



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, MONDAY, JUNE 5, 2017

No. 95

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 6, 2017, at 12 p.m.

Senate

MONDAY, JUNE 5, 2017

The Senate met at 3:01 p.m. and was called to order by the Honorable TODD YOUNG, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, the source of all life and the light of all seeing, lift our thoughts from the smallness of our labors to the greatness of Your majesty.

We pray for the victims of the terrorism in the United Kingdom.

Teach our lawmakers to love in the presence of hate, to forgive in the presence of injustice, and to illuminate in the presence of darkness. Make them light bearers in the midst of darkness as they strive to live lives that reflect Your glory. Lord, may the promise of Your love be experienced in all their relationships.

Be for us all a helper and a shelter in the time of storm.

And Lord, we thank You for the life and legacy of Jim Bunning.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TODD YOUNG, a Senator from the State of Indiana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. YOUNG thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

COMMEMORATING THE 50TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Res. 176, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 176) commemorating the 50th anniversary of the reunification of Jerusalem.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

If no one yields time, the time will be charged equally.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

LONDON TERROR ATTACK

Mr. SCHUMER. Mr. President, let me first express the profound sadness that we all felt this past week about the terrorist attacks in London. My heart is with the people of that great city and with the victims of this string of attacks and their families. They are all in our prayers.

The morning after the attack, I was walking down the street in New York, and I saw a husband and wife—they looked like out-of-towners—with three beautiful little girls, and the girls were skipping along happily. When they are with their parents when they are little, they get so happy. I thought: God, what if a bomb blew up and killed them. It just got to me.

So we really feel for these people who were just taken from us much too soon by vicious, almost inexplicable viciousness.

In this moment of trial for one of our fiercest friends and allies, the United States also stands shoulder to shoulder with the citizens of the UK in our joint fight against terrorists and those who support them.

We wish a swift recovery to the injured and comfort to the victims and

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3235

their families. We certainly hope the perpetrators are swiftly brought to justice.

INFRASTRUCTURE

Mr. President, on infrastructure—another matter—we know President Trump will spend this week unveiling his infrastructure proposal in several phases. We will have to wait and see what the full details of the plan are before we judge it, but we Democrats welcome a discussion on infrastructure.

We believe the Federal Government ought to invest more, not less, in rebuilding our roads, bridges and highways, our schools, electric grids, and our water and sewer systems. We should be investing in expanding broadband, which is so vital for our rural areas and a number of urban areas that are still underserved.

So we have several concerns about the President's upcoming proposal, considering the President actually cut infrastructure investment significantly in his budget proposal to Congress. How can you be for infrastructure and then cut all of these proposals in your budget? That is what he did.

Now, unfortunately based on recent reports, the entire focus of the President's infrastructure proposal this week is on privatization, which sounds like a nice word. But when you scratch beneath the surface, it means much less construction and far fewer jobs, particularly in our rural areas. It also means Trump tolls from one end of America to the other.

If President Trump wants the private sector to finance the construction of infrastructure, it is going to demand a price. That is how the private sector works. The financiers will look to turn a profit. Let's remember that there is no such thing as a free lunch. If the financiers put in money, they are going to want to take it back.

How are they going to turn a profit on infrastructure? Tolls, tolls, and more tolls—tolls paid by American workers, salesmen, truckdrivers, vacationers, and commuters; tolls paid by working families, middle-class families, and consumers of all stripes. A private-sector-driven infrastructure plan means tolls, tolls, tolls paid by average working Americans.

It also means that infrastructure that can't be built with tolls—like repairing our crumbling schools, for instance—will get left behind. Moreover, a scheme that relies on private investment will leave rural areas of America behind. My friend the Republican Senator from Wyoming, a member of the Republican leadership, Mr. BARRASSO, who understands the needs of his very rural State said: "Funding solutions that involve public-private partnerships do not work for rural areas." That is not CHUCK SCHUMER speaking, although New York has the third largest rural population in America. That is Senator BARRASSO speaking.

Let me repeat what he said: "Funding solutions that involve public-private partnerships do not work for rural areas."

That is the Republican Senator from Wyoming, saying an infrastructure proposal that involves privatization ignores a huge portion of the United States—rural areas—where infrastructure investment is greatly needed. When a Republican Senator says that, we all ought to pay attention at both ends of Pennsylvania Avenue.

Privatization also ignores the ongoing maintenance needs of many of our Nation's more populated areas. Sure, maybe if the toll is high enough, a private company could build a shiny new bridge, but they won't do anything to fix the crumbling railroad switches, potholes, and water main breaks that are plaguing so many of our cities, particularly in the older areas—the Northeast, the Midwest.

One aspect the President highlighted today is privatizing our air traffic control systems. This would put the same airline companies that have added baggage fees and change fees and shrunk leg room in charge of the air traffic control system. Worse still, it would let the airlines charge consumers even more than they charge now.

If air traffic control is privatized, where are the protections for consumers? What will prevent costs of flying from going way up? Under a private system, what stops airlines from raising fees and taxes on consumers?

So privatization, whether it is for the construction of roads and bridges or in aviation, often leaves the average American with the short end of the stick and gives big corporations way too much power.

So, again, we will wait and see what the President proposes. We want to discuss infrastructure. We want to work with him on infrastructure. But if it is all or mostly privatization with minimal public investment, it will not be an effective way to rebuild our Nation's infrastructure. It will cost middle-class families more, and it will not create the kind of jobs our economy needs.

Let's not forget that the President proposed a trillion-dollar infrastructure bill in the campaign. We Democrats were encouraged to hear this. It is one of the first things I talked with President-Elect Trump about on the phone, but so far we have been disappointed.

Senate Democrats put forward a real, trillion-dollar infrastructure plan that would create millions of jobs and actually fix our crumbling roads and bridges while investing in every corner of America. We stand ready and willing to work with the President on a real plan that actually achieves what he promised on the campaign trail. But, unfortunately, if this week, on infrastructure, is all about privatization, it is going to be another broken promise that President Trump made to the working people of America.

JAMES COMEY TESTIMONY

Mr. President, later this week, former FBI Director James Comey will be testifying before the Senate Intel-

ligence Committee. I am glad he is doing so in the open and on the record. I hope he is as forthcoming as possible. Transparency and openness is absolutely vital if we are to get to the bottom of the events of the past few months. Knowing James Comey a little bit, transparency and openness have always been his way.

I would expect that Mr. Comey's appearance before the Senate Intelligence Committee will not be his last appearance before Congress. I know the Senate Judiciary Committee has made a similar request of Mr. Comey. I support their request, and I hope he will go before them as well.

PARIS AGREEMENT

Finally, Mr. President, a few words about the Paris climate accord. I was deeply disappointed by President Trump's decision last week to start the process for withdrawing the United States from the Paris Agreement, an agreement signed by every sovereign nation, except Syria and Nicaragua—Nicaragua, by the way, because they thought the agreement didn't go far enough.

The decision will ultimately be viewed—the decision by Trump to pull out of the Paris climate accord—as one of the worst decisions of the 21st century because of the huge damage it will do to our economy, our environment, and our geopolitical standing.

Pulling out of the Paris Agreement doesn't put America first. It puts America alone and last. It puts America last in recognizing science, in being a world leader in protecting our own communities and working in concert with the family of nations in safeguarding the planet we all inhabit for future generations.

Climate change is an issue where time unfortunately is not on our side. Every year that we don't work toward lowering our carbon emission standards is another year of irrevocable damage to the environment. Future generations will look back on this decision as a failure of historic proportions.

President Trump's decision to withdraw is also a sucker punch to American workers, who should be building the next generation of wind turbines and solar panels. Now other countries, including China, our economic rival, will seize the mantle of innovation and clean energy away from America.

Listen to this. This astounded me. Just last month, Ernest & Young published the latest edition of a report ranking nations by how attractive they are for renewable energy investment. For the first time, China and India both outrank the United States. So on one of the newer technologies that will ultimately be cheaper than the existing technologies, we are already falling behind and will fall further behind. Imagine that China and India are now ranked by Ernst & Young as being better places for renewable energy investment. That is not going to help American jobs next year and certainly over the next decade.

It is a devastating loss to our economy, and the workers who would have benefited greatly from America's leading the way forward in a new industry will lose out.

Moreover, if the United States doesn't have a seat at the table with the nations in the Paris Agreement, other nations could agree on policies that hurt American businesses and American workers, even more than this self-inflicted wound by President Trump.

Now, I am glad that States like my State of New York and cities and businesses across the country are already stepping up, reaffirming their commitment to the goals set in Paris and pledging to continue to make progress in the fight against climate change. Our economy and our communities will be better for it.

I seriously hope that the President reconsiders his decision for the sake of our planet, for the future of the American economy, and for the future of American jobs, which thrive on the kind of innovation President Trump has just turned his back on.

Thank you, and I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

LONDON TERROR ATTACK

Mr. MCCONNELL. Mr. President, over the weekend, our friends and allies suffered yet another tragic loss as terrorists struck in London, claiming several innocent lives and injuring dozens more. Our steadfast allies, the British, have confronted terrorism for decades, and our friends have endured so much these past several months at the hands of terrorists. Our hearts go out to them.

The Senate holds the victims of the attack and their families in our thoughts, and we once again express our gratitude to all of the first responders, medical professionals, and citizens who bravely stepped in to help.

Our fight against terrorism will go on, and together we will target terrorist networks and propagandists. We will continue to stand by the British people, especially in this time of great difficulty.

Mr. President, this week marks the 50th anniversary of the beginning of the Six-Day War. Confronted by the massing Arab armies and the closing of the Tiran Straits, Israel responded, and in a fight for survival, ultimately prevailed. As a result, the city of Jerusalem was finally reunified after years of division. The reunification of the city allowed for people of all faiths to worship and to access the respective holy sites throughout Jerusalem.

In honor of this significant anniversary for our close ally, many Senators from both sides of the aisle—including the Democratic leader and myself—are joining together in a resolution to mark the occasion today.

While we know Israel continues to face a number of threats, bipartisan

adoption of this resolution will serve as yet another indication of the commitment of the United States of standing by our friends in Israel. I look forward to supporting it later this afternoon and working to strengthen our relationship with that nation in the years to come.

REMEMBERING JIM BUNNING

Mr. President, on May 26, the Commonwealth of Kentucky lost a legendary figure with the passing of Senator Jim Bunning. For more than two decades, Jim was my colleague here in Congress. Before that, he was a storied Major League Baseball pitcher, earning him a spot in Cooperstown. Today, I remember Jim Bunning, a Hall of Famer in life.

Jim's career in the majors spanned 17 seasons, where he pitched primarily for the Tigers and the Phillies. In that time, he earned 224 career wins and struck out 2,855 batters. Of his many impressive accomplishments on the diamond, Jim's two greatest pitching achievements were his no-hitter in 1958 and the perfect game he threw in 1964, a feat that has only been accomplished 23 times in all of baseball history.

In recognition of his career with the Phillies, the team retired Jim's No. 14 jersey, and his baseball career was finally capped off by his election to the Hall of Fame in 1996 by the Veterans Committee.

Anyone would be proud with such a resume, but for Jim it was only the first act. Jim moved back to Fort Thomas in northern Kentucky. Over the next three decades, he served at all levels of government, from the Fort Thomas City Council to the Kentucky State Senate, to both Chambers of the U.S. Congress, including 12 years in the House and 12 in the Senate. Jim dedicated his life to serving the people of Kentucky, and Kentuckians are truly grateful for his work.

He was a man of principle from start to finish. He stayed true to himself. As Congressional Quarterly once wrote, "All agree . . . that [Bunning] is unafraid to go his own way." Throughout his career, Jim took many principled stands, even if it meant standing alone. In his farewell address to the Senate, he said: "I have been booed by 60,000 fans in Yankee Stadium, standing alone on the mound, so I never cared if I stood alone in Congress, as long as I stood by my beliefs and my values."

That summed up Jim Bunning, but in his life, Jim really never did stand alone. Through trials and hardships, he always had his loving wife Mary by his side. Jim would have been the first to tell you that his success in life would not have been possible without Mary. She stood with him through both the glory and the hardships of his baseball career, and was, in Jim's words, his "rock," his "best fan," and his "best friend." Together, they helped raise the nine children Jim is survived by today. He is also survived by 35 grandchildren—one of whom, by the way,

once worked in my office—and 21 great-grandchildren. It is clear the two most important things to Jim were always his family and his deeply held Catholic faith.

Jim was a man of strong beliefs and good character. Never one to make excuses, he worked hard at whatever he put his mind to; first, in baseball as a legendary pitcher and then as a voice for the people of Kentucky for over 30 years. With an unshakeable commitment to his family and the firm principles guiding him, Jim was truly a "hall of famer" in life.

On behalf of the entire Senate family, I would like to offer heartfelt condolences to Mary, their family, friends, and all who knew and loved Senator Jim Bunning.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Mr. NELSON. Mr. President, I want to talk about a subject that is near and dear to the Presiding Officer's heart, as well as to this Senator, because we both have had the privilege of serving on the Senate Commerce, Science, and Transportation Committee.

Congress finds itself facing a year of deadlines, and the two most talked about are the debt ceiling and continued funding for the government. But if that were not enough, a very important deadline is looming that affects the safety of the traveling public. By the end of September, Congress must reauthorize the Federal Aviation Administration or risk the shutdown of the agency's core safety mission.

This Senator has the privilege of being the ranking member of the Senate Commerce Committee, and I have the privilege of working with the chairman, Senator THUNE, on a comprehensive and long-term FAA reauthorization bill. Unfortunately, what prevented the long-term bill from passing Congress last year is threatening to do the same again this year.

This morning, the White House formally announced its intention to privatize the air traffic control function of the FAA, a move the White House claims will be self-sustaining. This so-called plan for ATC privatization includes an entity that would be run in large part by—you guessed it—the major airlines, and that entity would receive, free of charge, government-owned FAA assets, and that entity would collect user fees to finance its operations.

Well, this is how many of us interpret this proposal: Let's hand over to the airlines all the people and the equipment essential to the safe operation of our Nation's air traffic control

system and trust them—the airlines—to manage our skies and the increasing air traffic. On top of that, here on the other side, they say: Well, let's finance the airlines' control of our skies through user fees paid for by the general aviation community.

We know that several airlines in the past year have had to cancel thousands of flights and strand passengers at airports for hours because they couldn't effectively manage their IT systems. How can we trust airlines to govern an entity that manages our skies when they can't even manage their own basic IT systems?

The FAA, our government's Federal Aviation Administration, safely and effectively manages the largest and most complex airspace in the world. Supporters of air traffic control privatization can cite other countries all they want that have privatized, but none of those privatized systems hold a candle to the complicated and densely populated air traffic system the FAA has accomplished.

Rather than helping the FAA continue its progress toward modernizing our air traffic control system through NextGen—that is being implemented as we speak, and in 3 years, the process of handing off most of the air traffic to satellites instead of ground-based radar—that is in just 3 years. On the other hand, the transition to a privatized air traffic control entity is only going to disrupt and delay the FAA's modernization efforts.

One has to ask, if it isn't broken, what exactly is the administration trying to fix?

We actually have real issues that need to be addressed in this FAA bill, such as continuing to safely integrate drones into our Nation's airspace, reforming the process for aircraft certification, and, very importantly, helping the FAA hire more air traffic controllers. We need to work to ensure that consumers, the flying public, have real protections in place that protect them when things go wrong. I wish the administration would focus on those issues, which received nearly unanimous support in the Senate last year, rather than try to up-end the world's safest air traffic control system.

Let's not get sidetracked by proposals that have neither bipartisan consensus in Congress nor agreement among aviation stakeholders. Last year we came very close to enacting a bipartisan and comprehensive FAA bill. It passed the Senate 95 to 3, although it didn't have air traffic control privatization. I know we can do it again, and I look forward to working with Senator THUNE and the members of the committee, who will have the first crack at this when we bring up the FAA bill. Hopefully we can go with a consensus bill that will give us an authorization for the FAA for many years—5 to 7 years into the future—so that we can have the certainty of the authorization with which to continue to build a safe airline and air safety

record and implement the next generation of air traffic control.

Mr. President, 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.

Ms. HEITKAMP. 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 question now occurs on agreeing to the resolution.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. FLAKE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. SULLIVAN), the Senator from North Carolina (Mr. TILLIS), and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Ms. DUCKWORTH), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—90

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

NOT VOTING—10

Bennet	Menendez	Tillis
Booker	Merkley	Toomey
Duckworth	Murkowski	
Flake	Sullivan	

The resolution (S. Res. 176) was agreed to.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 24, 2017, under "Submitted Resolutions.")

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The Senator from Nevada.

MORNING BUSINESS

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

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

The Senator from Nevada.

S. RES. 176

Mr. HELLER. Mr. President, I rise today in support of S. Res. 176, which was just adopted by the Senate.

This important resolution reaffirms the Jerusalem Embassy Act of 1995, which recognized Jerusalem as the capital of Israel by moving the U.S. Embassy from Tel Aviv to Jerusalem.

As many of my colleagues know, this week marks 50 years since Jerusalem was unified during the Six-Day War, and I am pleased to have joined Leader McConnell and Senator Schumer as an original cosponsor of this resolution to commemorate this important anniversary. I thank them for their leadership on this issue, and I am proud to stand beside them in our commitment to one of our oldest and strongest allies, Israel.

This resolution sends a message to our friends in Israel, and that message is this: We support moving our Embassy from Tel Aviv to Jerusalem.

Let me explain why this issue is so important to me.

It has been 22 years since the Jerusalem Embassy Act became law. However, our country's promise to move the U.S. Embassy to Jerusalem is yet to be fulfilled. It has been 22 years, and we still have not moved our Embassy. We have had 22 years to enforce this law, and year after year we continue to turn a blind eye to what we are expected—and what we promised—to do. Jerusalem is the capital of Israel, and that is where the U.S. Embassy should be located. Now is the time to move the Embassy as we committed to do so many years ago.

By the way, many Nevadans feel the same way I do. One Nevadan who supports relocating the Embassy said in a letter to me:

It is never wrong to do the right thing. And moving our embassy to Jerusalem is the right thing to do.

As we commemorate the reunification of Jerusalem, I encourage my colleagues to honor our commitment and to show Israel, one of our oldest and closest allies, that we stand with them today more than ever.

Today's vote represents an important step in the right direction, and I encourage my colleagues to join me in finally enacting what is current law.