

provides that “state environmental agencies are not always notified of citizen suits that allege U.S. EPA’s failure to perform its nondiscretionary duties, are often not parties to these citizen suits, and are usually not provided with an opportunity to participate in the negotiation of agreements to settle citizen suits.”

The Environmental Council of the States further resolved that “greater transparency of citizen suit settlement agreements is needed for the public to understand the impact of these agreements on the administration of environmental programs.”

Obviously, I agree. We need more transparency, more accountability, and more voices at the table. In other words, the public’s business ought to be public, not some new regulation agreed to behind closed doors. I am happy to say that this administration is working to accomplish that, thanks to Administrator Pruitt. In his own words: “The days of this regulation through litigation . . . are terminated.”

His directive puts a swift end to sue-and-settle tactics by this one agency, the EPA. It does so by adopting commonsense reforms to promote transparency and public participation in the regulatory process. It requires the publication online of notices of lawsuits filed against the EPA. It requires the EPA to reach out and notify any States or regulated entities that will be affected by the lawsuit. It requires the EPA to seek the agreement of any affected State or regulatory entities before the agency can enter into a consent decree or settlement agreement. Further, it prohibits the EPA from entering into any consent decree or settlement that converts a discretionary duty of the agency into a mandatory duty to issue, revise, or amend a regulation. Most importantly, it requires the EPA to post online for public comment any proposed consent decrees or settlement agreements before they are entered into by the court.

These and other reforms in Administrator Pruitt’s directive mark a very strong step toward ensuring that States, American job creators, and the public at large have a seat at the table when regulatory decisions are made, which is exactly why Congress passed the Administrative Procedure Act.

Before I close, I will add one more thing. Earlier this year, I introduced the Sunshine for Regulatory Decrees and Settlements Act. This bill would make permanent the very types of reforms outlined in Administrator Pruitt’s directive. If it becomes law, it can’t be changed at some later date. In other words, it would ensure that future administrations can’t simply roll back the great work Administrator Pruitt is doing through this directive.

I am pleased to hear that the House of Representatives just passed the companion bill introduced by Congressman DOUG COLLINS. We will continue our work to build bipartisan support here in the Senate for this commonsense decree.

But, today, I urge President Trump to move forward with the example set by Administrator Pruitt because Administrator Pruitt is draining the swamp through this process. The President loves to sign Executive orders. He would probably do more good in draining the swamp by producing an Executive order like this than almost any other Executive order he could do.

There is simply no reason these reforms should be limited to just the EPA. Transparency and public participation are core elements of a more accountable government. Simply stated, they are part of the process of representative government, where people make the laws and where administrators carry out the laws, not where something is done behind closed doors because some special interest wants something or because the agency is begging to do something—which maybe someone doesn’t want them to do—to get it done and to do it behind closed doors, just to work it out the way they want it and not necessarily the way it would be done if people were participating.

I applaud Administrator Pruitt’s directive. I urge the President to promptly see to it that similar reforms are implemented across the administration.

So for a third time today, President Trump, issue an Executive order to all departments to do what Administrator Pruitt has done at the EPA.

#### TRIBUTE TO BRIGADIER GENERAL STEVEN P. BULLARD

Mr. McCONNELL. Mr. President, today I wish to congratulate Brig. Gen. Steven P. Bullard of the Kentucky Air National Guard as he begins his retirement after more than three decades of achievement, service, and sacrifice. This Nation and the Commonwealth of Kentucky thank him for his diligence in defending our safety and security.

Brigadier General Bullard has served as the chief of staff, Headquarters, for the Kentucky Air National Guard and the deputy chief of the Joint Staff, Joint Force Headquarters-Kentucky National Guard since 2012. In these roles, he has been responsible for the guidance and direction of more than 8,500 Army and Air Guardsman in my home State. Brigadier General Bullard has skillfully carried out his responsibilities in these positions, as well as the duties of his civilian role as director of the division of administrative services within the Kentucky Department of Military Affairs.

On numerous projects, he was the critical link between my office and the Kentucky Guard. I know that many on my staff who have had the privilege of interacting with him have appreciated Brigadier General Bullard’s dependability and talent, which I am told also extends to the golf course.

Entering officer training school at Lackland Air Force Base in 1985, Brigadier General Bullard took the first steps of his decorated military career.

He later achieved the rating of master navigator, having completed more than 5,500 flight hours on various aircraft. Over the years, Brigadier General Bullard flew missions in 75 countries, including a deployment to Afghanistan during Operation Enduring Freedom. One might think that, with such aviation skill, he would have more luck traveling as a passenger on commercial air, but his colleagues report that throughout his career, a number of commercial flights he has traveled on have experienced weather or maintenance delays resulting in numerous nights in the airport for the trained airman.

Brigadier General Bullard has earned and been awarded numerous military awards and decorations for his selfless service to the Commonwealth and his Nation. These honors include the Bronze Star Medal, the Meritorious Service Medal with two bronze oakleaf clusters, the Air Medal with one bronze oakleaf cluster, and the Kentucky Distinguished Service Medal. These awards are recognition of Brigadier General Bullard’s distinguished actions on behalf of our Nation and Kentucky.

The men and women of Kentucky’s National Guard serve a unique mission in our Armed Forces. Their efforts to help fight our Nation’s wars, defend our homeland, provide relief from natural disasters, and maintain critical State, Federal, and international partnerships in support of our Nation’s safety and security have demonstrated the vital nature of the National Guard’s service. I am proud to represent them in the U.S. Senate, and I am grateful for their sacrifice on behalf of our Commonwealth and our Nation.

As we celebrate Brigadier General Bullard’s retirement, we are also saddened to lose such a capable and dedicated public servant. In addition to his responsibilities at headquarters, Brigadier General Bullard has also worked as the chairman of the Louisville Armed Forces Committee, two terms as the president of the National Guard Association of Kentucky, and as the volunteer executive director of the Kentucky Committee for Employer Support of the Guard and Reserve. On behalf of the people of Kentucky, I would like to thank him for his 32 years of achievement and service. He has earned a relaxing retirement, spending time with his family and friends. Finally, I would ask my colleagues in the Senate to join me in paying tribute to Brigadier General Bullard, a brave American, a selfless public servant, and a proud Kentuckian.

#### TRIBUTE TO DR. GLENN POSHARD

Mr. DURBIN. Mr. President, Dr. Glenn Poshard has served the United States in many ways. He served in the military and taught in high school. He represented rural southern Illinois in the Illinois State Senate from 1984 to

1988 and in Congress from 1989 to 1998. I served with him for 8 years in the House of Representatives.

Glenn was a strong proponent of campaign finance reform so much so that he limited individual donations and refused contributions from political action committees when he ran for Governor in 1998.

Following his tenure in Congress, Glenn and his wife, Jo, founded the Poshard Foundation for Abused Children. The foundation has helped the abused, abandoned, and neglected children of southern Illinois for 18 years.

Glenn's service to the community also continued through his role as president of Southern Illinois University where he was the second longest serving president in the history of the Southern Illinois University system.

Earlier this month, Glenn reminded us what service to our country and what the American flag means for us in an op-ed in the Southern Illinoisian, which I have included here.

Dr. Poshard wrote:

In 1962, I joined the U.S. Army on my 17th birthday. I had just graduated from high school and was following in the tradition of my family's military service. They had served in the Civil War and fought their way across Europe and the Pacific in two World Wars. Some were POWs and one, my first cousin and closest friend, Dennis, awarded the Bronze Star for bravery in Vietnam, was the first young man from our county to be killed in that war.

During my three years of enlistment, I served a tour of duty with the First Cav Division in Korea. When my active duty was finished in December 1965, I immediately entered SIU Carbondale on the GI Bill. Protests against the Vietnam War were already gripping the campus. They were abhorrent to me, particularly when the American flag was used to symbolize anger toward the government. But I was busy, carrying a full load of classes, working three part-time jobs, and trying to support a new family. By the time Old Main burned and the campus closed in the spring of 1970, I was beyond anger for the thousands of protesters desecrating our flag and destroying my beloved university.

I made no attempt to understand the difference between the symbolism of the flag and the substance of the Bill of Rights as it pertained to freedom to speak against perceived wrongs of our government.

Years later, as a member of Congress, I was forced to grapple with this volatile issue again. In my first term, a bill was submitted to amend the Constitution prohibiting the desecration of the American flag as a means of protest against our government. Now, I had to understand this issue in its deepest, broadest context. My family and I went to Philadelphia where I sat in Independence Hall, contemplating those early debates of our forefathers on issues of equality, justice and freedom. Moved to tears, I was about to cast a vote of which the historical significance reached back to arguments which formed the founding documents of our country, the Declaration of Independence and the Constitution.

We drove to Gettysburg and I stood where our greatest President, Abraham Lincoln, delivered his address, taking us back to our Declaration of Independence, which stated, "All men are created equal and endowed by their Creator with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness." When

our forefathers thought they had been denied these rights long enough by the King of England, they fought a Revolutionary War to gain them. And they fought a Civil War to extend those rights to slaves. Over the next 100 years, they fought all over the world to secure these rights for other people.

President Kennedy spoke of this in his inaugural address. He said, "These same revolutionary beliefs for which our forefathers fought are still at issue around the globe today. The belief that the rights of man come not from the generosity of the State, but from the hand of God. We dare not forget that we are the heirs of that first Revolution." The Declaration goes on to say that when any form of government becomes destructive of these rights then it is the right of the people to protest and alter that form of government so that those rights are secured to the people. And in the 1960s and '70s, people protested against what they believed was an unjust war which imperiled their lives, their freedoms, and their pursuit of happiness. They believed that nearly 60,000 deaths were enough in a war our government either could not or would not win.

When hundreds of thousands of mostly white young men in the '60s and thousands of mostly black young men today protest against their government, it is because they feel their God-given rights are threatened. But why involve the flag? In a Supreme Court decision, *Board of Education v. Barnett* in 1943, Justice Jackson wrote words especially relevant to this issue. He said, "Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of freedom's substance is the right to differ as to things that touch the heart of the existing order"—i.e. our flag.

For many, it is not enough to write a letter to their congressman, attend a meeting or participate in a march. They must take the most important thing symbolizing our freedom—the flag—and cast it at the feet of their government to show how emphatically they disagree with government allowing the infringement of their rights. Millions of people of color in our country today feel threatened. They just want to enjoy the same security and freedom we all enjoy and the flag has become central to their protest precisely because it matters, as it did in the '60s to an earlier generation.

When I protested as a young man in my church that it was not necessary for God to send His only Son to be sacrificed for my freedom, that He could have provided another way, the pastor said, "Oh yes it was, because He could not win your freedom from sin by sacrificing that which didn't matter much, He had to sacrifice the most important thing He loved, His Son."

The Supreme Court has said that the use of the flag in dissent against the government does not diminish it or the contribution of the men and women who fought for our freedom, but instead stands as a powerful symbol to illustrate the substance of our Constitution's Bill of Rights.

I listened carefully to the debate in 1990 on the flag desecration amendment which for the first time in 200 years would have amended our Bill of Rights. These words from President Reagan's solicitor general, Charles Fried, express my beliefs entirely. "The flag, as all in this debate agree, symbolizes our nation, its history, its values. We love the flag because it symbolizes the United States; but we must love the Constitution even more, because the Constitution is not a symbol. It is the thing itself."

Reading Glenn's op-ed, I was reminded of the late John Glenn, colleague, friend, and legend. He testified

to the Senate Judiciary Committee in 2004 about the flag of the United States. This is a man who carried the flag into space as an astronaut. He served in the Marine Corps. When presented with a flag-burning amendment, he said, "It would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves."

Free speech is the bedrock of our democracy. As millions of Americans are participating in the freedoms guaranteed by our Constitution today, we should remember Glenn Poshard's point that they do so not to destroy our Republic, but to celebrate the strength of our Constitution.

Thank you.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

● Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 257, on the nomination of Joan Larsen, of Michigan, to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 258, on the motion to invoke cloture on Allison Eid, of Colorado, to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted nay.●

#### TRIBUTE TO GEORGE STEVENS, JR.

Mr. MARKEY. Mr. President, today we honor an icon of the film industry and a distinguished public servant, George Stevens, Jr. For five decades, George Stevens, Jr., served as the founding director of the American Film Institute, AFI, an organization that led the clarion call to preserve and celebrate America's film heritage.

In honoring him, I would like to state the following in the RECORD:

Whereas, George Stevens, Jr., stood in the Rose Garden of the White House in 1967 when President Lyndon Johnson announced there would be an American Film Institute in order to address the crisis of America's disappearing motion picture heritage.

Whereas, through the extraordinary vision of the Library of Congress and the American Film Institute, more than 37,000 motion pictures are now safely preserved in the AFI Collection at the Library of Congress.

Whereas, George Stevens, Jr., led the effort at the AFI to create a rescue list of movies with the Museum of Modern Art, Eastman House, and the Library of Congress and locate and preserve missing films.

Whereas, the collection includes classic American films, including "It's A Wonderful Life," "Mr. Smith Goes to Washington," "The Ten Commandments," "Puss in Boots," and George Stevens, Sr.'s "Gunga Din."

Whereas, George Stevens, Jr., expanded the horizons of the next generation of filmmakers and visionaries with the creation an AFI Center for Advanced Film Studies.

Whereas, George Stevens, Jr., unleashed the power of filmmaking in service to the