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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

O God and Father of humanity, guide our lawmakers with Your Spirit of truth and love. During days of difficulty, help them to remember that You will never leave or forsake them. Lord, provide them with the wisdom, courage, and patience to do what is best for our Nation and world. Give us all grace to maintain our faith and freedom with righteousness, fostering peace and good will for the glory of Your Name. Hasten, Lord, that perfect day, when pain and death shall cease and Your just rule shall fill the Earth with health, light, and peace.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Claria Horn Boom, of Kentucky, to be Eastern States District Judge for the United and Western Districts of Kentucky.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCONNELL. Mr. President, this week, as I stated yesterday, the Senate will focus on personnel business.

Six well-qualified nominees are currently before the Senate. They are awaiting the full consideration they clearly deserve. Their nominations have been vetted. Their expertise is well known. Their positions sit empty, waiting to be filled. The American people are waiting for their President to have his full team and for their Federal Government to be appropriately staffed.

If last evening's vote to advance Claria Horn Boom's district court nomination were any indication, we would be in for a productive week. Ninety-six of our colleagues voted in support—96. With such broad bipartisan support, you might think that filing cloture should not have been necessary in the first place.

With nominees as uncontroversial as these, you might think the Senate would roll quickly through them and move on to other business, but unfortunately, for more than a year now, our Democratic friends have used the partisan playbook to delay and obstruct even the least controversial nominees. So unless we can reach the kind of bipartisan agreement that was once the norm around here and process non-controversial nominees more promptly, we are left with no choice but to proceed the hard way, and that is just what we have done.

Facing historic obstruction, Republicans have confirmed ambitious reformists to crucial posts where fresh

ideas were long overdue, and we have confirmed top-notch legal minds to the Federal bench, including a record number of circuit court judges for a President's first year and the generational choice of Justice Neil Gorsuch, who was confirmed to the Supreme Court 1 year ago today.

I have already stated that the Senate will remain in session as long as it takes to clear this slate of nominees. Following the confirmation of Ms. Boom, we will move to consideration of John Ring to serve on the National Labor Relations Board. After Mr. Ring comes nominees to the Department of Labor, the EPA, and two more nominees to fill district court vacancies—all vetted, all qualified, all sitting right here in the Senate. In at least one case, several of my Democratic friends have already proactively announced support for the nominee. So let's get back on track together. Let's consider and confirm these nominees without delay.

### TAX REFORM

Mr. President, on a further matter, something exciting has started to happen all across our country. In America's small towns and suburbs, Main Street businesses are dusting off "Help Wanted" signs. In our small cities, American manufacturers are expanding facilities and creating new products. In rural America, family farmers are investing in new equipment and looking forward to increased prosperity.

For years, all of these parts of our great Nation were more or less forgotten. Millions and millions of Americans were left behind. Whether by accident or by design, the Obama administration's economic policies brought some prosperity to America's biggest and richest urban areas, but our small towns, our suburbs, our smaller cities, and our rural areas and farming communities year after year saw next to no progress. This is the disparity that President Trump and this Republican Congress were elected to change.

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



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Our Democratic friends say they are proud of a record in which urban centers like New York and San Francisco thrived, but most other areas slipped behind. I wouldn't be proud of that record. Republicans wouldn't settle for that kind of outcome. That is why, as soon as this President and this Congress took office, we began implementing an inclusive, pro-growth agenda to reignite prosperity in every corner of our Nation. We cut taxes for middle-class families and small businesses. We repealed one burdensome job-killing regulation after another. We are grabbing every tool we can find to make life easier for middle-class families who were neglected by the previous administration's policies.

One prime example is our colleague Senator SCOTT's provision in last year's historic tax reform. His legislation lets economically depressed communities across the country be designated as "opportunity zones," earning special tax treatment to make investment and job creation more attractive. In effect, this piece of tax reform will help struggling American communities set up big neon signs saying "We are open for business."

Just yesterday, in my State of Kentucky, Governor Bevin announced the certification of 144 opportunity zones. My friends and colleagues on the State and local level are excited and optimistic again. This creative policy, along with the rest of tax reform, has the Kentuckians I serve looking forward to a brighter future. More States are following suit.

From the West End in Louisville and distressed areas in Eastern Kentucky to Stockton, CA, and everywhere in between, this Congress will have helped deliver new opportunities and new hope to many of the most vulnerable communities all across our country. All this progress—all because Republicans overcame lockstep partisan opposition and passed this historic tax reform law.

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

#### REMEMBERING DANIEL AKAKA

Mr. DURBIN. Mr. President, last Friday, America lost a good and gracious person, a statesman, and many of us in the Senate lost a personal friend.

Senator Daniel Akaka was as kind and decent a man as you would ever meet in life. For 3½ decades, Danny Akaka served the people of Hawaii in the U.S. Congress with dignity, humility, and deep caring.

The Hawaiian concept of "aloha" isn't a quality that many think of when they think of politicians. "Aloha" means mutual regard and affection. It means extending warmth and caring with no obligation in return, no strings attached. Danny Inouye, that giant of Hawaii and its history, once called Danny Akaka "a true ambassador of aloha."

When Danny Akaka announced in 2011 that he would not run for reelection to the Senate, then-Hawaii Governor Neil Abercrombie said:

The words aloha and Akaka are interchangeable. Daniel Akaka is Hawaii.

Now, at age 93, Senator Akaka is gone. I first met him in 1983. I was a newly elected Member of the U.S. House of Representatives. Then we sat together on the House Appropriations Subcommittee on Agriculture, the two of us next to one another down at the far end of the table. Danny had 6 years' seniority on me. We served together, worked together, laughed together, traveled together, and came to be friends.

Here was a man, a great politician, who didn't have a personal ego. Politics was always about someone else, about helping other people. In fact, he went out of his way to avoid the spotlight. But don't think for a minute that he was weak. I have memories seared in my mind—certainly October 11, 2002, when 22 Members of the Democratic caucus in the Senate voted against the resolution authorizing President Bush to invade Iraq—the Iraq war resolution Danny Akaka opposed. I can recall that it was nearly 1 in the morning when that rollcall ended and he left the floor after that historic vote. Soft-spoken, yes. Capable of making hard, meaningful, courageous decisions, certainly. That was a lonely road. I believe history has judged it to be the right vote.

Danny Akaka's vote, like so many, was deeply influenced by his own experience in the U.S. military. At 17 years of age, he witnessed the Japanese attack on Pearl Harbor. Two years later, after serving as a welder and diesel mechanic with the Army Corps of Engineers, he entered Active Duty with the Army and served in several areas across the Pacific.

After the war, he used his GI benefits to go to college, and only later did he realize he was still carrying a wound from that war—post-traumatic stress disorder. He said that earning a bachelor's and master's degree in education and working as a public school teacher and principal—his first profession—helped him to cope with PTSD.

In politics, his second career, he used his influence to help other members of the military, veterans and their families.

In 2008, as chairman of the Senate Veterans' Affairs Committee, Senator Danny Akaka cosponsored the post-9/11 GI bill of rights. That new GI bill of rights included a provision that I asked Danny to include to improve care for veterans wounded by another of the often-invisible wounds of war—traumatic brain injury. Senator Akaka's leadership helped to pass that important new law.

Two years later, then chairman of the Veterans' Committee, I appealed to Danny Akaka again for another provision. It was an idea actually authored originally by Senator Hillary Clinton of New York. It was called the Caregivers Program. The idea was to allow family members of disabled veterans to care for them at home, to provide nec-

essary medical care and support in a home setting that they all wanted to be in. It was the right thing for our veterans, the right thing for our budget, and the right thing for America. Danny Akaka embraced it and became a leader on the Caregivers and Veterans Omnibus Health Services Act of 2010, providing those family members with training and modest stipends. The stipends amount to only a fraction of what would have been spent on these veterans had they been in a different setting sponsored by the government.

Well, Danny Akaka is gone, but his legacy of service lives on in millions of veterans and military families whose lives are better because of his quiet but fierce commitment.

In 1996, Senator Akaka spearheaded an effort to require reevaluation of the service records of Asian Americans who had fought in the 442nd Regimental Combat Team and the 100th Division during the war.

As a result of Danny Akaka's perseverance, almost two dozen Medals of Honor were bestowed posthumously on Asian-American veterans, many of them Japanese Americans. The most prominent recipient was his colleague, Senator Danny Inouye, who had lost an arm during World War II fighting for the United States in Italy. It was a long overdue justice for heroes whose courage had been largely ignored for decades because of racism, and Danny Akaka helped to make it happen.

In 1993, Danny Akaka helped to bend the arc of the moral universe another time when he and Senator Inouye successfully pushed through a resolution in which the Federal Government apologized for its role in overthrowing the Hawaiian monarchy a century earlier.

As a child, Danny Akaka listened to his parents speak their Native Hawaiian language in whispers. They didn't want Danny and his seven brothers and sisters to hear them because of the Territorial law allowing children to be punished if they spoke their Native Hawaiian language in school. That little boy, little Danny Akaka, grew up to be the first Native Hawaiian ever elected to the U.S. Senate. Danny Akaka was a champion of Native Hawaiians and Native Americans, a champion of good government and the men and women who do that work in government.

He was a deeply spiritual and religious man, who once considered following his brother into the ministry but instead decided to help others in his own way as a teacher and a public servant. His was a life well lived.

Last night, I had a telephone conversation with Danny's wife, Millie Akaka—what a team, 69 years of marriage. They were just a few weeks away from celebrating their 70th anniversary. They were inseparable. He was the Senator, but she was the driving force in his public career. She managed every one of his campaigns. She knew everyone in every direction. She never forgot a name, and she was always

there to finish his sentences. We talked for a long time last night about the times when we were able to get together—my wife Loretta, Millie, and Danny—and the good times we had and the great people we met in the process. I also talked about the time when Danny came before the Senate Democratic caucus luncheon. We used to have a great tradition, where every few weeks Senators would get up and just tell a little bit about their personal lives—things that don't make the headlines.

I still remember Danny Akaka's presentation. He talked about growing up in a very modest family but having a mother with a very caring heart. His mother just couldn't stand to see someone who was struggling to find a home or a meal. She was always inviting someone in. Even though they didn't have a lot themselves, they were always sharing with people. She would say: Bring them over to dinner, Danny. Let's meet them.

Then, after they met them, they would offer them a room. Danny told a story of people who came and lived in his home with him—perfect strangers who became part of their family and lived with them for months and even years. Some of those people whom they befriended went on to greatness. One was a medical doctor who became famous and never forgot the kindnesses extended by the Akaka family.

His mother's lesson was learned by Danny Akaka. It was shared with us in the Senate. It was an indication of truly a caring heart and a person who was really prepared to serve every day of his life.

I join my colleagues in expressing our condolences to Danny's wife Millie, to their five children, grandchildren, and great-grandchildren. May your love and memories be a comfort in this time of loss.

To my friend, Senator Danny Akaka: Aloha and mahalo. Farewell and thank you.

#### DACA

Mr. President, I have come to this floor over 110 different times to introduce to the Senate and to the people who follow our proceedings remarkable people who live in the shadows of America. These are Dreamers—children who were brought to this country by their parents, some at the age of 2 or 3. They were brought into this country perhaps on a visitor's visa and stayed. They grew up in America. Then, when they were 10 or 12, in some cases, their mother and father sat down and said: We need to tell you the truth about who you are and where you are.

These children are undocumented. Their parents didn't file the necessary legal papers. They live lives without a country. They have grown up here. They always believed they were Americans. They went to our schools and stood every day in class and pledged allegiance to that flag. They really believed they were part of America, but legally, no, they were Dreamers.

I have tried for 17 years now to pass legislation to give them a chance to earn their way to legal status and citizenship. I have had some luck from time to time, but we have never quite been able to find the necessary votes in both the House and the Senate in the same year.

A number of years ago, I appealed to my former Senate colleague, Barack Obama, and asked President Obama to do what he could to help these Dreamers. He created a program called DACA by Executive order. Under DACA, these young people could come forward, submit themselves to a criminal background check, pay a filing fee, and be protected from deportation for 2 years at a time. They had to renew this. So if there was any problem, they could lose their protection. That DACA Program finally brought 800,000 Americans—people who live in America—out of the shadows under the protection of DACA.

Initially, we thought new President Trump was going to give these young DACA recipients a break. He said a lot of kind things about them, even though his rhetoric about immigration has been very harsh. He said good things about them because he realized, as all of us do, that many of them are victims of unfairness and injustice and they should be given a chance to prove themselves and be part of America's future.

But then, on September 5 of last year, President Trump reversed himself. He announced that he was eliminating DACA, eliminating the protection these young people have. He challenged Congress and said: Come up with a law that protects DACA and Dreamers. I accepted the challenge and so did LINDSEY GRAHAM, the Republican Senator of South Carolina. We put together a team of six Senators—three Democrats and three Republicans—and worked for months to come up with an alternative that would protect the Dreamers, protect those who are under the DACA Program.

I think it was a good proposal. I think it was balanced. Parts of it I didn't like, and parts of it I did. That is the nature of a political compromise. It was bipartisan. We took it to President Trump, but he rejected it. He just rejected it.

There we were, emptyhanded, coming to the floor of the Senate a few weeks ago for four different votes to try to solve the DACA crisis. None of our proposals passed. The one with the most votes was the one Senator GRAHAM and I worked on and brought to the floor with Senator KING and Senator ROUNDS. It even included the President's wall. Some of us think this is a crazy idea, a waste of taxpayers' dollars, but we were prepared to say to the President: If you would give 1.8 million of these Dreamers a path to citizenship, we will at least start building your wall—one that was supposed to be paid for by Mexico. President Trump rejected it. He rejected it. March 5

came and went. The deadline for DACA ended, and protection under DACA started disappearing.

There were court suits that were brought. Two Federal courts stepped in and issued injunctions. They said to the President: Stop the threat of deportation against these DACA-protected young people. Two of those injunctions now stand, and under those our Federal Government—the Department of Homeland Security—is allowing those who were once protected by DACA to renew their status. Of course, those who were newly eligible—for instance, reaching the age of 15, which is the age of eligibility—can't sign up. But if you were in the 800,000 protected, you can renew your DACA protection by these court orders.

So how long are these young people going to be protected? We don't know. That court protection could end next week, next month, or 6 months from now. We just don't know. So they live in absolute uncertainty with the danger that at any minute DACA protection ends and they can be deported.

When I have come to the floor to tell their stories, people understand that these young people are extraordinary. Think about growing up as a teenager and all the uncertainty and challenges and things that come to your life. Imagine doing that with the knowledge that at any minute you could be deported or some misstep by you might deport your entire family. That is what these young people have grown up with. Yet they are determined. They are resilient. Some of them are nothing short of amazing on what they have done with their lives.

I have come to the floor to tell their stories so you could attach a face to them, to the issue. DACA isn't just another government program. It turns out to be something that is significant in their lives.

Today I wish to tell another one of those stories about another one of these Dreamers. This lovely young lady here is Gloria Rinconi. Gloria Rinconi is the 113th Dreamer whom I have had the honor to introduce to the Senate and to those who follow our proceedings.

Gloria was brought to the United States at the age of 1 from Mexico. She grew up in North Carolina and in Texas. Her family had so little money that at one point her parents slept on the floor of a trailer. Gloria slept on a makeshift bed made out of a piece of cardboard and a blanket.

Gloria's parents told her she was undocumented, but "you are loved by many regardless of what you might hear on TV."

Her family was poor, but Gloria was a hard worker and an extraordinarily good student. In high school, she took advanced placement courses and was a member of the National Technical Honor Society. She received the Tyler Independent School District Student Award. She was active in extracurricular activities, worked on the

school yearbook, was a member of the French club, pom squad, and drill prep. She competed in pageants, winning the National American Miss State Pageant and the National American Miss National Pageant.

Gloria graduated from high school with a medical assistant program certification. She is attending Richland College and majoring in psychology. She also works as a medical assistant for a surgeon. Her dream is to become a clinical psychologist and work with low-income families facing mental health issues.

This lovely and amazing young lady sent me a letter. Here is what she said:

DACA is my entire life. It's the only thing I have that allows me to work, give back to my community and continue with my future plans. Without it, my life as I know it will be gone.

This is what the DACA debate and the Dream Act debate is all about. It is all about the aspirations and hopes of amazing, talented, and dedicated young people who just want to be part of America's future.

Would we be better if we ended up deporting this young lady, sending her back to Mexico—a place she has probably never even visited in her entire life since she came here at the age of 1? I don't think so. I think everyone understands that a young person like this deserves a chance.

We now face the possibility that DACA protection through court order may protect those who are already protected under DACA from deportation but may not protect them for some period of time and allow them to work. That is the second part of DACA—that you can legally work in the United States.

A lot of them have graduated from college and do work today. I have met doctors, lawyers, engineers, and teachers. There are some 20,000 teachers across America who are protected by DACA and allowed to work, but President Trump has said recently that it is over and, as far as he is concerned, they should be deported. I hope his position does not prevail. I hope, for Gloria's sake and for the thousands just like her, that we will do the right thing, the just and fair thing, and that we will do something immediately to provide DACA protection, protection for Dreamers, and a path for citizenship.

How did we get into this crisis? President Trump's decision on September 5, 2017, to end DACA created the crisis we face. We need to work toward a solution.

The President has rejected six bipartisan proposals. I don't know what it will take to bring him around. I am skeptical now of any statement that he makes publicly that he wants to solve this problem. I also know that we face, as Gloria faces every day, the uncertainty for these young people.

I urge my colleagues on both sides, don't quit on this issue; don't quit on these young people. Every time I go

home—every time I go home and meet with these Dreamers—it is an emotional meeting. Few of them can tell me their life stories without breaking down in tears. Then, when they mention their parents—who have been vilified by some—these young DACA recipients break down in tears again. They say: Senator, wouldn't you have done everything in your power to help your children, even if it meant breaking a law?

Yes, I am sure I would have.

Should the parents pay a price? Well, under comprehensive immigration reform, we had a fine they had to pay, and we delayed any eligibility they had to become citizens, but we didn't deport them and break up their families. If they had no criminal record and no difficulties or problems, we gave them a chance—not amnesty, a price had to be paid but a chance to become part of the future of America as well.

This issue is not over because we have failed in the Senate. The issue is still there. The question is whether Senators from both political parties can summon the courage to solve this problem.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

#### SEIZURE OF INFORMATION

Mr. SCHUMER. Mr. President, yesterday FBI agents, at the direction of the U.S. attorney for the Southern District of New York, seized information from President Trump's personal attorney, Michael Cohen. It was reported that the referral to the U.S. attorney's office originated with Special Counsel Mueller, but the raid itself was under the direction of the U.S. attorney's office and New York FBI agents.

We don't know the reason for Special Counsel Mueller's referral. We do know that any referral must have been signed off by Deputy Attorney General Rod Rosenstein. Furthermore, the U.S. attorney's office in New York would have to be convinced that whatever information Mr. Mueller passed along was worth pursuing, and the U.S. attorney would have to convince an independent magistrate or judge—non-partisan—that there was probable cause to believe that seizing information from Mr. Cohen would yield evidence of a crime. That is a serious and high standard that had to be met.

I go through these details because it is important to understand that yesterday's events could only have been the result of a rigorous legal process, with checks every step of the way and with a very high burden of proof. Yet, last night, President Trump said the FBI

raid was a “disgrace,” part of a “witch hunt,” an “attack on our country,” and mentioned that many people have encouraged him to fire Mr. Mueller. “We'll see what happens,” he concluded.

Let's break this down. The President suggests that the latest events are part of the partisan conspiracy against him. I remind the President that the source of the referral, Special Counsel Mueller, is a lifelong Republican. The Deputy Attorney General who signed off on the referral, Rod Rosenstein, is a Republican, appointed by President Trump. The Attorney General, Jeff Sessions, is a Republican, appointed by President Trump. The U.S. attorney for the Southern District in New York, who sought a search warrant based on that information, is a Republican, appointed by President Trump. The agents in New York who carried out the seizure are under the direction of Christopher Wray, a Republican, appointed by President Trump.

If President Trump believes this to be a partisan conspiracy, he once again ignores the fact that every major player is a Republican, and all but the judges are appointed by President Trump himself. The partisan affiliation of those involved really doesn't matter. These are all law enforcement officers simply doing their job—a job enshrined by the Constitution of the United States.

The President also tweeted this morning that “attorney-client privilege is dead.”

Mr. President, attorney-client privilege is alive and well, but there is an exception when the attorney might be involved in a crime or fraud. It is well known as the crime-fraud exception. That exception is obviously in play today. Law enforcement officers believe there is a good chance that the attorney for the President committed a crime or was involved in fraud or they couldn't have gotten the OK from the magistrate to make these seizures.

President Trump also said, the implication of his personal attorney for potentially serious Federal crimes constitutes an “attack on our country.” That is what he said, an “attack on our country.”

With due respect, President Trump, America has been around for over two and a half centuries. An investigation of your personal attorney is not an attack on our country. The Japanese bombing Pearl Harbor was an attack on our country; 9/11 was an attack on our country. When Russia interfered with our elections, that was an attack on our country. Investigating your personal lawyer, with a high standard to be met, is certainly not an attack on our country. It is what America has always been about and still is—the rule of law.

President Trump said the raid was a “disgrace.” I say to the President: Mr. President, you have it wrong. Interfering with the investigation would be a disgrace. Calling it an attack on our

country is a disgrace. What matters is the rule of law. In this country, no man is above the law, not even the President. Mr. President, your comments were the disgrace.

If the President is thinking of using this raid to fire Special Counsel Mueller or otherwise interfere with the chain of command in the Russia probe, we have one simple message for him: Don't even think about it.

Special Counsel Mueller has uncovered a deep and detailed pattern of Russian interference in our elections. It has led to several indictments and guilty pleas. It has also led the Trump administration itself to level sanctions against Russian individuals for meddling in our elections. That is proof positive that Mueller's investigation is not a so-called witch hunt.

If the President's own administration has leveled sanctions against Russian individuals for meddling in our elections, how can the President say it is a witch hunt? It is being pursued by his own administration, independent of the Mueller investigation. The investigation by Special Counsel Mueller is critical to the health of our democracy and the security of future elections. It must—it must—be allowed to continue.

The President seems to have a view that the Department of Justice's sole purpose is to protect the President and go after his enemies. I emphatically state to the President, that is not the role of the Department of Justice. Their role is to enforce the law and go after anyone who breaks it. That is their role, and it is not subject to the President's political interests in any way.

President Trump should not have any contact—any contact—with the new U.S. attorney in the Southern District, with his office, or the Department of Justice officials overseeing an investigation of Mr. Cohen. Any attempted contact by the President or the White House should be reported to the Department of Justice immediately.

One final point. When President Trump implies that the Mueller investigation is an assault on our country and our values, he is not only dead wrong, he is wrong in a very dangerous way. Special Counsel Mueller, the FBI, Federal prosecutors, and U.S. attorneys are following the due process of our legal system. Calling that an attack on our country undermines the rule of law—a bedrock principle of this great Nation for centuries, the reason, above all, the rest of the world looks up to these great United States of America.

The only person engaging in an attack on American values, what we all stand for—the rule of law—is, unfortunately, President Trump. It needs to stop. It is gnawing at the core of America.

It is difficult to know when you are living through a historic time in this country. Our Nation has prevailed through many dark times. We all hope that, in the sweep of history, our cur-

rent moment is not one of peril, but we have witnessed a sustained attack by the President of the United States on the rule of law in this country, and we may be getting to that point.

We have seen that any institution with the power to check the President's power—the Federal Judiciary, the Department of Justice, the FBI, the Congress, the press—suffers his disdain and derision. If we fail to defend these institutions, which represent the rule of law, the Constitution, and the balance of power in our country the Founding Fathers so brilliantly enshrined, then we are letting our grand democracy diminish.

I beseech my colleagues on both sides of the aisle to stand up and say what the President is doing is wrong. Make it clear that firing Mueller or interfering in his investigation crosses a redline and is a threat to our constitutional order. Let us also be clear that the President does not have the authority to order the special counsel's firing without cause.

Finally, let us take steps to protect the special counsel from political interference. We have several bipartisan bills designed to do just that. Majority Leader MCCONNELL should bring them to the floor and let us debate them very soon.

For months, Republicans have said that legislation to protect the special counsel is not needed because they have been assured by nameless people that the President will not fire the special counsel. That assurance has been shaken by the President's comments last night. By his own words, it is clear the President may—may—be considering firing the special counsel. This Congress must respond forcefully, and on a bipartisan basis, by reaffirming our belief that the President cannot fire the special counsel without cause and by passing legislation to ensure that any attempts to remove Robert Mueller will be unsuccessful.

We should not abide the President's attempted assault on the rule of law in America. The eyes of history are upon us.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

#### ONLINE PRIVACY

Mr. CORNYN. Mr. President, today we have a joint Commerce and Judiciary Committee hearing on online privacy and the abuse of data obtained by social media platforms. Ordinarily, I wouldn't come to the Senate floor to talk about an individual legislative hearing, but this is no run-of-the-mill event. The CEO of Facebook will be testifying, and I believe his company and other parties have some important explaining to do.

One question is what Facebook's priorities are and whether they are what they should be. Facebook, of course, is a publicly traded company, and it has a fiduciary duty to its shareholders that it shares in common with every other shareholder-owned enterprise. Its busi-

ness model is unique. It collects information on billions of people and uses that data to help drive its profits. One wonders whether, and at what point, that profit motive has come to be at odds with protecting the privacy of individual users. To me, that is one of the fundamental questions Mr. Zuckerberg is going to have to answer today.

From testimony released yesterday, we know Facebook will admit it made mistakes; that it didn't take a broad enough view of its responsibility and prevent its tools from being used in ways that it says it did not intend. That act of contrition is one we all welcome, of course, but it will not matter much without additional action, some of which might be even foundational to Facebook's entire business model.

Those changes, we are told, can take some time. Meanwhile, Americans will continue to wonder about their privacy, about who is acquiring data about their political opinions, their personal taste, and their preferences without their informed consent.

How much have any of us read of the terms of service for the social media platforms that we use? They are written by lawyers for legal purposes, which is basically to prevent any lawsuits from being successfully filed against the company. Yet, in terms of informed consent, which is what we ought to be focused on here, how much do consumers really understand about how the data is used that they turn over to these social media platforms?

Mr. Zuckerberg has an opportunity today to explain whether consumers are really being protected in any meaningful way. It is good that Facebook has, in recent months, shut down accounts that have had links to the Russian Government—accounts that were used to meddle in our last election. That is surely one actor we know who has used Facebook in improper ways, but it never should have reached that point. The company should have spotted this attempt of foreign influence much earlier and contained its spread.

In our moving forward, now is the time to demand a comprehensive accounting of internal monitoring efforts as well as the full extent of the infiltration and manipulation of that and other social media platforms in the past, not just by Russia but by other foreign actors, including rogue actors.

In addition to its response to the Russia allegations, Facebook, we have been told, has limited which online apps can literally vacuum up information from users' profiles. Once again, this announcement only tells us so much. We need to understand which apps are still being allowed to mine that data and under what conditions.

We have all heard about one egregious case of this happening—a political consulting firm, using Facebook, that improperly accessed the private data of some 87 million users. This data was used to assemble a psychological

profile to assess how people might respond to political advertising and how they might vote in an election. When people access Facebook to trade pictures with families and friends or to communicate with family and talk about their most recent vacations, I doubt they realize that data could be acquired by a third party, like Cambridge Analytica, and that it can not only literally use that information but all of the personal data of their friends and relatives in order to target political messaging for its use in an election.

Facebook has historically been a platform for all ideas, as they say, but now the company realizes that because of its business model, it has more responsibilities. It is not just a neutral platform. It must defend against false information, foreign government subterfuge, and other destructive conduct, such as child pornography and human trafficking. We know, as a result of the most recent legislation we passed relative to human trafficking, that we have actually expanded the responsibilities of social media platforms in the human trafficking arena because of the threat it poses to so many innocent people.

The basic questions are whether Facebook is responsible for misinformation in its use of its platform, for outright falsehoods, or attempts by foreign governments to meddle in our elections by sowing discord and disinformation. There are also some important questions about whether Facebook is inconsistently using the data that it collects in a way that obviously benefits itself financially but is not sharing it on an equal basis with law enforcement or intelligence when the intelligence community needs that information to solve crimes or to keep the country safe.

A lot of ideas have been tossed around about how to respond to these difficult questions. Perhaps we should treat social media platforms as information fiduciaries and impose legal obligations on them, as we do with lawyers and doctors, who are privy to some of our most personal, private information.

To me, one of the most important questions is who owns that data that we share on social media platforms and whether the data that is shared is shared with one's fully informed consent so that consumers are protected against consequences they had no way of anticipating and that are damaging to their personal privacy.

Other ideas involve increased transparency, partnering with the Federal Trade Commission, or passing new data privacy laws. They involve giving consumers more control and requiring companies to disclose in plain English and in nontechnical ways what information they collect before users are presumed to have given their consent. I look forward to exploring these and other related ideas at the hearing later today.

Facebook and other social media platforms need to come clean with the American people. An apology, while necessary and welcome, is not enough. These companies must back up their words with actions that better safeguard the American consumer and their right to privacy. Technology can be a good thing, but it can also be abused in ways that we need to reckon with. This afternoon's hearing will be the beginning of those efforts in a very substantial and comprehensive way.

Mr. President, on a separate matter, we have a lot on our plate here in the Senate apart from conducting the hearing that I just mentioned. One of our items on our "to do" list is to continue to confirm the President's nominees, who have faced an unprecedented level of obstruction from the minority. The majority leader, Senator MCCONNELL, has been forced to file cloture—a formal piece of paper—on six important nominees, many of whom will be confirmed with strong bipartisan support, but because our colleagues on the other side refuse to consent to the expedited consideration of these noncontroversial nominees, we will have to literally burn up a week of the Senate's time during which we could be doing other important work.

#### NOMINATION OF GINA HASPEL

Mr. President, in addition to the six nominees whom we will confirm this week, I want to talk about two in particular, two outstanding individuals who have been nominated by the President to some of the most important positions in the Federal Government. These posts are the Director of the Central Intelligence Agency and the Secretary of State.

Gina Haspel has been nominated for the first position. She joined the CIA in 1985, which was during the final years of the Cold War. She is a career intelligence officer and has served for more than 30 years overseas, around the world, and in Washington. She has held various leadership roles at the Central Intelligence Agency, including that of Deputy Director of the National clandestine Service. You can imagine this is some of the most sensitive and important work that is being done in the intelligence community, and she has been right in the middle of it. She has also worked in the Counterterrorism Center, where her first day of work was on September 11, 2001—that fateful day when the Twin Towers fell and the Pentagon was attacked.

Throughout her career, Ms. Haspel has held some of the most demanding and least publicly acknowledged assignments in the far-off reaches of the globe—in places like Africa and the Middle East. She did not always seek out these difficult roles; she took them because she saw them as her duty. That is the challenge, honestly, when it comes to somebody who has had an incredible career like Gina Haspel's, because so much of what she has done, she has done in a classified setting. We cannot really talk about the details

without jeopardizing the sources and methods of our intelligence-gathering or without revealing information which could undermine our national security.

There have already been some attacks on Ms. Haspel, which, I think, are, honestly, a caricature of her 30-plus years of service to the country. We ought to applaud, not denigrate, people who are willing to sacrifice their safety, their comfort, and their security to make us safer and more secure as the American people. Unfortunately, that doesn't always happen.

She has received numerous awards which lend credence to her reputation and illustrate that other accomplished professionals hold her in high regard. These awards include the Presidential Rank Award, which is the most prestigious award in the Federal civil service. She has also received the Intelligence Medal of Merit, among others.

Her integrity and professionalism are beyond question. A bipartisan group of intelligence officials who has served in previous administrations has testified to her qualifications and her fitness for this particular position as the Director of the CIA. For example, former Director of National Intelligence James Clapper, who served for 50 years in the intelligence community under Republican Presidents and Democratic Presidents, said he thinks the world of Ms. Haspel. She is capable, smart, experienced, and well respected by Agency rank-and-file and is a great person, he said.

Leon Panetta, who served as the Chief of Staff to Bill Clinton when he was the President and who later served as the CIA Director and the Secretary of Defense under President Obama, said that he is glad we will have the first woman as the head of the CIA and that Gina knows the CIA inside and out.

Former CIA Director John Brennan, who also worked under President Obama, has cited her ability to "provide unvarnished, apolitical, objective intelligence to [President] Trump and to others."

Just yesterday, 53 former senior U.S. officials sent the Senate Select Committee on Intelligence a letter in which they expressed their wholehearted support for Ms. Haspel. This group includes former Secretaries of State Henry Kissinger and George Shultz and former Attorney General Michael Mukasey, among others.

As I said, we know that some partisans have already sought to twist and distort Ms. Haspel's record and the decisions that were made in real time by accomplished professionals at a time when our country was under attack.

In Ms. Haspel's case, there have been questions about interrogation tactics that had been used in the early days of the War on Terror following 9/11. These questions are really pretty easily answered. The program complained of was investigated twice by career lawyers in the Justice Department—one under President Bush and another

under President Obama. Ms. Haspel and others were found to have done nothing unlawful. As my colleague, the junior Senator from Arkansas, has said, Ms. Haspel did not go rogue or make these policies on the fly. She dutifully executed the approved policy as determined by the Department of Justice. Moreover, she did so at one of the most dangerous moments in our Nation's history.

I am confident that Ms. Haspel will be confirmed because if she is not, it will send a horrible message to other highly qualified people who feel the call to serve our Nation, and it will send a horrible message to other CIA officers who follow lawful orders and protect our country on a daily basis. It will make our intelligence professionals more risk averse and consequently endanger our national security and American lives.

#### NOMINATION OF MIKE POMPEO

Mr. President, I also commend to the Senate the nomination of Mike Pompeo as the next Secretary of State and express my support for his nomination.

After graduating first in his class at West Point and serving in the U.S. Army, Mike Pompeo attended Harvard Law School. He had a successful career in law and business before transitioning into public service as an elected official. He served as a Congressman in the U.S. House of Representatives for Kansas's Fourth Congressional District, and he served in the U.S. House on the Permanent Select Committee on Intelligence. He was, of course, named by President Trump to lead the CIA after President Trump was elected.

Director Pompeo is smart and well respected by all. He has developed a keen sense of the delicate nature of global diplomacy and the crucial and indispensable role that America plays in world affairs. I know he has great personal rapport and the confidence of the President, and I think he will make an excellent Secretary of State.

Earlier this month, a group of influential conservatives sent a letter applauding Director Pompeo's nomination. They praised his management of the CIA and the trust he has earned of career officials there. They noted Director Pompeo's firsthand knowledge of the legislative process, something that is always handy for an executive branch official. They noted his congressional relationships—as we know, relationships are very important here, as well—but also his experience serving in the military, which gives him a unique perspective on a wide variety of issues.

I have worked with the Director on a number of occasions, including recently, when we worked together on the reauthorization of the Foreign Intelligence Surveillance Act section 702 program, which the intelligence community uses to monitor the communications of terrorists and other people who are a threat to the national security of the United States. Without the

Director's stalwart support, we would not have been successful at renewing that program for 6 more years this last January.

The Director never waivers from a fight, even under pressure, and he understands the important role that our intelligence officials have in responding to national security threats. That characteristic of his—not backing down from a fight—is important for a Secretary of State because inevitably they are involved in controversial matters. I believe he has the personal tact, skill, and intelligence to be able to deal with our allies and to address our adversaries on the world stage in a way that would help the United States and help us lead in the world.

Once he is confirmed, Americans would be fortunate to have Mike Pompeo's critical eye trained on difficult conflicts like that in Syria, upcoming negotiations on denuclearization with North Korea, the growing threat posed by China and its dictatorship, and the new and evolving forms of Russian aggression, including meddling in our elections. Mike Pompeo is not naive about these dangers. He is thoughtful, and I expect that, once confirmed, he will be direct, respectful, and collaborative in working with the White House and the Congress.

I strongly support the President's nomination of Mike Pompeo for Secretary of State, and I urge my colleagues to do likewise.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. 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 remarks of Mr. DAINES pertaining to the introduction of S. 2640 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

#### NOMINATIONS OF JOHN RING AND PATRICK PIZZELLA

Ms. WARREN. Mr. President, I am here today to urge my colleagues to oppose the confirmation of two Trump nominees—John Ring, who has been nominated to the National Labor Relations Board, and Patrick Pizzella, who has been nominated Deputy Secretary of Labor. These two nominees have been selected to hold critical jobs to protect workers. That is what these jobs are about.

I will be blunt. I start with a pretty high bar here since, despite his campaign rhetoric from 2 years ago, the President's track record on standing up for workers has been absolutely miserable. From the day he nominated Andrew Puzder—an executive who delighted in mocking and belittling his

own low-wage workers—to run the Department of Labor, this administration has delivered one gut punch after another to America's working people.

The National Labor Relations Board is responsible for protecting the rights of workers to organize and bargain for better wages and benefits, so as we consider President Trump's latest nominee for the Board, it makes sense to look at what his nominees so far have already done.

Look at the new Republican majority's very first week back on the job back in December. In just 5 days, the Board mowed its way through a giant wish list of areas where giant companies were begging to be let off the hook for violating workers' rights.

Allowing employers to shirk their collective bargaining obligations by contracting out workers? Check.

Making it easier for employers to control the outcome of union elections. Check.

Opening the door for workplace rules that chill workers' ability to join together on the job. Check.

Allowing cases to be "settled" without input from the workers whose rights are affected by the settlement. Check.

Just as troubling as these anti-worker decisions themselves are the egregious conflicts of interest behind them.

From the moment he was nominated by President Trump, I have repeatedly raised concerns about Board Member William Emanuel's history of representing big corporations that have abused their workers and about his mile-long list of potential conflicts of interest. Sure enough, after just a few months on the Board, NLRB's inspector general determined that Mr. Emanuel participated in not one but two important decisions involving his former law firm, which directly violated his ethics pledge. In response, the Board vacated one of its most consequential decisions of the last year, and Member Emanuel lost any remaining credibility that he could be an impartial Board member. So I called on him to resign.

Now the President wants us to put John Ring on the Board. I have asked Mr. Ring to provide a list of clients and cases that might require his recusal. To his credit, he has done so. But Mr. Ring's long list of clients is a huge red flag. Either he will ignore the ethics rules when they are inconvenient—like Mr. Emanuel did—or he will likely have to recuse himself from important cases.

A large number of potential conflicts of interest isn't the only thing Mr. Ring has in common with Mr. Emanuel. Like Emanuel, Mr. Ring has also spent his career representing large employers against workers, and his few public statements on the NLRB express a belief that the Board has been too friendly to workers and that corporations have gotten the short end of the stick.

After decades of stagnant wages and skyrocketing corporate profits, does

anyone other than insider lobbyists and lawyers think that Washington is working for middle-class families and that big corporations are the ones under attack? I don't think so. That is exactly why an NLRB that looks out for workers is more important than ever. President Trump's NLRB is failing miserably at that mission.

Working Americans deserve Board members with a demonstrated record of fighting for workers, not against them. They deserve Board members who aren't ethically and legally constrained from doing the job. Mr. Ring does not meet those qualifications.

Workers need an NLRB that works for them, and they need leaders at the Department of Labor who are going to be on their side, not on the side of giant employers and extreme, right-wing donors. Patrick Pizzella has been nominated to the No. 2 job at the Department of Labor, and nothing in Mr. Pizzella's resume tells us that he meets the description of being on the side of workers.

In the 1990s, Mr. Pizzella lobbied with Jack Abramoff to exempt the Northern Mariana Islands from Federal labor laws. Do you know what that did? That allowed companies to run sweatshops while slapping "Made in America" labels on their products.

Later, when Mr. Pizzella was in charge of data management and other operations at the Labor Department, the Government Accountability Office found that the Wage and Hour Division was egregiously mishandling wage theft complaints, consistently leaving vulnerable low-wage workers out to dry, because of faulty data systems and other operational failures.

After leaving the Department, Mr. Pizzella went to work for secretive, far-right donor groups, such as the Conservative Action Project, which secretly planned out the 2013 government shutdown to sabotage the Affordable Care Act and undermine many workers' access to healthcare, all while Mr. Pizzella was its highest paid employee.

The Deputy Secretary position should be filled by someone who has defended worker rights, not undermined them, someone who will make government work for the American people, not hamstringing it for political purposes. Mr. Pizzella is the wrong man for this job.

President Trump talked a big game during his campaign about fighting for workers, but after a year of corporate tax cuts and rolling back commonsense protections for workplace safety, retirement security, and more, we know that those promises have turned out not to be worth much of anything.

The Senate should send a clear message to this administration that we expect agencies like the NLRB and the Labor Department to stand up for working people, not to suck up to corporate lobbyists. Rejecting these two nominees would be a good first step.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). Under the previous order, all time has expired.

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

Mr. INHOFE. 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.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 65 Ex.]

YEAS—96

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

NAYS—1

Sanders

NOT VOTING—3

Booker Duckworth McCain

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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

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 senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.

Mitch McConnell, Mike Crapo, John Thune, Pat Roberts, David Perdue, Michael B. Enzi, Lamar Alexander, John Boozman, Thom Tillis, James M. Inhofe, John Hoeven, Mike Rounds, John Cornyn, Richard Burr, Tim Scott, John Barrasso, Jerry Moran.

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 John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 66 Ex.]

YEAS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	Lankford	Tillis
Daines	Lee	Toomey
Enzi	McConnell	Udall
Ernst	Moran	Warner
Fischer	Murkowski	Wicker
		Young

NAYS—47

Baldwin	Gillibrand	McCaskill
Bennet	Harris	Menendez
Blumenthal	Hassan	Merkley
Brown	Heinrich	Murphy
Cantwell	Heitkamp	Murray
Cardin	Hirono	Nelson
Carper	Jones	Peters
Casey	Kaine	Reed
Coons	King	Sanders
Cortez Masto	Klobuchar	Schatz
Donnelly	Leahy	Schumer
Durbin	Manchin	Shaheen
Feinstein	Markey	Smith