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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

O God, most holy, wise, and powerful, You are the Governor of the Universe. Keep our lawmakers this day in health of body, soundness of mind, and purity of heart. Infuse them with a spirit of courage that comes from believing that their times are in Your hands. Lord, strengthen them to labor for the fulfillment of Your purposes, empowered by You to navigate through life's turbulent waters. Direct them through every difficulty, comfort them in times of sorrow, and supply their needs according to the riches of Your grace.

We pray in Your great 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Sen-

ator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Brian Allen Benzckowski, of Virginia, to be an Assistant Attorney General.

RECOGNITION OF THE MAJORITY LEADER

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

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Mr. President, yesterday I had an opportunity to meet with Judge Brett Kavanaugh as we begin preparations for his confirmation process to the Supreme Court. It is really impossible not to come away impressed. Judge Kavanaugh is the real deal. He has the all-star legal resume and the top-light academic credentials. His extensive judicial record is defined by fairness, thoughtfulness, thoroughness, and analytical precision. I was already confident the President had

made an outstanding choice. Now I am even more confident. My colleagues here and Americans around the country won't have to take my word for it; just look to one of Judge Kavanaugh's former professors at Yale Law School. Here is what Professor Akhil Amar wrote in the New York Times: "It is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh."

Current faculty at Yale Law described him as a "true intellectual," "a leading thinker," and "a wonderful mentor and teacher to our students."

Even at Harvard, his alma mater's archrival, a scholar agrees that Judge Kavanaugh is "a generous, honorable, kind person."

Ask the legal professionals who have clerked for him on the DC Circuit. They are in a better position than most to speak to his writing as a jurist. In a letter to our colleagues on the Judiciary Committee, 34 of them share that Judge Kavanaugh "drafts opinions painstakingly, writing and rewriting until he is satisfied each opinion is clear and well-reasoned, and can be understood not only by lawyers but by the parties and the public."

As the confirmation process gets underway, I have a distinct feeling this isn't the only testimony of this sort that we will be hearing. Judge Kavanaugh seems to impress everyone with whom he crosses paths—at least those who haven't blindly announced in a fit of partisanship their opposition to this nomination before he was even named.

I am glad that President Trump has made such a strong selection, and I look forward to our colleagues in the Judiciary Committee taking up this nomination.

Mr. President, speaking of the personnel business, we are continuing this week to process President Trump's qualified nominees for other important positions in the judicial and executive branches. Yesterday, we confirmed the

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



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22nd circuit court judge since January of 2017.

Now we are considering Brian Benczkowski, the President's choice to serve as Assistant Attorney General for the Criminal Division at the Department of Justice. His resume includes distinguished service in five different leadership positions at the Department of Justice under three Attorneys General. His nomination has won praise from a number of former Justice Department officials who served under Presidents of both parties. Their letter describes this nominee as "a tireless worker . . . a fine leader and colleague . . . honest and a straight shooter." I look forward to voting to confirm him later today and to continuing to confirm more of the President's team.

JOB GROWTH

Mr. President, on one final matter, last week, the Labor Department released its monthly jobs report. As has become a pattern, it contained good news about the state of job opportunities across our country. In June alone, our economy created 213,000 new jobs, with contributions from nearly every sector. That continues a prolonged streak of strong jobs performance month after month, quarter after quarter.

The pro-growth, pro-jobs policies of this united Republican government—from historic tax relief to sweeping regulatory reform—are helping unleash this wave of new opportunity and new prosperity for America's workers and middle-class families.

More than 600,000 Americans entered the workforce last month alone—another sign that the Obama-era stagnation continues to lose its grip on our communities. The rate of hiring reached its highest level in more than a decade. Here is another promising sign: the rate at which Americans are quitting their jobs voluntarily. Economists tell us this is an important sign of a healthy job market because it indicates workers are moving upward, seeking better pay or superior benefits at a different employer. That number just hit its highest level in more than 17 years.

More jobs; more opportunities; more Americans coming off of the sidelines and getting back into the workforce; more Americans moving up the ladder to bigger and better things and opening up their current positions for other jobseekers at the same time—helping to produce conditions like these is what Republicans had in mind when we chipped away at the regulatory rust that kept American job creators from doing what they do best. That is what we had in mind when we used the Congressional Review Act a record 16 times to relieve bureaucratic bloat that had forced job creators and entrepreneurs to cut back or close up shop. That is what we had in mind when we overhauled our Tax Code so it better rewards workers and more strongly encourages job creators to deepen their roots in American soil. Republicans are

proud of this thriving job market, and we are proud that our policies are playing a part in making it happen.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

THAI RESCUE MISSION

Mr. DURBIN. Mr. President, the world breathed a sigh of relief. For almost 2 weeks now, we have had our attention focused on 12 children, Thai soccer team players who were lured into a cave with their coach and were thought to be lost for days. They couldn't be found in that flooded cave.

Then came the good news that they were discovered. They were still alive. It was a miracle.

Then came an extraordinary challenge: how to safely bring these 12 children out of this trap they were in and bring them to safety. I cannot imagine the effort that was undertaken. It included countries from around the world and the United States coming together to provide extraordinary levels of assistance at great cost to save the lives of these 12 children, to bring them out of this trap they were in and reunite them with their families.

All the prayers and all the hard work, all the bravery and all the investment paid off. These children are safe, as is their coach. They are currently being tended to for medical care, but the day will soon come when they will be back in the warm embrace of their families.

It was a great illustration of the caring heart of people around the world for children they had never seen; children who, through no fault of their own, found themselves in a deadly circumstance; children separated from their families with no hope when it came to their future. People responded. It was a great moment for the world to reflect on those children.

FAMILY SEPARATION

Mr. President, I wish to reflect on some other children. I wish to reflect on the 3,000 children forcibly removed from their parents' arms at the borders of the United States of America over the last several months. These children were victims of the zero tolerance policy of the Trump administration—a policy which Attorney General Sessions announced that resulted in those who appeared at the border, whether or not they were there for legitimate claims of asylum, being treated as criminals, and, treated as criminals, their children were removed from them.

I met with some of those children. It was 2 weeks ago in Chicago. It was at one of the agencies that the Department of Health and Human Services has used for decades to provide safe care for children who are unaccompanied at our border. Historically, those children came to the borders of United States without an adult, but in this circumstance, there were 66 children in Chicago who fit a different definition. While at the border, they were actually removed by the U.S. Government from the arms of their parents.

Of the 66 children in the Chicago facility, 22—one-third of them—were under the age of 5. It is an important fact to keep in mind as we consider what has happened.

I come to the floor to speak about the Trump administration's shameful policy of forcibly removing innocent children from their parents. Since our Nation's tragic failure during World War II to rescue Jewish refugees who fled Hitler, generations of Americans and leaders of both political parties—Republicans and Democrats—have tried to set an example for the world by providing safe haven to the world's most vulnerable people.

Ask the Cuban Americans which country opened its doors for them when they tried to escape the communism of Fidel Castro. It was the United States of America, and we are better for it. Three Members of the U.S. Senate are Cuban Americans who can trace their lineages to that refugee flow from the island to our shores.

Ask the Soviet Jews, who were persecuted under Soviet rule and who finally found freedom of religion and opportunity here in the United States, whether the U.S. refugee policy was good for them. Of course, it was, and it was good for America.

Ask those who came out of Vietnam, who stood by our side during that bloody war and came to this country as refugees to escape persecution, whether that was the right choice for them. It was, and it was the right choice for America, most certainly.

Now we face the worst refugee crisis in history, and what is the United States of America's official policy? The Trump administration is doing everything in its power to prevent innocent victims of war and terrorism from even seeking safe haven in our country.

The Northern Triangle countries of Honduras, El Salvador, and Guatemala are the sources of the vast majority of migrants who arrive at our southern border. These people are driven to our borders by horrific gang and sexual violence. What is at the root cause of that violence? It is the appetite for narcotics in the United States. It is the drug money that flows south from our border into Mexico and Central America. It is the firearms that flow by the thousands into South and Central America from the United States of America. This creates these gangs and creates these cartels that bring such violence on local people.

These countries have among the highest homicide rates in the world. Girls face a constant threat of sexual violence and rape and have little protection from local authorities. Is it any wonder that in desperation so many of them seek our shores and seek our country for the safety of their kids? This is why families are taking extraordinary risks to flee to our border. Any parent would do the same to save a child.

What has been the Trump administration's response to these families

who flee for their lives and to the mothers and fathers who try to protect their girls from sexual violence and rape?

On April 6, Attorney General Jeff Sessions announced that the Trump administration had adopted a new zero tolerance approach in prosecuting border cases, making family separation the official policy of the United States of America. It declares that all who present themselves at our borders, even those who legitimately seek asylum, are to be treated as criminals.

The goal is clear. White House Chief of Staff John Kelly said that separating families is a “tough deterrent” to parents who flee persecution. Kelly also dismissed any concerns because “the children will be taken care of—put into foster care or whatever.”

Under this harsh and harmful policy, thousands of children have been forcibly removed from their parents by our government. They have been transferred to facilities all over the country, often thousands of miles away from their parents. The American Academy of Pediatrics and the American Medical Association have condemned this Trump policy. In the starkest terms, the President of the American Academy of Pediatrics has called it “government-sanctioned child abuse.”

Two weeks ago, on June 26, a Federal court in California mercifully stepped in. Judge Dana Sabraw was appointed to the Federal bench by Republican President George W. Bush. Judge Sabraw held that these family separations result in “irreparable harm.” He ordered the children who were separated by the Trump administration under the zero tolerance policy be returned to their parents within 30 days and within 14 days for those kids who were under the age of 5.

The Trump administration has tried to paint a rosy picture of the situation. On June 26, Health and Human Services Secretary Alex Azar testified to the Senate Committee on Finance: “Every parent has access to know where their child is.” Secretary Azar said: “There is no reason why any parent would not know where their child is located.” He also claimed that HHS had 2,047 separated children in custody. Last Thursday, Secretary Azar admitted that, actually, “up to 3,000” separated kids are still in its custody. As has been documented in numerous heartbreaking reports, many parents of the separated kids still do not know where their children are, and their attempts to contact them have been unsuccessful.

Yesterday was the deadline imposed by Judge Sabraw for reuniting children under the age of 5. What did we learn? The Trump administration notified the court that it had identified 102 separated children under the age of 5 and that only 4 of those 102 children would be reunited before the deadline. The administration only has concrete plans to reunite about half of these 100 children. It has made no effort to contact

12 parents whom the government deported, and it can’t even identify the parents of one toddler. We still don’t know the fate of thousands of other children who are supposed to be reunited in just a few days.

This is an outrage. This is a toxic mix of cruelty and incompetence. The Trump administration continues to try to shift the blame for this humanitarian crisis to Congress and the courts, but Judge Sabraw said that this is a “chaotic circumstance of the government’s own making.” He went on to say yesterday, as reported in the New York Times, that these are firm deadlines and not aspirational goals—admonishing the government.

In another Federal courtroom, the administration’s real plan was made clear. Because of the backlash from the courts and the public, it is no longer separating families. Instead, this administration wants to jail these families indefinitely. Experts tell us that separation is child abuse, that jail is no place for children, and that even short-term detention can do permanent damage to a child’s health and well-being.

The administration asked the Federal district court to set aside the Flores settlement—a legally binding agreement to protect the best interests of kids that has been in place for over two decades. On Monday, the Federal court rejected the Trump administration’s request, saying it was “wholly without merit.” According to media reports, the Trump administration plans to appeal, and it is asking Congress to pass legislation to overturn the Flores agreement. Instead of putting social workers to work in reuniting families and children, the Trump administration wants to lawyer up so that it can be spared from the standards that Democratic and Republican administrations have faced in the humane treatment of children.

The Trump administration’s goal is clear. In the midst of the world’s worst refugee crisis, it wants to make the situation for families who flee persecution as painful as possible in order to deter them from seeking safe haven.

Let me be clear. This Senator will do everything in his power to stop legislation that would authorize the Trump administration to put migrant children in jail. It is immoral. It is shameful. It is un-American. I call on my colleagues—Republicans and Democrats—to join me in opposing the Trump administration’s cruel immigration policy.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, let me first thank my friend and colleague from Illinois. He is a lamp of light in this horrible moment when children are being separated from their parents, when we don’t even know where they are, and when we don’t even know who

their parents are. He is showing the inhumanity and the incompetence of this administration rolled into one. He has been a constant and vigilant voice to reunite the families and bring some justice, some peace, some calm to these poor kids. So I thank him for the work he has done.

NOMINATION OF BRETT KAVANAUGH

Mr. President, President Trump’s nomination of Judge Kavanaugh to the Supreme Court will bring up many issues. The next Justice on the Supreme Court will have an ability to impact labor rights, women’s reproductive rights, LGBTQ rights, voting rights, civil rights, environmental rights, and so much more for generations to come. We need to know how Judge Kavanaugh views those issues.

On the issue of a woman’s freedom to make her own health decisions, for example, yesterday, while shepherding Judge Kavanaugh around the Capitol, Vice President PENCE said that he wanted to see *Roe v. Wade* overturned. This isn’t some ancient belief that the country has pushed aside. There are people in high parts of the government—the Vice President yesterday, the President constantly, and some others—who want to repeal *Roe v. Wade* tomorrow. Americans should not be complacent. The vast majority of Americans wants to see *Roe* in place, but there is an active movement here now, personified by Judge Kavanaugh’s potential elevation to the Bench—I hope it doesn’t happen—and we have to be vigilant.

Vice President PENCE’s remarks that he wants *Roe* overturned was a prescient reminder that both the President and Vice President have explicitly promised to appoint “strict constitutionalists to the Supreme Court” who would “consign *Roe v. Wade* to the ash heap of history.” Those are the Vice President’s words.

Judge Kavanaugh has also written some troubling things about environmental protections, consumer protections, commonsense gun safety laws, all of which should be carefully examined by this Senate and by the American people before we have any hearings. His history as a Republican partisan lawyer during the Clinton and Bush eras—documents, emails, writings—needs to be thoroughly examined, particularly his more recent writings about executive authority.

Judge Kavanaugh argued that a President should not be subject to an investigation while he is in office, that a President should be above criminal and civil indictments, even going so far as to say that a President need not enforce a law that the President deems unconstitutional.

Those are serious and dangerous beliefs. They are particularly dangerous—maybe even more dangerous now—because we have a President who clearly wishes to aggregate all power to himself regardless of the separation of powers, regardless of the norms this country has had for centuries, regardless of the rule of law. Senators from

both parties need to scrutinize what Judge Kavanaugh has said because, if he is the swing vote on any kind of rational check on this President, I worry. We should all worry.

Conservatism has always believed in small aggregations of power so that the individual would have more freedom. That is the core of conservatism. Yet, when conservatives embrace Donald Trump, who wishes to aggregate power and roll over any checks to his power and now chooses to get behind Judge Kavanaugh, who seems to have an almost monarchical view of Presidential power, we have trouble. We had better be awfully careful here in this country. The Senate is going to have to look at each and every one of these issues in due time.

Today, however, I want to focus on the issue that might have the most profound consequences for the average American most immediately—healthcare and the protections for Americans who have preexisting conditions. In a few minutes, I will be joined by some of my colleagues over in the Mansfield Room to discuss this issue at length. Right now, though, here is what I would like to say.

Prior to Judge Kavanaugh's selection, President Trump promised to nominate a judge who "would do the right thing, unlike Judge Roberts on health care." Those are Trump's words.

He commissioned a list of judges from the Heritage Foundation—a far-right special interest group that is dedicated to dismantling government, including and especially the healthcare law. It is the place where the government spends a lot of money. These rich people who are behind the Heritage Foundation—the Kochs and others—don't want to pay any taxes. Those poor folks. They are struggling. Where do more taxes go than any other place? They go to healthcare. Why? Because that is what the American people want. Who wouldn't give everything they have if their spouse, their children, their relatives were sick and needed a lot of money to be cured?

That is why we have insurance, and that is why we have the government involved with things like Social Security and Medicare and Medicaid, but the Heritage Foundation—a handful of rich people who fund them and the so many Republicans who dance to their tune—don't want that. They hide it from the American people because the American people don't agree with it, but they don't want it. They have pushed forward Judge Kavanaugh to be the torchbearer on the Court for their mission.

The list of 25 that President Trump selected from was vetted and approved by this very Heritage Foundation. The Heritage Foundation would not give its stamp of approval to anyone who would maintain or grow our healthcare law, particularly protections for Americans with preexisting conditions.

The American people deserve to know where Judge Kavanaugh stands.

This is a serious issue. This is not something we can allow a nominee to hide behind and say: I will follow existing law. We need to know their view of the government's ability to be involved in people's healthcare; to help it be funded when the average person can't afford it, given how high the costs are.

Right now, several cases that challenge the structure and constitutionality of the law are wending through our courts. If one or many reach the Supreme Court, I will say to my fellow Americans, your right to be protected if, God forbid, someone in your family is sick is at risk. Your right to have an insurance company not cut you off if, God forbid, someone in your family is sick is at risk if Judge Kavanaugh ascends to the Bench. That is probably the No. 1 reason he is opposed by so many of us on this side of the aisle.

Can you imagine a Supreme Court thrusting us back to a time when you could be denied health insurance precisely because you needed it so desperately, to a time when a mother with a child who has cancer is made to watch her daughter suffer in agony because they can't get affordable healthcare because no insurer will insure someone who has a child with cancer in their family? Do we want to go back to that? Come on. This is not Democrat or Republican; this is what America believes in. The hard right, through subterfuge and, to their credit, long-term diligence, is getting these people on the Court. They could never pass such a law in the Congress, the elected body of the people, even with the Republican majorities, but the Court, the unelected branch, is where they are headed, and that is why we have to be so vigilant.

Up to 130 million nonelderly Americans have a preexisting condition—more than one-third of Americans. For insurance companies, it used to be the case that a condition as commonplace as asthma was justification for jacking up rates to unaffordable levels. The law we wrote to prevent those despicable abuses by insurance companies is potentially on the chopping block, in my view, and likely to go if Judge Kavanaugh becomes Justice Kavanaugh. How can we afford that?

The American people should have their eyes wide open to the stakes. The Supreme Court may very well hear a challenge to the legal protections for people with preexisting conditions, and President Trump's own Justice Department is currently arguing in court that those protections are unconstitutional. I would like President Trump, at one of his rallies, to tell the people at the rally he is for taking away their protections when they have someone with a preexisting condition in their family. He wouldn't dare, but that is what his legal departments in HHS and Justice are doing.

The President doesn't tell people what he is doing. He brings these hard-right people in and says: I am with

you. He whispers: I am with you. He doesn't dare tell the American people.

That is why it is our job in the minority, since the Republican side, by and large, has shown so little spine on this issue—it is our job to let the American people know the peril they are in, that their healthcare is in.

If anyone doesn't believe that President Trump is still intent on tearing down our healthcare system, just look at what the administration did yesterday. The President decimated funding that helps people sign up for health insurance, cutting it to one-sixth of what it was 2 years ago. This funding is used to help people navigate the complex landscape of health insurance and select the plan or program that is right for their family. Even worse, of the little funding that remains, Trump mandated that it be used to direct people into his junk insurance plans that don't cover basic essential healthcare. Yesterday's news should remind us that President Trump remains ruthlessly committed to tearing down our healthcare system. He will not admit it at his rallies. He does not dare talk about it, but that probably is the most important thing he is doing in terms of effect on the American people, and we are not going to let him hide it. Anyone who thinks President Trump did not make this Supreme Court nomination without an end goal of furthering healthcare sabotage is kidding themselves.

So while there are many rights and freedoms at stake on the Supreme Court, the right of all Americans to be able to afford healthcare is at the very top of the list. The selection process for Judge Kavanaugh and President Trump's own words should motivate Americans from all corners of the country to contact their Senators and urge them to oppose this nominee.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I come here in fulfillment of a promise that I made a couple of months ago to bring to the attention of the American people an injustice that is occurring in Turkey.

I am here to talk about an American pastor, Andrew Brunson. He is from a church. He is from western North Carolina. He spent 20 years in Turkey as a missionary. He started out just doing missionary work without a church. Then he built a very small church that maybe can house 100 people, in Izmir.

After the coup in 2016, Pastor Brunson was apprehended, and he has

been in prison ever since. He was imprisoned for almost 19 months without any charges. For the vast majority of that time, he was in a cell designed for 8 people that had 21 in it, without charges. Earlier this year there were charges levied against him that are just absolutely absurd. I know from firsthand experience.

After the indictment was issued, I heard through channels and through his wife Norine that Pastor Brunson was afraid that the American people were going to read this indictment, believe it, and turn their backs on him. So it was important for me to go to Turkey and let him know that is the last thing we are going to do and that I was going to bring this to the American people's attention until he was released.

I went back about a month later. I sat through a court proceeding in a Turkish courtroom for about 12 hours, and I heard some of the most absurd claims you can possibly imagine. They were charges that would not keep an American citizen or a foreign national in an American jail for the afternoon. Yet they have kept him in prison for 642 days.

This afternoon I am going to be traveling to Brussels to be a part of the NATO meeting that we have. I am going to seek to speak once again with the Turkish officials to tell them that justice needs to be served. Pastor Brunson needs to come home.

Pastor Brunson has a court date next week. It could be the last hearing, and he could be subject to a 35-year sentence. He is a little over 50 years old. So that is effectively a life sentence.

The charges are basically this. He has been a missionary. He has been providing humanitarian relief to Syrian refugees, to the Turkish people, and actually just offering and preaching the Word to those who want to hear it.

So I ask President Erdogan and the Turkish officials to please let justice be served. Let Andrew Brunson come home.

The last thing we are working on—and I hope it no longer has to be a provision in the NDAA—is that if he doesn't get released, we have to rethink our relationship with this NATO ally that has been in the NATO alliance since 1952. We have to ask ourselves about ramifications if a NATO ally will hold people illegally, imprison them, sweep them up—in a legitimate effort to tamp down an illegal coup—and hold this man hostage.

I hope I come to the floor in a couple of weeks thanking the Turkish Government, the Turkish people, and the Turkish judiciary for having justice served. The only way I believe justice will be served is when Andrew Brunson comes home. Until he does, I will come back here every week to continue to bring attention to this issue. It should be important to every American.

If any American is traveling to Turkey, right now I am not sure I would

because you could have a meal, you could have a light on for a couple of hours in your hotel room. These are the types of charges that have been used as a basis for saying that this man was conspiring to plot a coup and was conspiring to support terrorist organizations—eating a meal that looks like a meal that certain terrorist organizations like, which, incidentally, is a very popular meal in the Middle East; having a light on upstairs, in a room, incidentally, that doesn't have windows that some secret witness said could only be on because they were plotting some nefarious activity.

I thank the Members of this body—some 70 Members—who signed on to a letter expressing their concern with his illegal detention. I promise Pastor Brunson and I promise any American citizen and some of those Turkish citizens who work with the State Department that as long as I am a Senator, I will be bringing attention to this injustice until justice is served.

IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. President, I wish to very quickly bring attention to something about which I think people need to speak up on the other side of the issue; that is, this movement now called End ICE, or Immigration and Customs Enforcement.

We have a gubernatorial candidate in New York who said ICE is a terrorist organization—not ISIS, which is a terrorist organization, but ICE. These men and women in uniform go out every day and put their lives on the line to protect the American people.

Let me tell my colleagues what people who are part of the End ICE movement are for. This chart represents what they are for if they are for ending ICE. These are 2017 numbers. They are for ending the arrest of some 143,000 people who have broken our laws. They are for ending the seizure of tons of fentanyl.

I will give you an idea of what that means in terms of potential risk of human life. You are talking about gangs—some 5,000 gang members who were arrested last year because they were clearly related to gang activity, with MS-13 being one of the first among them. They are for ending all of our protections and having all of these activities go unchallenged on American soil.

If you are for ending ICE, you are for ending almost 7,000 pounds of heroin seized, and that is only a fraction of what these criminal elements are bringing to this country.

If Members come to this floor and talk about fighting the opioid epidemic, I can't imagine anyone who is sincere about fighting the opioid epidemic saying that they want more poison on the streets. You can't have it both ways. You are either for solving the problem of the opioid epidemic, which means that we have to have law enforcement to specialize in seizing it, or you are against it. You are for poisoning our youth. You are for poi-

soning people who are addicted to opioids. You can't have it both ways. If you want to end ICE, you are for this.

If you want to end ICE, you are for people who have tattoos that clearly indicate that they are part of a gang on the streets. We have gangs that, actually, as a part of getting initiated, want you to kill or harm somebody to prove that you will when you are asked to. If you want to end ICE, you are for more of these folks on the streets—some 4,800 of them.

Again, if you want to end ICE, then you want to end the careers of people who have such a dangerous job that, oftentimes, when they do drug seizures, they have to wear HAZMAT suits because if they touch the fentanyl, they could die or go into an overdose. If you want to end ICE, you want that poison to be in the hands of a child or someone else who, if they touch it, is going to die or have a profound overdose.

That is what ending ICE means. Just to sum up, if you want to end ICE, you want that seizure of a ton of fentanyl coming across our border, mainly from Mexico, that has enough potency to kill 500 million people.

Now, I honestly believe that nobody in this body really means that they want to end ICE, that they want to cause human traffickers, gun traffickers, drug traffickers—more of them. But you can't have it both ways. If you want to go on the stump and say you want to end ICE, then add this to your stump speech. Add this to the logical consequence of what happens when you insult the men and women in uniform in ICE and you say you want to end what they are doing, because if you do, the negative consequences are clear. All you have to do is look at what ICE has done over the last year, and what they would not do this year, if you really believe what they say about ending ICE.

So I think they need to ice the “end ICE” narrative and start getting smart about making sure that we maybe make changes that we need to in any organization. But for people to go to such an extreme, to say that they want to end one of the most important law enforcement agencies combating illegal immigration and illegal trafficking across our border, you had better be honest on the stump. You had better let them know what you mean because that is what they mean.

I think it is important for our Members to step up and let people know the consequences of this ridiculous rhetoric and to show the men and women in uniform—police officers, ICE agents, and everybody else—that people like me care about them. People like me respect them for what they do.

We know that their assaults were up by three times last year. It is a dangerous job. Many of them don't even know if they are going to come home when they leave in the morning.

It is an insult for anybody in this body to come into this Chamber and say that they need to be ended. They

need to be thanked. They need to be revered. Agencies always need to be improved, but if you believe we should end ICE, you had better own the consequences.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, today the Senate is considering one of the most troubling executive branch nominations that this President has made to date—the nomination of Brian Benczkowski to lead the Criminal Division of the Justice Department.

For years, I have studied and have been aware of the Criminal Division. This is an amazing nomination. I think it is enough to oppose Mr. Benczkowski's nomination because he is objectively unqualified for this important position, but there are also compelling reasons to believe that it would be uniquely reckless to confirm him to this position.

Now, speaking about Mr. Benczkowski's lack of qualifications for this role is not meant to denigrate. Many of us know him, as I did, from his service in the Judiciary Committee as the staff director for the then Ranking Member Jeff Sessions. The fact is, this nominee to head the Criminal Division has virtually no criminal law experience. Even at this age, he has never tried a case. He has never served as a prosecutor. He has almost zero courtroom experience. Instead, his experience has been to serve as a political aide to various officials.

As a former prosecutor, I know there is no substitute for actual courtroom experience, actually going into a courtroom and trying a criminal case, arguing criminal cases on appeal, determining whether you bring a charge or don't bring a charge. These are things an experienced prosecutor has to do. For the last several decades, under Republican and Democratic administrations, every head of a criminal division—which is probably the most important litigating arm of the Justice Department—has had substantial prosecutorial experience, with the exception of one individual whose nomination I simply could not support. This shouldn't be a partisan issue. I voted for nominees in Republican administrations and in Democratic administrations because they were qualified, and there are countless qualified prosecutors the President could select.

For this reason alone, the Senate should not consent to Mr. Benczkowski's nomination. But there are two other reasons, aside from the fact that he has absolutely zero qualifications for this important position. It is sort of like sending somebody in to

do brain surgery when their main experience has been clipping hedges. You have to have some experience in there, but aside from the fact that he has no experience, there are two other reasons he shouldn't be confirmed.

First, he has demonstrated, at a minimum, exceptionally poor judgment when it comes to perhaps our Nation's most critical ongoing national security investigation—the Russian Government's attack on our democracy. We all know, if we have read the intelligence reports, Russia attacked the U.S. democracy and vote in the last election.

After serving on Mr. Trump's transition team, Mr. Benczkowski represented a Putin-connected Russian bank, Alfa-Bank, regarding its bizarre server communications with the Trump organization during the height of the Presidential campaign. Alfa-Bank was at the very center of scrutiny into ties between the Trump campaign and Russia, even making an appearance in the Steele dossier. Yet Mr. Benczkowski took on Alfa-Bank as a client on an issue related to the Russia investigation at the same time he was being considered for a senior position in the Trump Justice Department, totally blinded to the obvious conflict of interest. In fact, he continued to represent Vladimir Putin's connected bank until the day he was formally nominated to lead the criminal division.

Now, some have said we should give Mr. Benczkowski the benefit of the doubt. Giving him the benefit of the doubt, you have to admit, at least demonstrates an embarrassingly poor sense of judgment for someone who is nominated to lead the Criminal Division to look into the criminal activities of places like Alfa-Bank. Now, we find Mr. Benczkowski has refused to recuse himself from matters related to the Russia investigation or the Steele dossier.

You can't make these things up. It is just conflict of interest 101. As Senator DURBIN and Senator WHITEHOUSE have warned, as head of the Criminal Division, Mr. Benczkowski would therefore have visibility and be able to look into investigations of individuals related to the Trump campaign. He could serve as a conduit of information to the Attorney General about these sensitive matters.

According to the Department of Justice, it is possible Special Counsel Mueller's office "will seek approvals from the Criminal Division as required . . . or may simply want to consult with subject-matter experts in the Criminal Division as appropriate in the normal course of department investigations," and who would have availability to that? Mr. Benczkowski. He could even be in a position to share secret grand jury information directly with the President.

What is also concerning is that if Mr. Benczkowski were to be confirmed and Deputy Attorney General Rosenstein

were then to be removed, the President, under the Federal Vacancies Reform Act, could simply install Mr. Benczkowski as the Acting Attorney General, with respect to the Russia investigation.

So what do we have? We have Mr. Benczkowski, under those circumstances, gaining direct control over the special counsel's investigation. He would even have the power to stop the special counsel's probe. Gosh, we wonder, could that ever occur to someone at the White House; that he could suddenly stop Mr. Mueller from his investigations?

On qualifications, the man who is going to be head of the Criminal Division has never tried a case, never handled any criminal matter, never had anything to do with criminal matters. He is really unqualified for this role by any objective measure. The only apparent qualification that Mr. Benczkowski has is his close relationship with, and political loyalty to, the Attorney General and the President. In fact, that is likely the very reason he was nominated to this critical position. That is all the more troubling given his terrible judgment with respect to the Russia investigation. We are putting someone in who has been involved as an attorney for a bank involved in this Russia investigation.

Many of my fellow Republican Senators, to their credit, have stated their commitment to ensuring that Special Counsel Mueller be allowed to carry out his investigation independently and without political interference. I hope they keep this commitment in mind when considering Mr. Benczkowski's nomination. I hope they join me in voting no. Apparently, his only qualification is he is going to be put in a position where he could stymie Mueller's investigation of Russia.

I have voted for a lot of nominees, both Republicans and Democrats, in this position because of their qualifications—not because of their ideology but their qualifications. No President of either party has ever nominated somebody for this critical position who is less qualified. In fact, it is pretty hard to find anybody in this country less qualified.

Mr. President, I see other Senators on the floor, so I yield to them.

The PRESIDING OFFICER. The Senator from Georgia.

SECTION 232

Mr. PERDUE. Mr. President, I rise to talk about my opposition to the section 232 motion which will be voted on later today.

I have utmost respect for my colleagues who are bringing this motion. I totally understand their logic, and I respect their point of view on this and many other issues. One of the great things about this deliberative body is that we deliberate. Unfortunately, I just don't understand why this body continues to try to tie the hands of this President at every turn.

We all know that enacting tariffs on imports is not the goal here. This

President is committed to creating a more level playing field for our workers and our companies here at home that compete on the unlevel playing field which exists in the trade world we know of today. We need to give this President, and every future President, frankly, room to negotiate.

The 1962 Trade Expansion Act was passed by Congress to give the executive branch the authority and flexibility to negotiate on trade. It was this authority that paved the way for negotiations on the General Agreement on Tariffs and Trade—GATT—which helped reduce global trade barriers.

Most of my career, I have dealt with in the GATT restrictions and opportunities we have to trade across borders internationally. I think, more than anybody else in this body, I have actually transacted products across borders internationally. I am very concerned, in this era of entrenchment in Congress, where we are so paralyzed that we can't even fulfill our most basic constitutional function of funding the government on time—which we have only done four times in 44 years—in that environment, if we get the authority on trade back, that we will not be able to even hold a vote and have a debate and will hamstring any administration's negotiating efforts.

Credibility in negotiating trade terms is absolutely critical. Imagine a head of state in another part of the world dealing with our head of state, knowing that before he can make any deal, he has to wait on us in this body to act. I have been waiting 3 years to see this body act on healthcare. We haven't been able to find a way to even solve one of the most near crises we all know exists today. So imagine what a world would look like if we are trying to do that in the trade environment.

Like me, President Trump is an outsider to this political process. He is a business guy who has seen the impact of unfair trade practices in the real world. For years, he has seen how America has often been treated unfairly when it comes to trade. I know, and most people who have traded internationally in the last four decades know, these rules were written by us. We wrote these rules. It created an unlevel playing field that allowed the rest of the world to develop, but guess what. In the last 40 years, we have seen global poverty be reduced by almost two-thirds, while our poverty rate in the United States, since the Great Society was signed into law, has not been reduced one iota. That is partly a function of our trade practices.

This President has made it a priority to restore fairness and balance to this trade imbalance with our trading partners around the world. He needs credibility and he needs flexibility in order to achieve that.

Looking at what we are up against today, it is easy to see why the President is insisting on getting America a better deal. Today, Canada has a 270-percent tariff on U.S. milk; the EU

keeps a 10-percent tariff on American autos; Brazil bans U.S. fresh, frozen, and processed pork products; China has a 15-percent tariff on American cars; the EU has a tariff of up to 26 percent on U.S. seafood; and you cannot sell fresh American potatoes in most of Mexico. I could do this all day.

We know there is an imbalance in trade around the world. This is about making sure America is treated fairly and is in the best place to do business in the world. It is about making America more competitive and secure. It is about ensuring our economic and national security for the next 100 years.

The President is taking a different approach, sometimes controversial, but I believe he is a pragmatist, and I believe he only wants one thing for America; that is, results and a level playing field with the rest of the world.

I believe we ought to give the executive branch—just like the 1962 act did—space to negotiate. We need to give him space to succeed for American workers and for American companies here at home.

With that, I urge my colleagues to oppose this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise in support of the Corker-Toomey-Flake motion that we are going to be voting on soon. Let me be clear. This is a motion that simply would reflect—if it is adopted—the consensus of the Senate that Congress should have a role in determining the use of section 232 to impose tariffs.

Let me give a little bit of context. First of all, I want to be very clear that free trade is enormously constructive, enormously helpful for our economy and our standard of living. The United States has been a leader in promoting free trade around the world for many decades, and that is part of the reason we are the most affluent society on the globe by far, consistently outperforming the rest of the world. What it does is it provides our consumers with many choices and lower costs and therefore a more affordable standard of living, and it provides our workers with foreign markets.

Ninety-five percent of the world's population lives somewhere else. I want to sell to them, and we do that through an environment of free trade. Take NAFTA, for instance. Since NAFTA was enacted in 1994, Pennsylvanians have seen exports to Mexico increase by more than 500 percent. That is what happened because of the reduction in the barriers to trade that existed prior to NAFTA. Of course, it also encourages investment in the United States—new plants, factories, and all the jobs that come with that.

Tariffs and quotas and other obstacles to trade do the exact opposite. They reduce our consumers' choices. They raise costs. They limit our opportunity to sell our products, whether it is agricultural products or manufac-

tured products. They reduce the opportunities to sell these abroad. Of course, inevitably, the imposition of these barriers involves the government's deciding which sectors and which industries will be winners and losers because very seldom are these broadly and uniformly applied. Individual sectors are usually selected.

So where are we today? It has been 16 weeks since the President invoked section 232 of our trade law to impose tariffs on imported steel and aluminum. First and foremost, I have to say this is a misuse of section 232 of our trade law.

Section 232 is supposed to be invoked when there is a specific threat to America's national security. Well, let's consider the case of steel. The United States produces domestically 75 percent of all the steel we consume. Our defense needs consume 3 percent of total steel consumption. How could one possibly make the case that we don't have a plentiful abundance of domestically produced steel to satisfy our defense needs? But it is not only that. Where are the biggest sources for the 25 percent of steel that we consume but we don't produce ourselves? Well, that would be Mexico and Canada. Those are the two countries that provide the most steel. With both of those countries, we have a surplus of trade in steel. The Canadians actually buy more steel from us than we buy from them, and so do the Mexicans.

Where is the security threat to America when my constituents choose to buy some portion of the steel we consume from Canada? We know the answer. There is no security threat from Canada and Mexico, and the fact that they provide a modest percentage of our steel needs does not constitute a national security threat, and we know it doesn't. Yet the administration invoked section 232 to impose this tax on American consumers when we choose to buy steel and aluminum from Canada and Mexico and the European Union, by the way, for that matter.

The harmful effects we have feared have already begun. We have increased prices on U.S. consumers and a real threat to workers and businesses. I have heard from many Pennsylvania manufacturers that happen to rely, for some portion of their products, on imported steel, and now their products are no longer competitive because they, alone in the world, are being forced to pay this additional tax when they import this steel.

I have to say this is part of what looks like a pattern to me—and this is one of my concerns—of this administration moving away from support for free trade. First, there was a sugar deal negotiated with Mexico which is designed to artificially inflate the price American consumers have to pay for sugar. It works out very well if you are one of the handful of people who produce sugar in the United States, but it is a terrible deal for everyone else. Then we had tariffs applied to solar panels and washing machines under a

different provision. Now we have an on-going and apparently escalating trade war with China. This motion has absolutely nothing to do with China; I am just presenting that as a matter of context. And we are hearing that the administration is threatening now to again misuse section 232, in my view, to impose new taxes on Americans who choose to buy automobiles that originate in Europe. That would be terrible for our economy and for our consumers. It would be a bad idea, but we are told that is under active consideration.

My view is that it is about time Congress restores to Congress the constitutional responsibility we have to establish tariffs. The Constitution is completely unambiguous about this. Article I, section 8, clause 1, states that “the Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises.” Clause 3 says that “the Congress shall have the power . . . to regulate Commerce with foreign Nations.” We made a mistake in recent decades when we ceded this constitutional responsibility to the executive branch. I think that was a mistake, and I have argued that for a long time. Now we are seeing a price being paid as the administration, I think, is misusing this important tool.

What our motion does is it would simply take a step in the direction of restoring this responsibility the Constitution assigns to us in the first place. This does not tie the President's hands at all. The President is free to negotiate better trade agreements if he can, and I think he should. What it does say, though, is that if he wants to invoke national security as the reason for imposing taxes on Americans when they buy foreign products—when he wants to do that, Congress ought to have a role. That is all it says. That is what this motion to instruct says.

I am very pleased to be working with Senator CORKER from Tennessee and Senator FLAKE from Arizona. I think this is a very modest step. It takes us in a direction that would be very constructive, which is to restore the constitutional responsibility we have been shirking. I am pleased there is bipartisan support for this. I hope this motion to instruct our conferees will be adopted by a wide margin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak on the same topic on which my friend from Pennsylvania just spoke. I want to thank him for laying out the rationale for this vote. I also thank Senator FLAKE for his efforts. I know Senator ALEXANDER, the senior Senator from Tennessee and my friend, will speak on this topic in just a few moments. I do hope we will have an overwhelming vote for this motion to instruct. It is just a step in the direction that we would like to go relative to Congress's role.

Section 232 of the Trade Act was never intended to be used the way this

administration is using it. The Senator from Pennsylvania laid out the fact that this certainly is not being imposed for national security reasons. As a matter of fact, the White House has said loosely on many occasions that they are only using section 232 in order to try to create some kind of leverage on NAFTA. I don't understand how putting tariffs in place on our allies in Europe has anything to do with NAFTA. I don't understand how putting tariffs on our neighbors has anything to do with combating what China is doing in stealing our intellectual property, and I know the Presiding Officer knows full well what is happening there. We do need to counter that kind of activity, and I don't know if we are doing it in the best way now.

This is an abuse of Presidential authority. It is an abuse of Presidential authority. What I hope is going to happen today is that, in a bipartisan way, in an overwhelming vote, we are going to pass this motion to instruct, moving Congress into its rightful role as it relates to this issue.

The reason the President, by the way—for those of you who may not be following this closely—is invoking section 232 is that under 232, no one has really an ability to oppose it. I mean, with the China tariffs—and this has nothing to do with the China tariffs that are being imposed today and that were recently imposed. They go under different sections of the Trade Act where you have to actually make a case for what you are doing. In January, the President used section 201 of the Trade Act, but he has to make a case to be successful there. He recently used section 301 on China tariffs. Again, this particular motion has nothing to do with China tariffs, but he has to make a case for that. He has to deal with the World Trade Organization and ITC.

Section 232—basically, he can just wake up and decide he is going to use section 232, the way it is now written. It has never been used in this manner by any President ever, but if we have a situation where we set up a rules-based society in dealing with trade, and any executive officer of a country can wake up and one day decide they have a national security issue and have to make no case, then, in effect, treaties relative to trade have no effect. You move into a place of not using rules to implement trade.

Now, as the Senator from Pennsylvania mentioned, our country has benefited greatly from trade. The State of Tennessee is one of the destinations for foreign direct investment in our country. It is a place where we export all around the world. And what the President is doing is shaking the very regime by not being able to even articulate where he is going.

The Senator from Georgia is my friend, and he has worked all around the world, and I am surprised that he would oppose Congress having a role only when section 232 is utilized. But

the fact is that Congress should have a role.

We gave this authority away in the 1960s and again in 1974. It was a mistake for us to have done that. We never expected the President of the United States to use 232 in the way it is being utilized today. This is a vote for Congress to assume its rightful role. It is a baby step.

I hope to have legislation coming behind us where 15 Senators—Republicans, Democrats, and an Independent—have come together on a piece of legislation to absolutely ensure that Congress has a role. This is just a motion to instruct to say that we agree that Congress should have a role when 232 is invoked. We will decide what that role is down the road.

I urge all Senators to support this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I join my colleagues today. I thank Senator TOOMEY from Pennsylvania and Senator CORKER from Tennessee especially for working this out.

Let's be clear. This is a rebuke of the President's abuse of trade authority. The President has abused section 232 to impose tariffs on steel and aluminum, impacting our allies, such as Canada, Mexico, and countries in the EU. Can you imagine being in Canada and being told that your steel and aluminum exports to the United States represent a national security threat? Canadian Prime Minister Justin Trudeau rightfully called the President's recent tariffs an “affront to the longstanding security partnership between Canada and the United States” and, he continued, “kind of insulting.”

Canada is the largest consumer of U.S. goods. It buys more goods from the United States than China, Japan, and the UK combined. Canadian companies operating in the United States directly employ 500,000 Americans. Canada and the United States share more than 5,500 miles of a peaceful border. Close to 400,000 people cross that shared border each day for business, pleasure, or to maintain family ties. Canada has been our partner in the War on Terrorism since 2001. More than 40,000 Canadian Armed Forces members served alongside us in Afghanistan between 2001 and 2014. Canada has been our ally, our partner, and our friend, and now they are told that their steel and aluminum exports to us represent a national security threat. That is an abuse of section 232 of the Trade Act.

I am so glad that Congress is finally pushing back on this. We have neglected our constitutional role. We gave the President authority years ago, under the 1962 act, to exempt from that act imports that represent a true national security threat. These imports do not. This is an abuse of that authority, and that is why Congress needs to speak up today.

This is a nonbinding resolution. This will not have an effect that will actually get to the President in legislation. That is the next step, and we need to go there. We have to go there. Those voting on this today need to know that is where we will go. We have to rein in an abuse of Presidential authority and to restore Congress's constitutional authority in this regard.

I thank my colleagues for bringing this to the floor. I urge all of my colleagues to support it—not just that, but once we go from here, taking this symbolic step, this nonbinding resolution, to take actual steps on legislation that will return the actual authority to Congress once again to impose or to manage tariffs.

With that, I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. CASSIDY. Mr. President, my motion to instruct conferees to the minibus appropriations bill, H.R. 5895, is a simple 6-month extension of the National Flood Insurance Program, currently set to expire July 31, 2018—in about 2 weeks. The same timeline in this motion was passed by the Senate a few weeks ago by unanimous consent during consideration of the farm bill.

The National Flood Insurance Program insures properties in every State, insuring over 5 million homes and businesses and \$1.2 trillion in assets. If the NFIP is not extended, people will not be able to renew or purchase new flood insurance policies, and more people would be without flood insurance during peak hurricane season. This is so to the moment because, given the series of emergency supplemental appropriations bills the Senate has passed, an expiration of the NFIP puts the U.S. taxpayer in the very vulnerable position of funding more uninsured losses in emergency supplemental appropriations legislation.

I thank Senators CRAPO and BROWN for their work in providing a path forward to a bipartisan long-term reauthorization of the NFIP, which ideally includes commonsense reforms providing for greater investment in flood mitigation, updated flood mapping technology, greater accountability, and consumer choice. However, these discussions will not conclude in the next 2 weeks, prior to the upcoming NFIP expiration deadline.

It is imperative that Congress provide for a 6-month extension of NFIP now, so progress can continue on long-term reauthorization and reform of the NFIP through the Banking Committee.

I urge my colleagues to vote to protect the taxpayer, the homeowner, and to support this motion to instruct.

The PRESIDING OFFICER. The Senator from Tennessee.

ENERGY AND WATER, LEGISLATIVE AFFAIRS, AND MILITARY CONSTRUCTION APPROPRIATIONS LEGISLATION

Mr. ALEXANDER. Mr. President, in the next few minutes, the Senate will be taking the next steps on an appro-

priations process that is being conducted the way an appropriations process is supposed to be conducted. Boy Scouts shouldn't get a merit badge for telling the truth, and Senators shouldn't get a pat on the back for conducting an appropriations process the way it is supposed to be conducted. It is worth noting that we are doing it, since it has been a long time since we have done it.

The right way means we are moving ahead on three bills: Energy and Water, legislative affairs, and Military Construction. The right way means we have had hearings on all of these bills. We have consulted with Senators. I know that in our Energy and Water bill, Senator FEINSTEIN and I heard from 83 different Senators and tried to respond to them in our bill. We marked up the bills unanimously in most cases.

What was missing was allowing the other 70 Senators to participate on the floor. We did that this time; 40 amendments, 7 rollcall votes. We got off the floor without a cloture vote; that is, a motion to cut off debate. We are doing it the way it is supposed to be done. That was done by showing something that needs to be shown more in the Senate—restraint. Restraint means that when you have a lot of freedom, it doesn't mean you exercise all of your freedoms all at once because nothing will happen.

We avoided controversial riders. We even had 20 Republican Senators vote to table something we agree with, which is the waters of the United States provision, because we thought this was not the appropriate bill for it.

Now we are moving to motions to instruct, which are nonbinding resolutions. It is important, though, because they give the Senate a chance to say what Senators want to say. That is why we are here.

One of those issues has to do with tariffs. The administration has imposed tariffs on aluminum and steel, and now other products, provoking a response of tariffs on soybeans and other products grown and manufactured in our country. In general, these tariffs are a big mistake. Using national security as an excuse to impose them is an even bigger mistake.

I have urged President Trump instead to focus on reciprocity; tell other countries to do for our country what we do for you.

Imposing tariffs as a way of achieving that is like shooting ourselves in both feet as a way of solving our problem. Tariffs are taxes. They raise the price of what we buy and sell. Tariffs reduce revenues, profits, wages, and jobs.

U.S. tariffs on aluminum and steel hurt 136,000 Tennesseans who work in more than 900 auto plants in 88 of our 95 counties; that is, one-third of our manufacturing jobs. Retaliatory tariffs hurt Tennessee soybean farmers by lowering prices and making markets disappear.

Our goal should be to persuade our trading partners to do for us what we

do for them. Shooting ourselves in both feet at once is not a good way to do that. There are better ways to achieve the goal.

This doesn't just hurt auto parts workers in Tennessee. I was in Springfield, TN, the other day. They had been excited about an expansion of an Electrolux plant, a \$250 million expansion for that community. Electrolux canceled it when word of the steel tariffs came, even though Electrolux, which makes washing machines, buys all of their steel in the United States. Tariffs on imported steel raise the price of steel sold in United States.

In Chestnut Hill, Bush Brothers cans about one-third of all beans canned in the United States. You wouldn't think that is such a big deal, but it involves a lot of people and a lot of beans. They say that 8½ percent of their revenues will go down as a result of the tin-plated steel that is used for their cans. Not enough is produced in the United States.

Then, we have Bridgestone and Hankook. They make tires in Tennessee. They are big companies. They use steel wire in every tire, and none of it is produced in the United States. The price goes up.

For 40 years, I worked to bring the auto industry to Tennessee. It has done more than anything that has happened to raise our standard of living, to raise families' incomes. Tariffs will lower our standard of living. They will hurt our State more than almost any other State.

As respectfully and as effectively as I can, I have said to the President: Mr. President, we agree on taxes. We agree on regulations. We agree on judges. We are proud of having the best economy in 18 years, the lowest employment rate that anyone can remember. But these tariffs are a big mistake. They will take us in the wrong direction.

I have not been successful in talking with the President about this, but I intend to keep trying. There are other, better ways to persuade our trading partners to do for us what we do for them instead of shooting ourselves in both feet at once, which is what we do when we impose these tariffs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, before we vote this morning, I want to express my support for the appointment of conferees and my belief that this is yet another encouraging sign of a return to regular order in the appropriations process.

The package of appropriations bills that will be conferenced with the House received overwhelming bipartisan support in the Senate. This broad agreement was facilitated by a concerted effort by both parties to prevent partisan riders from poisoning the well. Thus far, we have been able to translate bipartisan cooperation among members of the Appropriations Committee into success on the Senate floor.

At this time, I want to recognize and to commend the continued efforts of the committee members in the process, especially the Republican and Democratic managers of this package. In particular, I want to thank Vice Chairman LEAHY for his strong partnership in this effort and Senator ALEXANDER, who is here on the floor, who has guided this process and will chair the conference committee.

We will continue to consolidate critical mass for a return to regular order, but we still have a long way to go. This is another step in the right direction. Senator ALEXANDER, Vice Chairman LEAHY, and I will have a strong slate of conferees joining us. On the Republican side, it will be Senators BOOZMAN, DAINES, and LANKFORD. On the Democratic side, it will be Senators FEINSTEIN, SCHATZ, and MURPHY.

Our objective will be to build upon the momentum we have generated in the Senate by urging the same type of bipartisan cooperation in the conference. We will aim to return to the Senate floor—hopefully, sooner than later—with a conference report that reflects bipartisan agreement and merits the support of our colleagues.

It is, I believe, the right thing to do for the American people. Whatever partisan fights may ensue in the coming weeks, I believe the appropriations process should not suffer those wounds, and we should continue our hope and work. Thus far, it has been immune from such a fate. It is my hope that we can continue on that path. That will be our goal in this conference committee. I hope others will join us.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 5895) entitled "An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senator from Alabama.

COMPOUND MOTION

Mr. SHELBY. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

MOTION TO INSTRUCT

Mr. CASSIDY. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Louisiana [Mr. CASSIDY] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to insist that the final conference report include provisions that have the effect of extending the National Flood Insurance Program, and the authority of the Administrator of the Federal Emergency Management Agency to issue notes and obligations with respect to that Program, through January 31, 2019.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO INSTRUCT

Mr. CORKER. Mr. President, I have a motion to instruct conferees at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5895 be instructed to include language providing a role for Congress in making a determination under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Cassidy motion to instruct.

The Senator from Louisiana.

Mr. CASSIDY. Mr. President, very briefly, this is a 6-month reauthorization of current law, which will allow continued work for a longer term reauthorization. It protects American families and the U.S. taxpayers from the consequences of a lapsed program during peak hurricane season.

I urge its adoption.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to instruct.

Mr. CASSIDY. 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).

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

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—94

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

NAYS—5

Barrasso	Flake	Lee
Enzi	Lankford	

NOT VOTING—1

McCain

The motion was agreed to.

CHANGE OF VOTE

Mr. LEE. Mr. President, on rollcall vote No. 150, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

MOTION TO INSTRUCT

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Corker motion to instruct.

The Senator from Tennessee.

Mr. CORKER. Madam President, I rise to speak in favor of this motion, where Congress would have an appropriate role in section 232 of the Trade Act as invoked on national security grounds. This is something that anybody who supports the Senate playing its proper role should support.

I thank Senator TOOMEY, Senator FLAKE, and 15 other Senators who supported this overall effort. This is a baby step in a good direction for the U.S. Senate and for our country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, you all know where I stand on section 232 steel tariffs. I strongly support them because thousands of steelworkers across the country have lost their jobs due to Chinese steel overcapacity. Tough trade enforcement against