

As I said before, everyone should be managing their expectations at this point. While we can and should be ambitious in our efforts, we need to be realistic about the limitations that exist and be willing to practice the art of the doable, to compromise, and to really recognize what issues will need to be set aside for another day.

None of this is going to be easy, but I believe we are up to the challenge. I

look forward to working with my colleagues on these issues and to finding solutions that will help us keep the promises we made to our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to follow the comments made by the President pro tempore of the Senate—the Senator from Utah—talking about problems that people have and problems that grow every day with their future look at healthcare and what it may mean for their families.

This is a top-of-the-mind issue for families in Utah, or Missouri, where I am from, or Montana, where the Presiding Officer is from, or Massachusetts. Anywhere in the country, anyone who is looking at this system and hoping to have a system they could rely on is finding that it is just not working. This is a plan that clearly has failed. It was a plan that gave all kinds of assurances, virtually none of which have been kept.

In our State today, we got some bad news in Missouri about what that health insurance exchange looks like next year. Blue Cross Blue Shield serves 30 counties in our State. Another Blue Cross-related group, Anthem, serves the rest of the State. But today, Blue Cross Blue Shield announced that it is going to pull out of the exchanges next year. Some 31,000 people in 25 counties around Kansas City will have no insurer at this moment who is willing to sell policies on the individual exchange. This is devastating news for those families—maybe they are already on their second or third insurance company in as many years—trying to wade through yet another individual plan that tells them what might or might not be covered. This is certainly a long way from the assurances that you would be able to keep your plan and you would be able to continue to see the doctors you like. It seems a long way from that pledge. Remember that pledge? If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor. It didn't turn out to be that way at all.

In fact, in the five other counties that Blue Cross is leaving in our State—and I don't say this with any disrespect toward that nonprofit company—they are losing money. This system won't work, and that is why we are down from multiple companies willing to offer insurance in all kinds of counties around the country to now States, like Iowa, having no insurance company at all that will offer an individual policy anywhere.

In the five metropolitan counties in the Kansas area, they have three competitors this year in those five counties. Humana announced in February that they would be leaving next year. Blue Cross announced today that they would be leaving. So 5 metropolitan counties at this moment, at least, have only one company that will even offer

a policy, and 25 counties have no company that will offer a policy based on that announcement. If you only have one choice, do you really have any choices at all?

Under this plan, unless we go in a very different direction, the choice is to buy the policy or pay the penalty. This exchange that was promised where the average family would see their insurance costs go down \$2,500 a year—this is as far from that promise as you could possibly get. Not only has your policy likely gone up more than \$2,500, but your deductible has gone up in even higher percentages than that.

Certainly, 30 percent of the counties in America right now only have one company that will offer insurance. As I said earlier, our neighboring State to the north, Iowa, has no company that will offer insurance to anybody on the individual market. What kind of system is that?

In my State, we have 114 counties and the city of St. Louis in addition to those 114 counties. At this moment, 97 of them have only one company that will offer insurance. Unless things change dramatically, in January, 25 of those 97 will have no company that will offer insurance. Now, 77 counties—unless the one company offering insurance decides it can't participate in that market either—would have only one choice. I think it is likely that those 77 counties will see some change in whether they have one choice or no choice.

Last week, I came to the floor to talk about Missourians who have problems and who are seeing their out-of-pocket costs skyrocket under this. Let me share another story about one of the several people we heard from this week.

Holly is a cancer survivor. She lives in Southeast Missouri. She was forced again this year to switch insurance policies when the insurance company she had left the individual exchange, the ObamaCare exchange. That left Holly with only one choice. Again, people in the vast majority of our counties have the same option—they have one option. Holly had one option, and that carrier didn't cover any of her four cancer doctors. Now, remember, this is a cancer survivor who literally has been in a fight for her life, and now she can't get a policy that allows her to see the doctors in whom, in that fight for her life, she developed confidence. So that means she can't see her oncologist under any policy she can get. She can't see the radiation oncologist, the surgical oncologist, and the reconstructive surgeon. None of those people are now available to her.

This is in a world where Holly, you, me—all of us were told: If you like your doctor, you can keep your doctor. Well, she liked all four of her doctors, and she can't keep any of those doctors. We were told: If you like your policy, you can keep your policy. If it weren't so serious, looking back at that promise, it would be like it was

some cruel joke that somebody is coming up with that couldn't have been further from the truth. When you are battling cancer and you lose access to the doctors you know and trust, no reasonable person can argue to you that the system we have is working. The status quo is unacceptable. It is clearly unsustainable.

There is a lot of discussion about what kind of change we are going to have. The "why" here is more important than the "how." The "why" here is the most important part of this debate because the reason we have to change is that the system we have is absolutely not working.

Americans like Holly and all the families in the Kansas City area who are certain to lose this year's coverage next year may or may not have coverage at all. No company besides this one company that left was willing to be there this year. They deserve better. That is why I am going to continue to work with my Senate colleagues to give families more choices to expand their access to the healthcare providers they want and the kind of insurance coverage they would like to have.

This plan simply hasn't worked, it isn't working, and it is going to get worse before it gets better. That is why we are debating how to change it, not debating the effort that has totally failed. Now we need to get in and figure out how to stabilize this marketplace and answer those important questions for families all over this country who not only don't have the coverage they want, but they also don't have access to the healthcare they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I congratulate my colleague from Missouri for the excellent comments he made.

I bring to the floor a report that came out last evening, which is essentially the analysis that the Obama administration never wanted the American people to see, and it has to do with ObamaCare from 2013 to 2017. This report that the Obama administration would love to hide from the American people makes the point that my colleague from Missouri just made.

In those years, from 2013 to 2017, once ObamaCare came into place, premiums around the country in the States that are buying on the Federal ObamaCare exchange went up 105 percent on average—more than double. It more than doubled in 20 States, and it tripled in three States: Oklahoma, Alaska, and Alabama. In Wyoming, it went up 107 percent in just 4 years. Tell me something else that has gone up by that price in our lives anywhere over that short period of time. Those are the numbers that are out today.

More than 7 years ago, the Washington Democrats wrote an enormously costly and complicated healthcare law. They forced it through the Senate, and they made lots of promises. They

promised it would provide care for less money. They promised that you could keep your doctor and that you could keep your insurance. They promised that if you just allowed Washington to have more control, everything would be better for you. It hasn't worked out that way. These are the numbers we are looking at today, and it looks as if prices are going to go up again next year because of the mandates and the requirements of the Obama healthcare law.

In Connecticut, insurance companies say they want an average increase of about 24 percent; in Maryland, the average is 45 percent; and in Oregon, 17 percent. Americans are again facing double-digit increases in their ObamaCare premiums next year, just like this past year.

Some companies simply said: Hey, I am done. I am not going to sell anymore. It is just not worth it.

That is what Aetna has done—pulled out entirely. The thing that is so interesting about Aetna's decision is that they were one of the major cheerleaders early on back in the beginning of ObamaCare. They said: Oh yeah, we want to do this. We want to sell insurance all around the country. Well, now they are pulling out of ObamaCare all across America. What that means for people at home is that they have fewer choices.

People living in two-thirds of the counties in this country—and in every county in my home State of Wyoming—are down to fewer and fewer choices. We have one choice of a carrier to buy from on the exchange in Wyoming. In two-thirds of the counties, people have only one or two choices. There are now places where people have no choices. Even if they get a subsidy under ObamaCare, there is no place they can use it, so it is useless to them.

The companies that remain—what are they doing to help try to control costs? Well, they are cutting back on access to doctors and to hospitals, as we just heard is the situation of the patient in Missouri.

Democrats say that people have to buy the insurance anyway because they say they put a mandate on it. Americans, like it or not, you have to buy ObamaCare insurance. If you don't like it, we are going to fine you. That is what the Democrats said. Well, in spite of the mandate, 20 million Americans said "No, thank you," and about 8 million paid a fine. Another 12 million got an exemption because there are actually 41 different ways you can get exempted from ObamaCare. People realize it is not a good deal for them. They know ObamaCare has made insurance so expensive that it is not a good value for their hard-earned dollars.

It is astonishing to hear Democrats now say that basically the problem was that Washington didn't have enough control. We need more government control, they are saying. There are a number of Democrats who want a single-payer healthcare system. Some call

it Medicare for all. They can call it what they want—it means higher costs and more Washington control over the healthcare American families need.

The State of Vermont looked at this idea a couple of years ago. Even in this very small, very liberal State, they dropped the idea almost immediately. Why? Because they said it was too expensive.

That didn't stop other States from looking at it. Recently, this occurred in the State of California. Democrats in California recently offered a plan to have the State take control of all healthcare for everyone who lives there. Universal healthcare for all, they call it—doctor visits, hospitals, inpatient care, outpatient care, emergencies, dental, vision, mental health, nursing homes, everything, cradle to grave, universal health coverage.

So what do the stories in the California papers say about this? Well, they did a budget analysis. The budget office of the State of California did a budget analysis and said: What would such a thing cost? They came up with a cost of \$400 billion a year. That sounds like a big number, but how do you put that in perspective? What else can you do? Four hundred billion dollars. So they said: Well, let's compare it to the budget of the entire State of California. The entire budget for the State of California today is \$190 billion, so the cost of universal healthcare alone is twice the budget of the whole State of California. That includes teachers, firefighters, police, everything. They are proposing to spend twice the amount that they spend on everything on universal healthcare.

So what do the Democrats say? Well, we will just have to raise taxes. That is their answer to so much of everything. I guess they figure that hard-working families in California would need to pay these taxes every year—not just once but every year because that price tag is \$400 billion each and every year.

Democrats have no good ideas on how to deal with this collapse of ObamaCare. Republicans are offering real solutions. We are looking for ways to bring costs down, to give people more freedom, and to give people more control over their own healthcare. We are working to make sure people can get the care they need from a doctor they choose at a lower cost. We don't have that with ObamaCare.

The Democrats are pushing the exact opposite approach. They are offering higher costs, higher taxes, more government control, more government say in your family's life.

ObamaCare has failed. Republicans are committed to finding long-term solutions to our Nation's healthcare needs.

Thank you. I yield the floor.

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

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

Mr. CARPER. Thank you, Mr. President. Good afternoon.

#### PARIS AGREEMENT

Mr. President, there is an African proverb that goes something like this: If you want to go fast, go alone; if you want to go far, go together.

The Paris Agreement was developed in that spirit; that 195 nations and territories can do more to protect our planet from climate change, the greatest environmental challenge of our lifetime, than the United States or any country can do isolated or on its own. Nearly 200 countries now have agreed to do their part to limit our global temperature rise by developing national plans to reduce their own emissions.

We know climate change is a global challenge that does not respect national borders. Emissions anywhere affect people everywhere, with the poorest and most vulnerable populations affected most. There is a reason why we call it "global warming." We know no one country, no one region, no one continent can solve this problem alone.

President Trump's inner circle has a different take on this historical agreement. For instance, during an appearance on "Fox and Friends" last month, Scott Pruitt, the EPA Administrator, denounced the Paris Agreement, calling it "a bad deal for America."

Asked about his biggest objection to the accord, this is what he said. He claimed China and India had no obligation until 2030—no obligation until 2030—even though "they are polluting far more than we are."

Well, that is just false. First, in 2015, the United States on a per capita basis produced more than double the carbon dioxide emissions of China—more than double—and eight times more than India. Also, contrary to what the Administrator continues to espouse, both China and India have pledged to reach their carbon emissions reduction goals by 2030, which means they are taking steps now—not 5 years from now, not 10 years from now, not 13 years from now—now, to meet those commitments. India is on schedule to be the world's third largest solar market by the end of 2017. In fact, last year, India unveiled the largest solar power facility in the world.

Meanwhile, Chinese leaders have ordered their country's coal companies to cut 1.3 million jobs over the next 5 years. Some of these workers will find jobs in the clean energy sector, which Beijing expects to generate more than 13 million jobs by 2020.

Make no mistake, if the United States cedes its leadership position on climate change, China will be ready and willing to assume that role—our role. In doing so, they will move ahead, and we will fall behind. It is just that simple.

We have a chart here that includes a quote from China's top climate negotiator. He told Reuters about 6 months

ago that if Trump abandons efforts to implement the Paris Agreement, "China's influence and voice are likely to increase in global climate governance, which will then spill over into other areas of global governance and increase China's global standing, power and leadership."

The Chinese clearly understand that the Paris Agreement affords their country the opportunity to emerge in the 21st century as a clean energy superpower.

I have been there. A year ago, I was there. In the trains they built and the train systems they built, the huge electric buses, all electric buses that I rode, it is clear they know what they are doing, and their intent was to eat our lunch by pursuing this clean sustainable energy approach.

Unfortunately, those in the Trump administration seem to be the only ones who don't recognize that. Some day they will wish they had, and the rest of us will wish we had too. Withdrawing from this pact doesn't put America first, it puts America behind.

You don't have to take my word for it. Just ask our business community. They see the clear benefits for their businesses and for America if we continue to play a lead role in the implementation of the Paris Agreement. Over 1,000 American companies and investors, some of which are represented here on this chart, have written to President Trump urging his administration and him to address climate change through the implementation of the Paris Agreement. The businesses, which include Exxon, Starbucks, Apple, General Mills, Walmart, Nike, Morgan Stanley, and BP—just to name a few—this is what all these companies and their leaders said: Failure to embrace the Paris accords "puts American prosperity at risk. But the right action now will create jobs and boost U.S. competitiveness."

I have another chart.

We have two letters here. One was written to a new President, President Obama, in 2009. Again, this is a full-page ad.

This is another ad that appeared in the past week to another new President, in this case, President Trump. Interesting enough, back in 2009, a Manhattan businessman named Donald J. Trump agreed with the 1,000 companies I mentioned earlier—the 1,000 companies that said we ought to do something about climate change. We ought to get on board and lead the way. Businessman Donald J. Trump agreed with them and joined CEOs to run an ad in the New York Times urging then-President Obama to "lead the world by example," ahead of the U.N. Climate Change Conference in Copenhagen.

In the ad right here, Donald Trump called on President Obama to allow the United States of America "to serve in modeling the change necessary to protect humanity and our planet."

Eight years later, the person who signed this letter and joined all these

other CEOs in saying to President Obama: “Wake up. Let’s do something about this climate change stuff. Make sure we are leading the parade”—8 years later, he is not signing the letter. He is the addressee on the letter, from, again, hundreds of CEOs from around the country, and they are urging him to do the very same thing Donald J. Trump had urged Barack Obama to do 8 years earlier. If you ever want to think of something that is ironic, find an example of two full-page ads that sort of represent the term “irony,” this is it. This is it.

The companies noted in this second full-page ad that the Paris Agreement provides just the kind of framework we need. So U.S. businesses still recognize that our country leading the world in addressing climate change is the right approach. We might want to ask: Why doesn’t our President, Donald Trump, realize that? With the Paris Agreement, the global community rightly recognized that there are challenges bigger than any one State and came together to do what is best for our collective future.

It is not the first time the global community came together for the greater good. In 1944, the world came together at the Convention on International Civil Aviation to regulate international air travel so planes could avoid flying into one another in the not-so-friendly skies of the future.

In 1968, the nonproliferation treaty helped prevent the spread of nuclear weapons, promote the peaceful use of nuclear energy, and further the goal of disarmament to help keep our world safe.

In 1977, the Chemical Weapons Convention outlawed the production, stockpiling, and use of chemical weapons, which the world agreed were inhumane.

On these critical issues, the world came together overwhelmingly to do what was in the best interest of humanity rather than the best interest of one single nation, but even these other historic and frankly commonsense agreements don’t have as many signers as the Paris Agreement does.

We hear numbers thrown around a lot when we talk about the Paris Agreement, but to put the number of signers in context, let me just say it is nearly the whole world—nearly the whole world.

If you wonder what 195 national flags look like, pretty much the whole world, this chart depicts that. There are two flags down here that have not signed, and one of those is Nicaragua. They didn’t sign because they thought the Paris accords didn’t go far enough. The other country that didn’t sign on is Syria. So, in effect, there is really only one country that has refused to accept the basis of the Paris Agreement, this huge Paris accord, and that one nation is Syria.

Our withdrawing leaves the United States in company with Bashar al-Assad. We will be his wingman. That is

not the company we ought to be keeping, and that is not who we are.

When it comes to global challenges such as terrorism and cyber attacks, the United States doesn’t sit back and wait for someone else to lead. We lead. America leads the way. We always have. It is part of the fabric of our Nation.

To win our freedom, we took on the mightiest nation on Earth at the time, England, not once but twice, and beat them. A half century later, we survived a bloody Civil War that took hundreds of thousands of lives and left hundreds of thousands more crippled and wounded. After that war, our President was assassinated and his successor, Andrew Johnson, was impeached. Somehow we survived all that and we went on to lead our allies to victory in World War I and World War II. We led our country out of the Great Depression and into victory in the Cold War as well.

Americans should, once again, be leading the world to combat what is likely to be the greatest challenge we will face in our lifetimes. Our children and their children are counting on this, and we should not let them down.

Somebody asked me how long it would take to read a list of the 195 nations that have signed on to the Paris Peace Accords, and I have the names right here. I am not sure I can correctly pronounce all of the names—maybe page 1 and the last page, and I will leave it at that.

It starts out with Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, and Barbados.

That is the first page, and it goes on and on and on.

I will finish up with Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

There are 195 in all. We ought to be in company with the names of all of the countries that are on that list. We should not be in the company of the one that is down here by itself—Syria.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 13 minutes remaining until the vote.

Mr. CARPER. Thank you.

IRAN

Mr. President, one of the countries on this list of the 195 subscribing to and signing on to the Paris Agreement was the country of Iran. I want to talk a little bit about Iran in the time that remains.

I came home from church this past Sunday. My wife and I were in the kitchen—we were fixing breakfast—when I turned on the television and watched, I think it was, CNN. They were broadcasting live from Saudi Arabia our President’s talking to a large group of national leaders representing

Muslim countries from around the world, hosted by Saudi Arabia. The President was giving his speech. He was using a teleprompter, but a lot of Presidents use teleprompters. He was reading a speech off of the teleprompter. As I was listening, I actually thought that this was a pretty good speech. Closer to the end of the speech—I do not know if he went off camera or went off the teleprompter and just did an inaudible or if this was part of the speech—he started talking about Iran and why they are a nemesis to a lot of the world and are not to be trusted—somebody we should not be doing business with or going into any kind of agreements with, even an agreement that causes them not to be able to build a nuclear weapon.

In any event, I thought to myself that there is a real irony here because, as he was going on and berating Iran, they were still counting the votes in Iran from the election that had occurred the day before, which is unlike many of the countries that were represented and that President Trump was addressing in that they do not have elections in those countries. Women do not get to hold office or run for office in many of those countries.

Let me just be the first to say that, clearly, Iran is not a Jeffersonian democracy, and, as some would suggest of late, maybe our credentials are somewhat tarnished on that too. I think of the over 1,600 people who registered to run for President in Iran. There were 1,600 people in Iran who wanted to run for President this year, and Iran’s Guardian Council only allowed 6, ultimately, to run.

Iran has never allowed a woman to run for President. Women do hold elected positions. They serve in the parliament and in municipal positions, but none of them has ever run for President. We have had one or two or maybe three.

Iran does not enjoy a free press. International election observers are strictly forbidden, and there are widespread allegations that Iran’s 2009 Presidential elections, in which Ahmadinejad was supposedly re-elected—I doubt that he was, but there are a lot of people who think those elections were rigged.

In Iran, most of the final decisions rest with the Supreme Leader, at least decisions of consequence, and the Supreme Leader, as we know, is not popularly elected by the people of that country.

Here is what happened in the elections in Iran over the weekend. A lot of people turned out to vote, and they were willing to support a candidate who openly advocates for engagement with the West, including with us. The Supreme Leader of Iran, frankly, did not want President Rouhani to be re-elected, but he was, with nearly 60 percent of the vote. In fact, the Supreme Leader, I think, and others urged others to get out of the race so that there would be just a one-on-one against a

hard-line candidate, who was favored by the Supreme Leader, and President Rouhani, who turned out to be favored in the election by almost 60 percent of the voters.

Of the people who voted, I do not know how this breaks out by age, but the country of Iran is a young country. They had their revolution back in the late 1970s. You may recall they captured our Embassy and held our folks hostage during the end of the Carter administration. They created a lot of havoc—not a lot of bloodshed but a lot of havoc—and a lot of bad will from that point in time until almost to this day.

Most of the people who live in Iran today are under the age of 30. A clear majority of them were not alive in 1970 to 1979. They never knew the fellow who led that revolution in Iran in the late 1970s. Most of the people in that country today were born after 1979.

I have talked to any number of Americans, including those who have held senior positions in previous administrations who have gone to Iran in recent years, and they all tell me the same story. They could not believe how welcomed they were by people everywhere—young people and not so young people, but especially by young people. There was a fascination on the part of especially the young people with our country, and there actually appears to be a fair amount of respect and admiration for our country. They would like to have a better relationship with our country.

They turned out and voted for a President. They also voted in municipal elections over the weekend. In the municipal elections, they voted out some sitting mayors of cities like Tehran, which is the capital city. The mayor there was a hard-liner, and, apparently, he has been knocked out of office or will be shortly. There are many other municipal leaders, and a moderate reformist will be succeeding one of the hard-liners.

I do not mean to suggest that all in Iran love us. They do not. The Revolutionary Guard and some of their leadership do not care for us at all. They, frankly, like terrorism and embrace terrorism and would like to continue to foment upheaval and terror in some parts around the country. They are not the future of their country. The future of their country voted last weekend. We have all heard about voting for change. Well, they voted for change, and my hope is that they will get what they voted for.

I think, for us, we have to be smart enough to say that no democracy is perfect—not ours, not theirs—and give them at least a passing grade for effort and see, as we go forward, how we can find ways to work together.

I served in the Vietnam war—three tours in Southeast Asia. I came back at the end of the war and moved from California to Delaware. I got an MBA and became the treasurer, Congressman, Governor, and Senator of Dela-

ware. When I was a Congressman, I led a six-member congressional delegation, including one former U.S. POW, Air Force Capt. Pete Peterson, who spent 6 years in the Hanoi Hilton. We went back to Vietnam a month after I stepped down as a captain in the U.S. Navy. We went back to Vietnam, Cambodia, and Laos to find out what happened to the thousands of MIAs whose bodies were never recovered. We do not know how they died or where they died or when they died, but we went back and tried to get to the truth. We did so at the behest and encouragement of the George Herbert Walker Bush administration.

We took with us a roadmap to normalize relations between the United States and Vietnam. Lo and behold, we ended up getting to meet their brand new leader, Do Muoi. He was a brand new leader who had only been in office for a week. We presented our roadmap to normalize relations. The six of us—Democrat and Republican Members of the House—had a very emotional meeting with him—a very emotional meeting—and said that these are the things you have to do. If you want to normalize relations with us, give us access to crash sites, the ability to excavate crash sites, the ability to talk to people who live in those areas and communities that are around those crash sites, the ability to go into your war museums, and the ability to go into your military archives and get as much information as we can. We said that we wanted our folks—U.S. folks—to be able to go around the country, to travel around their country. If somebody reports seeing a round-eye, or somebody who might be American, we want to be able to go find him.

A long story short, they did all of the things we asked them to do. Pete Peterson, a Member of our delegation, became the U.S. Ambassador to Vietnam. He made sure that the Vietnamese kept to the letter and spirit of that agreement. They did, and we normalized relations.

When I went back to Vietnam last year with President Obama, I met with some of the same people I had met with in August of 1991, who are now leaders of their countries. Do Muoi is still alive. I wrote him a note and sent it to him while I was there.

There are 55,000 American names that are on a wall down by the Lincoln Memorial—55,000 men and women who died in the war, with whom I served—and we have allowed bygones to be bygones with Vietnam. They are not a Jeffersonian democracy, but it turns out that we have worked through our difficulties. They have become a major trading partner with the United States—in fact, a major market. They want to buy things from us, too, like Boeing jets, and a lot of them for a lot of money—billions of dollars.

As it turns out, they and Iran have an airline that is decrepit. We used to joke about an airline in this country that was called Allegheny. We called it

“Agony.” We had another airline in this country called “Tree Top.” In Iran, they do not have an airline to be proud of, as they have very old airplanes and not especially safe airplanes. Like Vietnam, they want to buy our airplanes—a lot of them, for a lot of money.

I would hope that we could be smart enough to say that maybe we should sell to them. We are not going to sell them military equipment. We sell military equipment to Vietnam now, but we are not going to do that kind of thing with Iran. Maybe, if we are smart, we can sell them airplanes and, later on, the parts to the airplanes and, later on, other things as well. We should start small and go from there, as we have with Vietnam.

I will close, but if I could, I want to just say that our President, who has called for the isolation of Iran, also has, basically, praised the actions of President Duterte, of the Philippines, the leader of the Philippines. Do you know what he has done? He has launched a campaign of extrajudicial murders and has killed over 8,000 people.

He has warmly welcomed the leader of Turkey, Erdogan, who may have won or may not have won a tight election that gives him extraordinary powers as the leader of that country.

The President welcomed to the White House Egyptian President El-Sisi, who came to power through military intervention and not an elected government. President Trump has said recently that he would be “honored” to meet with North Korean leader Kim Jong un, and that is despite the repeated threats from the Korean leader to launch nuclear weapons at the United States and our allies.

Somewhat all of those things that this President has done and the things that he has spoken out against, including having any kind of relationship with Iran, does not seem, to me, to be consistent. I will be polite and say it is inconsistent. I think we need to be smarter than that.

With regard to the note that I wrote to the former leader of Vietnam when I was, literally, at the Hanoi Hilton—back at the prison in which JOHN MCCAIN and Pete Peterson were imprisoned—I saw a huge picture on the wall when I was there last year, and I wrote the note and gave it to a young Vietnamese man who knew Do Muoi. I wrote that same African-American proverb: If you want to go quickly, go alone. If you want to go far, go together.

Ultimately, we found a way with Vietnam. It took a long time. The war pretty much ended in 1975. It took a long time to get to more normal relations. We finally made it, and they are better for it, and we are too. Someday, the time will come to turn a page, I think, with Iran. We are not there yet, but we are getting a little closer.

For now, I just want to say to those people, though, in that country, who

took the time and made the effort to vote and decided to vote for change and to vote for the reformist—the more moderate form of government—and wanted to be more westward looking than would otherwise be the case: Good for you. My hope in doing that is that you will join us in basically turning down the idea of continuing support for Hezbollah and for terrorism that the other part of Iran and some of the others in leadership are determined to sustain.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Sullivan nomination?

Mr. ISAKSON. 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 bill clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—94

Alexander	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sasse
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Scott
Cassidy	Kaine	Shaheen
Cochran	Kennedy	Shelby
Collins	King	Stabenow
Coons	Klobuchar	Strange
Corker	Lankford	Sullivan
Cornyn	Leahy	Tester
Cortez Masto	Lee	Thune
Cotton	Manchin	Tillis
Crapo	Markey	Toomey
Cruz	McCain	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	

NAYS—6

Booker	Gillibrand	Sanders
Duckworth	Harris	Warren

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

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 nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, Orrin G. Hatch, Roger F. Wicker, Jeff Flake, John Cornyn, Chuck Grassley, John Hoeven, James E. Risch, Mike Rounds, Deb Fischer, Mike Crapo, Jerry Moran, Pat Roberts, Lindsey Graham, John Kennedy, Steve Daines, David Perdue.

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 nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit 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.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Bennet	Corker	Johnson
Blumenthal	Cornyn	Kennedy
Blunt	Cotton	Lankford
Boozman	Crapo	Lee
Brown	Cruz	McCain
Burr	Daines	McConnell
Cantwell	Enzi	Moran
Capito	Ernst	Murkowski
Cardin	Fischer	Paul

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Hampshire.

HEALTHCARE LEGISLATION

Mrs. SHAHEEN. Mr. President, I am deeply concerned by warnings from leading health insurance companies and State insurance commissioners that the Trump administration is now deliberately undermining the Affordable Care Act, leaving insurance plans no choice but to sharply raise premiums or exit the marketplaces.

I understand—I think we all do—that the Affordable Care Act continues to experience stresses and that it needs to be strengthened. There is no doubt about that. I have been saying from the beginning that we need to correct what is not working, that we need to keep what is working, and that we need to work together to change it. Yet, in 2016, there were abundant signs that the law was working and that insurance markets were stabilizing.

For instance, in my State of New Hampshire, health insurance premium increases last year averaged just 2 percent. That is the lowest annual increase in history. Today, it is a very different picture. Because of the efforts of the Trump administration to undermine the Affordable Care Act, insurance companies in New Hampshire and across the country face widespread uncertainty. Many of them are deciding that they have no choice but to protect themselves by drastically increasing premiums.

This week, there was a report in the New Hampshire Union Leader, which is our State's largest newspaper, that premiums in New Hampshire could increase by as much as 44 percent. Now, President Trump says that the Affordable Care Act is "exploding," but let's be clear. If ObamaCare is exploding, as President Trump says, it is because this administration lit the fuse and has been working aggressively to undermine the law.

We can see on this poster what is being reported in other parts of the country. In the LA Times, we see that health insurers and State officials say that Trump is undermining ObamaCare and pushing up rates and that health insurers plan big ObamaCare rate hikes, and they blame Trump.

Perhaps the greatest damage has been done by the administration's refusal to commit to funding cost-sharing subsidies, which are the Federal subsidies that help millions of people pay for coverage. To protect themselves, many insurance companies are preparing two sets of premiums for next year—one premium level if the administration agrees to fund the cost-sharing subsidies and a second, dramatically higher premium level if the administration says no to cost-sharing subsidies.

More broadly, the administration's mixed signals and erratic management of the Affordable Care Act are causing uncertainty in the marketplace. Paul Markovich, the CEO of Blue Shield of