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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.

Almighty God, awe and wonder grip us as we think about Your love, wisdom, and power. Thank You for choosing us to serve You and country. Guide us in our work and strengthen us for every challenge.

Lord, bless our lawmakers. Give them the wisdom to make a commitment to integrity. May they refuse to deviate from right paths, seeking always to accomplish Your purposes on Earth. Use them to help those whose hopes are crushed, who live on life's margins with no expectations of better times to come.

Remind our Senators each day of their accountability to You. May they press on with the duties of this day with hope in their hearts.

We pray in Your holy 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. TOOMEY). 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 proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the cloture vote on the Kelley nomination, the Senate recess until 2:15; further, if cloture is invoked, all time during the recess counts postcloture on the nomination.

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

#### BUSINESS OF THE SENATE

Mr. MCCONNELL. Mr. President, the Senate returned from our Thanksgiving recess and got back to work.

Since the election earlier this month, there has been plenty of prognostication about what the new Congress will bring, but I would rather focus on the one we are still involved in, and this Congress has more business to complete before the end of the year. Even after two historic years of accomplishments for the American people, there are still important items left to check off our list.

Yesterday evening, we voted to advance the nomination of Stephen Vaden, the President's choice, to serve as general counsel for the Department of Agriculture.

Mr. Vaden has strong legal credentials, both public and private sector experience, degrees from Vanderbilt and Yale, and he comes with an upbringing in agriculture. He grew up on his family's farm in Union City, TN—and according to the Tennessee Farm Bureau,

it shows. As my friend Senator ALEXANDER referenced yesterday, that organization wrote that Vaden has "a passion for agriculture that can't be taught, but that is necessary for the job" of general counsel.

It is hardly surprising, then, that this nominee received bipartisan support at the committee level, including the support of the ranking member.

What is surprising? The fact that since clearing the committee, Mr. Vaden's nomination has languished for 351 days, waiting for Senate Democrats to end their obstruction—long, even by the standards of this Congress. So I hope that each of my colleagues will join me in turning the page and voting to confirm Mr. Vaden later today.

Following the Vaden nomination, we will turn to consideration of Karen Kelley to serve as Deputy Secretary of Commerce. She is a graduate of Villanova. She has built a 35-year record of expertise in investment, management, and financial strategy.

She currently serves as Undersecretary—a position to which she was unanimously confirmed by the Senate—and oversees the Department's statistical programs through the U.S. Census Bureau and the Bureau of Economic Analysis. Ms. Kelley is already acting in the role to which she has been nominated.

Through this service, Ms. Kelley has earned the respect and esteem of her colleagues at the Department. Secretary Ross has said he is thankful to have such a qualified individual fill the position.

I hope my colleagues will join me in voting to advance her nomination today with a strong bipartisan vote.

As we look over the record of this 115th Congress, a number of accomplishments were made possible with significant bipartisan support—from landmark opioid legislation to major improvements in veterans' medical care and services, to our tremendous progress on appropriations and a lot more.

● 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 remaining work will require more of that bipartisan spirit when it comes to closing out appropriations, confirming more nominees, and other subjects as well. So let's continue the momentum and keep moving forward.

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. 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.

RECOGNIZING A NEW CERES STATUE FOR THE VERMONT STATE HOUSE DOME

Mr. LEAHY. Mr. President, this Friday, November 30, at noon, Vermonters will be gathering to see a large crane carefully hoist a 14½-foot carved statue of Ceres, the goddess of agriculture, atop the newly gilded dome of the statehouse in Montpelier. I was born in Montpelier, and I am proud of this because it is going to be a great moment for our State and for everyone involved in the project, which has captured the attention of not only Vermonters but of those who have been following the project from great distances with the help of social media.

The new version of Ceres replaces a 1938 replica of the original statue that was removed last April after too many severe Vermont winters took a toll on the wood figure. Since that time, Vermont artists Jerry Williams and Chris Miller have been hard at work creating the new Ceres, first sculpting a model and then, out of a big piece of mahogany, they chiseled the final mahogany figure.

Marcelle and I and my sister Mary, along with David Schutz, had the pleasure of visiting the Vermont Granite Museum in Barre, VT, a few months back to witness Mr. Miller at work.

I am the grandson of two stone carvers. One of my grandfathers immigrated to Vermont from Italy. The other, my Irish grandfather, carved stone in Barre. So it was a thrill to see how Mr. Miller used the original tools of the trade.

He took raw wood and turned it into the fine details we now see, from Ceres' flowing robes to the distinctive veins in her hands. It was really remarkable to see this hunk of wood turn into a real person.

Both artists learned their techniques by studying in the studios of Barre's stone carvers. It is a specialized art that requires intense dedication, patience, skill, and practice. We are so fortunate that artists such as these have carried on a tradition that makes Vermonters proud.

It reminds me of the times as a child when I would go in and watch stone carvers at work in Barre, where my father was born, and watch them turn stone into pieces of pure art.

In this case they are using wood. Incidentally, the reason the statue is made out of wood instead of stone is

that wood weighs less, and there is only so much weight the dome can hold.

I grew up in a home across the street from the Vermont State House. Ceres was always in our sights. Walking to school, coming back from school, doing my paper route, and being out with my brother and sister and my parents, we would always see Ceres. She is a strong figure, one that befits a State where farming and soil and hard work are so closely linked to our lives.

Frankly, over the past few months, when I have been home in Vermont, going by the statehouse and seeing it without Ceres has been odd because it has always been part of my life. So this Vermonter and Vermonters like my wife Marcelle and others are going to be glad to have her back.

Mr. President, I ask unanimous consent that this November 10 article from the Barre, VT, Times Argus, profiling these two sculptors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Argus, Nov. 10, 2018]

FOR THE LOVE OF CARVING: JERRY WILLIAMS AND CHRIS MILLER EARN GOVERNOR'S HONORS  
(By B. Amore)

Jerry Williams and Chris Miller are united in their love of the ancient craft of carving. It is this common love that has brought them together as a team in creating the 14.5-foot statue of Ceres for the Vermont State House dome. This project, and their separate accomplishments, have won them the 2018 prestigious Governor's Award for Excellence in the Arts, which will be presented by Gov. Phil Scott at the State House Nov. 14.

Carving, a reductive process that was once part of every classical sculptor's training, has now become the purview of a discrete selection of artists in the United States. Barre, of course, is a mecca of stone carving, primarily in granite. Its community of skilled carvers who work in the monument trade, as well as executing large public art sculptures and making their own personal work, is a unique resource.

The native stone of the surrounding region, and the culture of carved sculpture, drew both Williams and Miller, albeit by different paths. Williams talks of attending the art program at Johnson State College and being the only one interested in learning clay sculpture. It was at a time when conceptual work and mixed media held sway in the art world, but he was interested in learning the basics of sculpture. In order to learn "real" sculpture at the source, he set up an internship with Frank Gaylord, who trained a generation of Barre sculptors. That internship turned into a job and a life in granite.

Eventually, Williams founded his own shop, the Barre Sculpture Studio. He talks of belonging to a "lineage" in the sense of the classical studio system that exists in Carrara, Italy, and that was brought to Barre and to the Vermont Marble Company in Proctor in the 19th century.

Generally, a well-known sculptor would create a model and the expert carvers in the sculpture studios would then execute it. "Youth Triumphant," a Barre monument depicting a young warrior pleading for world peace, was carved by Gino Enrico Tosi, Enrico Mori and John Delmonte from a model created by famous New York sculptor C. Paul Jennewein. Williams is one of the

few sculptors in Barre who creates his own model for a commission and then sees it through to execution in his studio.

Miller began woodcarving independently in 1976 while studying art at Southern Connecticut State University and Southern Vermont College in Bennington. Although he is largely self-taught, he worked with the sculptors Lothar Werslin and Billy Brauer of Vermont to hone his skills in drawing, sculpture, and anatomy. For his first 25 years as a working artist, he carved only in wood.

Living in Calais, in Barre's shadow, it was inevitable that Miller would eventually carve stone. Finding his way to the studios of several Barre sculptors, he learned the rudiments of stone carving, and since then has been working in wood and stone, doing both public commissions and personal work.

According to Miller, Williams' classical studies have enabled him to become one of the best figurative sculptors in Vermont. As Miller meticulously carves the Ceres statue in wood, he is constantly taking measurements from Williams' exquisite model.

Williams is a consummate artist and craftsman, and builds his models from the inside out, beginning with a metal armature, layered over with clay to create a nude body, then layering clothing on that. His knowledge of anatomy underlies the figure, giving it a much more realistic sense than most contemporary sculptors are able to achieve with less rigorous means. Miller's own anatomy studies enhance the liveliness of his carving so that there is an incredible flow to Ceres' robes—something that is very evident in the supine form that is near completion at the Vermont Granite Museum in Barre.

Miller's portraits in wood are incredibly sensitive. The character of the individuals shines through the seemingly obdurate material. Miller is imbued with a love of carving and speaks of feeling relaxed and joyous at the end of a day of work. His portrait piece "Stanley Fitch," complete with eyeglasses carved on the face, feels like an integral part of his subject's personality.

The elderly farmer, "Percy," and the couple, "Howard and Dot," are more expressive and personal than a photograph or a painting. The character of each person seems alive before our eyes, under Miller's sensitive strokes. The flow of the lines of carving, all done by hand, follow the form as intimately as a sculptor's fingers working clay. This is an extraordinary achievement and a real legacy creation for many generations.

Most of Miller's personal work in granite and marble is figurative. The female form seems to be of endless inspiration to him. He has also joined forces with other sculptors who have an ongoing project at the Millstone Hill Sculpture Park on the site of the old Websterville quarry. There is a plentiful supply of grey Barre granite, and one never knows when one of Miller's trolls or Hephaestus, the god of fire, might emerge from an old quarry block. Another popular work is a sculptural truck that Miller built, with community support, that resides in Maple Corner, Calais.

Miller doesn't see much of a difference between public and private work. He approaches them with the same spirit. With personal sculptures shown in galleries, he never knows where they will end up. With a public art piece, the area has to be researched, and the artist has to come up with an idea that is relevant. For one commission in Marion, Iowa, a bike-centric community, Miller designed a bike rack supported by granite gloves carved from the town's photos. One of his bike racks featuring gargoyles engaged in an eternal tug of war graces Barre's North Main Street.

Williams' approach to working with clients on public commissions is a genuinely collaborative one, whether he is working on a

memorial sculpture for a family grieving over the loss of their infant daughter or a 10-foot-high granite Teddy bear for Highland Park in Dallas, Texas. His *modus operandi* is consistently professional, beginning with drawings, moving towards a clay model, then the final execution in stone using diamond saws and pneumatic tools powered by air. For the Barre City and Elementary School, Williams chose to create a collection of free-standing Teddy bears tumbling playfully in one of the sculptural niches at the school.

Williams admits that the challenge of running a carving business and creating personal work is not an easy one. He's not sure that there is a "happy medium," and often feels that he is "stealing time" to make personal work. His personal work is often carved granite and mixed media. Two pieces that demonstrate this are "Argon," a split sphere, combining high polish and texture that contains a line of blue argon gas. "Neon," a linear piece with a mysterious, mask-like face, is illuminated with a center of red. Williams loves the effect of the light energy contrasting with the density of the stone. Other pieces are always representational, but not figurative. The work "Warm Gun" is a tour de force of softly draped fabric covering a form that reveals itself as a gun only after close inspection.

Williams and Miller belong to a group of sculptors who believe in collaboration. At times, an artist is awarded a commission and will come to Williams to create the model. If Williams or Miller needs help on a larger project, they may bring in one or two other carvers. Large-scale sculpture takes a cooperative effort, and it is this spirit of sharing between Williams and Miller that animates the Ceres project. They both tell of a chance meeting at LBJ's store in Worcester and discussing the requirements for the Ceres sculpture. It was that informal conversation that led them to the path of creating a proposal together to apply for the commission.

Williams was involved in the early days of the Barre Sculptors and Artisans Guild, a loose affiliation of Barre carvers who were also creating their own personal sculpture. What began as a Friday afternoon gathering to drink beer together at Gaylord's studio blossomed into a group that showed their work together. Their first show filled Williams' studio in 1986. Some of those carvers still participate in the annual Stone Show at Studio Place arts.

Williams also participated in the Burlington International Sculpture Symposium organized by University of Vermont professor and sculptor Paul Aschenbach. The intense six-week symposium resulted in a park on the site of the Moran Municipal Generation Station, which endured for 23 years. Local sculptors worked with sculptors from Japan, Germany, Czechoslovakia, Scotland, the Netherlands and Romania to create a people-friendly environment that has been temporarily dismantled and hopefully awaits a second installation in Burlington's redesigned waterfront area.

Sue Higby, director of Barre's Studio Place Arts (SPA), has supported the personal work of Barre carvers by hosting the annual Stone Show at SPA. She has also been a key mover in the execution of public projects in Barre, including developing and securing funding for the Stone Sculpture Legacy Program, which was supported initially by the Charles Semprebon Fund. It was Higby who approached Miller with the idea of creating a site-specific piece in a narrow space between Studio Place Arts and Barre City Place. The resulting "Unzipping the Earth," simultaneously a sculpture and a garden, was designed and executed by Miller, and won the 2014 American Society of Landscape Architects Merit Award for Public Places.

Both Miller and Williams are outstanding examples of the creativity and perseverance that marks sculptors who carve stone or wood. In dealing with an obdurate material, one has to have an eternally flexible attitude—a willingness to work with the stone, not in competition with it—a willingness to bend the carving to follow the flow of the grain of the wood or stone.

Vermont is fortunate to count these seasoned professionals among the ranks of its profuse community of artists. They are exemplars of artists who have followed their individual paths, and have succeeded in creating exceptional works of art in both the public and private sphere. They have given generously to their communities, and richly deserve the Governor's Award for Excellence in the Arts.

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

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

#### BORDER SECURITY

Mr. CORNYN. Mr. President, next Friday marks an important deadline in funding the Federal Government. While we have been effective in passing appropriations bills that have funded 75 percent or so of the government, there is still a small but important portion left to be negotiated before we break for Christmas.

Part of the debate will be how we go about securing our border, especially as recently, several large caravans of men, women, and children have left their homes in Central America and made the long, dangerous trek to the United States via Mexico. The truth is that the caravans occur on a daily basis. Of course, most of that hadn't penetrated the consciousness of the American people because it took thousands of people en masse, in a big caravan, to actually get their attention and get the attention particularly of the President of the United States.

I bet it would surprise most Senators and most Members of the House to know that in 2017 alone, there were 396,000 people detained at our southern border—almost 400,000 people. These caravans, whether they are the large, massive caravans like we see in Tijuana or the minicaravans that occur daily in places like the McAllen sector for the Border Patrol—this is a big and important issue. But funding is only one piece of the puzzle when it comes to border security and the migrant crisis.

I would like to say that I was encouraged by a story that I saw in the Washington Post dated November 24 entitled "Deal with Mexico paves way for asylum overhaul at U.S. border." This article goes on to talk about a policy of "Remain in Mexico," where the Mexican Government has actually provided work permits and offered asylum to Central Americans transiting Mexico. Some of them have taken the Govern-

ment of Mexico up on those, but many of them want to come to the United States, understandably, and the problem is how to deal with these large numbers of asylum seekers. This development, if it proved to be accurate, I think represents an impressive change in policy on the part of the Government of Mexico in a very constructive sort of way.

I want to congratulate Secretary Nielsen, the Secretary of Homeland Security, Secretary Pompeo, and the entire Trump administration for undertaking this delicate and difficult negotiation because this really represents a sea change in the way the Government of Mexico regards the migrant crisis. In other words, it is not just our problem. They themselves regard it as part of the solution to this challenge.

But the truth is, we can't look at this issue like we are looking through a soda straw. I had reporters yesterday ask me "Well, what about what is happening at the bridge in Tijuana," as if that were the whole story. We can't narrowly focus on just one part and refuse to see the full picture, and that is what I want to talk about here briefly.

We won't secure our borders and we won't solve the migrant crisis or improve our asylum system by simplistically looking at the problem. We need to look at this as symptoms of a far more serious problem. This is especially true as the issue of migrants illegally crossing our borders is not new. It has been happening for a long time. It is only recently that there has been no new net migration from Mexico because of improved economic conditions there, and we have seen the flood of people coming up from noncontiguous countries, like those in Central America. But of course it started with the softening of our borders and the disregard of our Nation's immigration laws, and it has continued with the rise of crime and corruption across countries in Central America.

We need to secure our borders, to be sure. You would not think that would be a controversial statement, but apparently some of our colleagues view our efforts to secure our borders with ridicule. They act as though this is not a problem, that this is something all about the midterm elections. Well, the midterm elections have passed, the problem persists, and we need to do something about it.

We do need to partner with Mexico, as I mentioned a moment ago, but also the Central American governments to fight against the cartels and the gangs who are terrorizing these countries and affecting ours in such a negative way, in a way that will help address this migrant crisis that we are seeing symptoms of at the ports of entry in Tijuana, for example.

In Tijuana, about 5,000 immigrants made their way there, and more are on their way. The truth is, every time someone successfully penetrates our border by exploiting gaps in our immigration law or by illegally entering the

United States, it is an encouragement for more people to do exactly the same. Anybody who thinks that a caravan of 5,000 migrants coming from Central America is the last caravan that will attempt to penetrate our borders is engaged in a flight of fantasy because human nature ought to tell us that if it is successful, there are going to be more right behind them. We need to deal with this. We need to deal with the crisis that the Tijuana mayor has called a humanitarian crisis. That reminds me of what President Obama called the crisis of unaccompanied minors coming from Central America a few years ago when he was President; he called it a humanitarian crisis as well. We need to work together to try to solve it.

We know that this group of migrants isn't entirely made up of innocent asylum seekers fleeing poverty or violence in their home countries. The truth is, we haven't really been able to vet the people in the caravan. And that, of course, is one of the goals of our legal immigration system—being able to look at people as individuals and determine: Do you have a criminal record? Have you been deported previously for illegally entering the United States? It is true—I am confident that this mass of people does include people like criminals and other migrants who intend to exploit gaps in our immigration laws and some who have already been deported one or more times from the United States for violating our immigration laws.

I believe the United States is the most generous country in the world when it comes to legal immigration. We naturalize almost a million people a year, and we are the better for it. We have always considered ourselves to be a nation of immigrants but not uncontrolled illegal immigration. That is a recipe for chaos and danger. We have always been a nation that believed in some order, and the rule of law was important when it came to naturalizing people and becoming part of the great American family. We have always provided refuge to those who fled their countries based on persecution because of their religion or their race or their political orientation or their nationality or because they belong to a particular group. We expect those who enter our country to respect our sovereignty and the rules and laws of the U.S. Government. There is a process for coming into the country legally, and that is the process that should be followed here.

I might say that when a mob of migrants tries to break through the border barriers in Tijuana, it is fundamentally—in addition to everything else I said—unfair to the people who stood in line and tried to enter the country legally and waited their turn for them to break to the head of the line and try to enter by force.

Unfortunately, there are organizations that exploit our generosity and use our borders as a transit corridor for

all sorts of illegal activity, including drugs and human trafficking. Believe me, if you look at the trial that is occurring in Manhattan today, El Chapo, you can learn a little bit about the complex, big, lucrative business that being head of a drug cartel entails.

Unfortunately, transnational criminal organizations—another word for cartels—have overrun some of the legitimate governments in Central America, and it is no wonder that people are fleeing. Therein lies the root of the current problem. The cartels and the gangs have figured out that it is quite lucrative to traffic migrants to the United States. Based on what I have read, maybe \$6,000 to \$8,000 is paid to a drug cartel—one of these transnational criminal organizations—to transport a person from Central America to the United States. That is a pretty good, lucrative business. Unfortunately, it is illegal and dangerous too.

This is exactly the same business model that is used to transport drugs into the United States. Last year, according to the Centers for Disease Control, 72,000 Americans died of drug overdoses in the United States. About 50,000 of those were opioid-related. Some of those were fentanyl, a synthetic opioid. Some of those were prescription opioids. But a significant portion of those were heroin, and 90 percent of the heroin that makes its way into the United States comes from Mexico.

This is the dirty business of the cartels, these transnational criminal organizations—trafficking migrants and children and women for sex and illegal drugs. They are commodity agnostic—whatever will make them money, they will engage in, no matter how vile, how cruel, or how dangerous. They have no morality whatsoever and no regard for life at all. The cartels know we are a generous country and take full advantage of our gaps in border security and immigration laws. As long as we fail to address this issue, we are complicit in making these cartels richer. By our own inaction, we are facilitating their illegal and dangerous enterprise.

This is not just a problem with immigration or drugs or smuggling; it is about all of these issues combined. It starts with the reign of the cartels and gangs in countries like Mexico and countries in Central America. Gangs like MS-13 and Barrio 18 in Central America threaten the safety and stability of the people who live in those countries. They fill an endless circle of supply and demand and operate in a vacuum of power with impunity. But their terror does not stop at their border or our border. Like the mob we have seen on TV, they are crashing through borders and threatening our border communities. They are interrupting legitimate trade and commerce through the ports of entry.

We saw that the port at San Ysidro was shut down because it couldn't accommodate the mob of asylum seekers

and conduct legitimate trade and traffic at the same time. So it has a very real prospect of threatening to disrupt not only the U.S. economy and jobs but that of our Mexican colleagues as well. I think that is part of what has gotten the attention of the Government of Mexico. Their life blood is trade with the United States. If that is prevented because of the mobs of people coming across, trying to break through barricades and enter our country illegally, then that threatens that life blood and their economy.

My home State of Texas shares a 1,200-mile common border with Mexico, and about 40 percent of my constituents are of Hispanic origin. The communities along the Texas border are vibrant, and they rely upon the millions of dollars of legitimate trade that pours through our ports of entry. Texas is home to 29 air, land, and sea ports of entry. That is more than any other State in the Nation. About half of the U.S.-Mexico trade moves through a Texas port of entry.

As the volume of commerce that crosses our borders has tripled in the last 25 years, Customs and Border Protection has struggled to keep up with the staffing needs. The infrastructure is old and is being exploited, too, particularly by drug traffickers, who move their high-value cargo through the ports of entry.

Texans who live and work in those regions know they can't afford the cartels' continued exploitation of our flawed system. So we need to look at how we can address the thousands of migrants who look to cross our borders and the cartels who exploit our laws while we still protect legitimate trade and travel. Any solution we find must try to strike a balance between compassion for the migrants and respect for the rule of law and fundamental fairness to those who are doing it the right way.

I have taken, of course, numerous trips to the border to meet with the Border Patrol, and I have heard from many of them on this issue. When migrant caravans cross our borders, Customs and Border Protection not only has to deal with this massive humanitarian crisis, but it has to ensure that the cartels can't take advantage of opportunities that have been opened up by the fact that the Border Patrol is now consumed with trying to process children and families through the ports of entry in accordance with U.S. law. The cartels know that and take every advantage by moving their drugs through the ports of entry or between the ports of entry because they know the Border Patrol is otherwise occupied with paperwork and other distractions.

We need to work more closely with our allies in Mexico and Central America to keep commerce alive, which, as I said, is the lifeblood of the economy. By helping in Central America, we can begin to address the root problems that have forced many to flee.

At the same time, we need to secure our borders and protect our free trade.

As I said, if our ports of entry are clogged with thousands of migrants, legitimate trade comes to a standstill. That not only hurts our economy, particularly in border communities along the U.S.-Texas border, but also our southern neighbor's, Mexico.

The fact of the matter is the United States cannot alone bear the burden of this mass migration. We need our partners in Central America and Mexico to work with us to find solutions for these migrants, which is another reason I was encouraged by the article I mentioned in the Washington Post, which talked about the "Remain in Mexico" program as one way to begin to address some piece of this migrant crisis.

My friend HENRY CUELLAR, a Member of the House of Representatives, who represents border communities in South Texas, likes to say that we should focus on pushing back our borders. I think that is right. Border security ends at our border, but it starts in Central America and Mexico.

This week, the incoming President of Mexico, Lopez Obrador, will be sworn in. I hope to be at that inauguration on Saturday, December 1, in Mexico City. Soon-to-be-President Obrador said he is committed to dealing with the violence in Mexico that has been brought about by the cartels and gangs. I know the United States also shares a commitment to working with this new government in helping to reduce that violence.

Our two governments should continue to work closely together because our interests are aligned. Both of our countries want security, and we want the prosperity that comes from legitimate trade. Both of our countries want to see a decrease in the cartel and gang violence. Our relationship is an important one, and it must continue to be nurtured and to evolve because the gangs and the cartels surely will continue to adapt.

By partnering with governments in Central America and Mexico, we can help those countries in bolstering their economies, providing security for their people, and restoring the relationship between their communities and law enforcement to one that will be built on trust so that their people will feel safe again in their homes.

I stand ready to work with others on this issue, but neither I nor my Republican colleagues can do it alone. This will take a full bipartisan effort, and it is going to take a more serious approach than I have seen in some press accounts in which people want to focus, as with a soda straw, on one narrow aspect of the problem when it is much more complex and much more dangerous than that. So I would invite all of our colleagues to join us in enforcing our laws and securing our borders and protecting our economy by securing free and fair trade.

Those who say that by enforcing our laws one is somehow anti-immigrant are engaged in a slanderous lie. It is simply not true. Immigrants who come

to the United States legally, who have waited patiently in line, deserve the respect and deserve the reward of their complying with the laws on the books. Somebody who jumps to the head of the line and violates our laws, who has no respect for the safety and security of our border communities, and who wants to facilitate the business model that the cartels have, by moving poisonous drugs or migrants for employment or by trafficking children and women for sex, has no regard for our border communities, for the rule of law, or for those migrants who come to the United States legally and appropriately.

This is not a onetime crisis. You can't be against human trafficking but for allowing migrants to be used as human commodities and to freely enter our country illegally. It is the same people who are bringing them into the country. You can't be against the opioid and drug addiction crisis but for allowing the cartels to exploit our borders by exporting their poison. You can't sit back and say you want to help migrants who flee their countries but not engage in bipartisan solutions. You simply can't have it both ways.

I hope we will take another look at this humanitarian crisis, as the mayor of Tijuana is calling it and as President Obama called it a few years ago when we saw this flood of unaccompanied minors coming across our borders from Central America, and deal with it with the seriousness and the gravity that it deserves. I look forward to working with my colleagues both in the House and the Senate, as well as with the administration and our partners in Central America and Mexico, to find solutions that address the migrant crisis without abandoning the rule of law or opening our borders or encouraging others to ignore our immigration laws. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DAINES). The Democratic leader is recognized.

GENERAL MOTORS

Mr. SCHUMER. Mr. President, first, I would like to talk about the unfortunate news we heard from General Motors.

Yesterday, General Motors announced it was closing five factories and laying off 15,000 workers. The news is a gut punch to workers in Ohio, Michigan, and Maryland. Our hearts go out to them and their families. Many of these people have labored for decades, and many in their families have worked at GM. I know this from our GM plants in New York. To lose your job when you have put so much into it, only to wake up in the morning and say, "my job is to make the best car possible," is a gut punch and worse.

We need to do more—a lot more—to encourage investments in American jobs, in American infrastructure, and to bring back manufacturing. What we don't need is more rhetoric from the President, who has made a whole lot of

promises but who has, unfortunately, failed to deliver for these workers.

Here is what President Trump said last year about manufacturing jobs in Ohio:

They're all coming back. . . . Don't move. Don't sell your house. . . . We're going to fill those factories up or rip them down and build new ones.

Here is what else he said:

If I am elected, you won't lose one plant. . . . You're going to have jobs again. You won't lose one plant. I promise you that.

President Trump promised people in the campaign that we would not lose one plant. A lot of people voted for him for that reason. Guess where he said we would not lose one plant. Guess where President Trump promised the people we would not lose one auto plant—in Warren, MI. It is one of the plants that is now slated to close. The words are a painful reminder of just how bankrupt many of President Trump's promises turn out to be.

Do you remember Carrier? The President swept into office and promised that Carrier would stay open, thanks to him. He had done a big rally, and 6 months later, Carrier had laid off hundreds of workers in Indiana and had moved its positions to Mexico.

This is what the President does. He makes big, bold, impossible promises without having much care for the results. Instead of overpromising, the President should roll up his sleeves and work with GM to prevent it from cutting jobs.

The American taxpayer has supported GM through tough times. Last year, the Republicans handed GM a windfall of \$150 million in its tax bill so GM could bring back money from overseas. It said it would do it and employ people. Well, it is bringing back money from overseas, but it is not employing people. That is what American companies are doing. GM pocketed the tax break we gave it and is closing up shop anyway—with nary a word from the President until after the fact.

I see my friend from Illinois here. We Democrats believe you don't give tax breaks to big companies unless they do something for their workers—not stock buybacks, but employ people, train people, pay them good wages, give family leave. The President gives corporate America—wealthy, big corporations—just what they wish but does nothing to protect workers, except to talk a lot.

So I would ask my friends in New York State and throughout the Midwest and throughout America—working families, the kind of people I came from: When are you going to understand that this man sells you a bill of goods? that this President talks a good game but never delivers on his promises? That is what Americans and working Americans, in particular, should understand about President Trump.

The awful closings from yesterday are terrible. They are a sad symbol of a President who has failed the American working people and given them a

lot of hot air and no real gains. Corporate America—the wealthy—are doing great. Working people—average Americans, people who sweat—get nothing. They are losing jobs.

We need more from this Congress than another tax cut for the wealthy, and the American worker needs more from President Trump than empty rhetoric. Just yesterday, he said: Well, there will be new plants. How many people are going to believe that? He has been saying that for 2 years.

#### CLIMATE CHANGE

Mr. President, last week, the Trump administration released an important report on climate change that warned of dire consequences by 2050—of devastating storms, hundreds of billions of dollars of damage, a massive drain on the economy. The fact that this administration released the report on Black Friday is wrong. It is an obvious attempt to bury the findings. But guess what. Even though he released them on the Friday after Thanksgiving, those findings were not buried. They were on the front page of every newspaper. Then, of course, while his own administration issued a very strong report on climate change, he said: “I don’t believe it.”

I have said it before, and I will say it again: President Trump and the Republican Party are like ostriches when it comes to climate change. They bury their heads in the sand as the world changes and as more and more of America and American workers are put in danger.

The Trump administration itself has reported on how devastating the costs of their policies will be for future generations of Americans. This report is going to live on day after day, month after month, and year after year. This is not a 1-day story. This is conclusive evidence by the President’s own administration of how bad climate change will be for incomes, for families, for workers, for farmers, and for cities. They can’t run away from it anymore. It is about time they face the reality and work with us to do something before it is too late.

This report will be in the news again and again and again. It will bolster those who are going to court to prevent the administration from undoing many of the things the previous administration did on climate change.

It is a turning point—a very significant turning point—in the war, which it is, to keep our globe from getting far too hot for everybody’s comfort.

#### NOMINATION OF THOMAS FARR

Mr. President, on the pending judicial nomination of Thomas Farr for a seat in the Eastern District of North Carolina, in his legal career, Mr. Farr has repeatedly defended efforts by North Carolina’s Republicans to undermine voting rights generally and disenfranchise African-American voters specifically.

This man was chief cook and bottle washer of the State that probably did more to prevent people, and particu-

larly minorities, from voting than any other State. It is so bad that the discriminatory congressional maps, drawn by the Republican legislature, which Mr. Farr defended, were struck down by the very conservative Supreme Court.

Mr. Farr defended North Carolina’s absurdly restrictive voter ID law, also passed by the conservative Republican State legislature, and they tailored their election laws to disadvantage African-American voters after requesting race-specific data on voting practices. The law was one of five changes to registration and voting, all of which—all of which—disproportionately affected African Americans. That wasn’t a coincidence; that was designed.

Mr. Farr called the provisions, which a Federal judge said “targeted African-Americans with surgical precision,” a minor inconvenience.

Finally, Mr. Farr was a lawyer for the reelection campaign of Senator Jesse Helms and may well have had preknowledge of a mailer sent overwhelmingly to Black voters, with the purpose of intimidating them from voting.

Partisan affiliation, my friends, should not matter in this debate. Voting rights are sacred. It is part of our soil in which the tree of democracy is nurtured. It shouldn’t be a Democratic issue or Republican issue. Taking away the voting rights of Americans, of whatever race, creed, color, party, or region is a despicable act. It cuts against the very thing that generations of soldiers have died for—the right of democracy, the right to vote.

Every Senator here, including our Republican friends, should be disturbed by the fact that Mr. Farr has been involved, often directly, in multiple attempts to disenfranchise minority voters.

What sticks in the craw is, we are voting on Mr. Farr only because Republican Senators—when we Democrats were in the majority and still respected the blue slip, they blocked two nominees, both African American, both women, to represent a jurisdiction that is 27 percent African American and doesn’t have a single African American judge, even though one-quarter of the people are African American. I don’t care what the ideology is here. Then, adding insult to injury, they are putting on the bench someone who would disenfranchise people, particularly people of color. It is a disgrace.

This morning I called Stacey Abrams and Andrew Gillum, both of whom were hurt by attempts to limit voting rights, and they issued the following statement together:

When it comes to the trifecta of voter disenfranchisement—voter suppression, racial gerrymandering, and restriction of voting rights—Thomas Farr is, sadly, one of the most experienced election lawyers in the country. . . . Thomas Farr’s record of hostility and disregard for fundamental civil rights disqualifies him for a lifetime appointment that will allow him to codify his discriminatory ideology into law.

I couldn’t agree more. I urge my Republican colleagues to see the better part of reason, to let, as Abraham Lincoln said—and we all know what he did—the better angels of their nature appeal to them, not just the political machine that says: This guy helped us get elected. Even if he took away voting rights of people, let’s put him in.

One more point, the great Chief Justice John Roberts, who told us he would call balls and strikes, allowed a lot of this to happen when he authored the Shelby decision, which took away protections against horrible things that Mr. Farr helped perpetrate. He said there wasn’t much discrimination anymore. Well, clearly there is. Nineteen States have rolled back voting rights since Shelby. Mr. Roberts tries to portray himself as a middle-of-the-road, call-the-balls-and-strikes person, but in his decisions he is very far from that, and that is why people see the courts as so political.

#### VIOLENCE

Mr. President, one final point on rightwing violence. I apologize to my colleagues who are waiting, and it will be a brief point when I can find it. I want to comment on a report by the Washington Post yesterday on extremist violence. The report found that “over the past decade, attackers motivated by rightwing political ideologies have committed dozens of shootings, bombings and other acts of violence”—this is their language—“far more than any other category of domestic extremist.”

We all abhor violence, whatever its origin—I have spoken out against it—but the conclusion of this report should put an end to the Republican fearmongering. President Trump’s fearmongering, about the so-called Democratic mobs.

The hard questions need not be put first to Democrats; hard questions need to be asked of President Trump. There is a question that looms: Is President Trump’s rhetoric encouraging rightwing violence that we have seen in the past few years the No. 1 cause of domestic violence? That question needs to be answered.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

#### NOMINATION OF THOMAS FARR

Mr. DURBIN. Mr. President, Ron Chernow is well known as a historian and prolific writer who has written biographies of some of the most amazing people who have lived in our country. One, of course, is on the Founding Father, George Washington, and another which received acclaim even on Broadway in New York is the well-known biography of Alexander Hamilton, which inspired Mr. Miranda to write a musical, which is probably the most successful musical of our time.

Mr. Chernow has also written another book, which I am working my way through very carefully, the biography of Ulysses Grant. It is about 900 pages long. It is a heavy book to carry



from one living space to another as a U.S. Senator but well worth the effort. It tells the story of this man who came to lead the Union Army to victory in the Civil War and ultimately became President of the United States. As I have read this biography of Ulysses S. Grant, I couldn't help but be struck by the fact that one issue emerged after the Civil War, which was probably one of the most challenging of all, the issue about the right of African Americans to vote in the South after the Civil War—the so-called period of Reconstruction.

I also commend to those who are interested in the issue this book by Carol Anderson, entitled "One Person, No Vote." Carol Anderson is a professor at Emory in Atlanta, GA. She wrote an earlier book, which I also recommend, called "White Rage." This book, "One Person, No Vote," really tries to describe throughout history, particularly after the Civil War, efforts at voter suppression and their impact on our democracy.

Professor Anderson was kind enough to ask me to write the forward to this book, which I was happy to do. I am happy to read this book as well because it went into the detail about what happened after the end of the Civil War, when African Americans were legally and constitutionally declared to be citizens of the United States and then set out to exercise their right to vote. Initially, there was some success, but over time the White population in the South started suppressing that right to vote, passing laws that demanded literacy tests of those who would show up to vote, constitutional tests, poll taxes, and the like. Over time, it dramatically diminished the African-American vote in the South, and that diminishment led many Blacks to pick up and leave in the great migration north. Their departure from the South to the North was to the benefit of States like Illinois, where many thousands came to find work and an opportunity to exercise their own freedom, which they thought had been won by the Civil War.

How important is this right to vote? Well, in the words of John Roberts, the Chief Justice of the Supreme Court, at his hearing in 2005, he said that the right to vote is "preservative of all other rights"—preservative of all other rights. It is that fundamental to our democracy that we allow those who are eligible to step forward and to express their will when an election is called and choose the candidates of their choice.

Over the period of time after the end of the Civil War, there were extraordinary efforts taken to suppress the right of African Americans to vote. I say, with some embarrassment but in reality, those were largely promulgated by people who described themselves as Democrats in those days. They were the ones largely in control of the political infrastructure of the South who did their best to limit the right of Blacks to participate.

One of the noteworthy events in this history occurred in 1890 in Mississippi, when they passed the Mississippi Plan. In Carol Anderson's words, "a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and 'good character' clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing 'integrity' to the voting booth. This feigned legal innocence was legislative evil genius."

She goes on to explain how the so-called Mississippi Plan became a template for other Southern States to try to find ways to pass local and State laws making it increasingly difficult for individuals to vote, particularly African Americans and people who did not have great wealth. It was a success for many years, and the participation of Black voters diminished dramatically as a result of it.

I know this has sounded like a history lesson to this moment, and it would be but for the fact that we are facing this issue again in a vote we will face this week in the U.S. Senate.

There is a nominee for the Federal Court in the Eastern District of North Carolina named Thomas Farr. Mr. Farr's participation in voter suppression is well documented. In fact, the Congressional Black Caucus has described Mr. Farr as "the preeminent attorney for North Carolina Republicans seeking to curtail the voting rights of people of color."

Mr. Farr worked as legal counsel for the 1990 campaign of Senator Jesse Helms. That campaign engaged in well-documented, deeply disturbing tactics aimed at suppressing the Black vote in North Carolina.

As an example, the Helms campaign sent out over 100,000 postcards to mainly African-American voters warning that they might be ineligible to vote for residency reasons. The postcards from the Helms campaign, which Mr. Farr worked on as legal counsel, warned that the Black recipients might be arrested for voter fraud if they came to the polls to vote.

Mr. Farr initially told the Judiciary Committee, in which I serve, that he did not participate in any campaign meetings in which this mailing was discussed. However, news reports then indicated that Mr. Farr did, in fact, participate in an October 1990 meeting that included discussion about mailings that challenged voters' residency.

Mr. Farr, this nominee for a lifetime appointment to the Federal court in North Carolina, later admitted participating in the meeting, despite what he had said earlier. A former Justice Department attorney told the Raleigh News & Observer in 2009 that Mr. Farr "was certainly involved in the scheme as it was being developed."

Mr. Farr also represented North Carolina in litigation over a notorious voter suppression law that the Fourth Circuit struck down in 2016. So his experience in this earlier Helms campaign was not confined when it came to

voter suppression; by 2016 he was at it again. The Fourth Circuit found that the law—which Mr. Farr defended in court—had "target[ed] African Americans with almost surgical precision" and that the legislature had "enacted . . . the law with discriminatory intent."

That was the very law that Mr. Farr defended before the court.

This man, who now seeks this lifetime appointment to the Federal bench, has not just a history but a pattern of voter suppression. This phrase—that the law he was defending "target[ed] African Americans with almost surgical precision"—has probably been repeated more than any I can remember in recent memory on this issue.

Additionally, Mr. Farr represented North Carolina in litigation related to racial gerrymandering and violations of the National Voter Registration Act.

It is particularly troubling that Mr. Farr has been nominated for a judgeship that, as the minority leader mentioned earlier, was denied during the Obama administration when they submitted two African American nominees. The Republican Senators from North Carolina kept the seat vacant and would not allow an African American to fill it. Though President Obama tried twice, they objected to the nominees. Republicans held this seat vacant for years, clearly with the intention to fill it with someone like Mr. Farr.

Let me quote what the Reverend William J. Barber II, a prominent civil rights leader in North Carolina, wrote about Thomas Farr in TIME magazine recently:

I know Farr. I know what he's done, what he stands for and just how detrimental he will be to his constituents if confirmed.

There are many conservative lawyers in North Carolina who could serve as Federal judge who do not have the blemished record of advocacy for voter suppression that Mr. Farr brings to the Senate. As Reverend Barber wrote in TIME magazine: "Being a conservative is not the same thing as spending almost 40 years fighting to block full citizenship for all Americans."

Given his decades-long history of supporting and defending efforts to restrict the right to vote, I must oppose Mr. Farr's nomination.

I must ask: In this moment in time in the 21st century, as we still battle over the issues that divided this Nation during the Civil War, why would this Senate stand and give Mr. Thomas Farr a lifetime appointment to the Federal bench in North Carolina? What does it say about the majority in the Senate that we would give this man, with his personal history of voter suppression, this opportunity?

The reality is this, and it is a grim reality: I believe the Republican Party has decided that demographics are not on their side and that the emerging minorities in the United States of America are not likely to vote their way. So they have embarked on a national program to limit the rights of people to

vote—a national program that I find disgusting. To think that the Koch brothers finance ALEC—the American Legislative Exchange Council—and that ALEC promulgates these State laws in an effort to continue to suppress the vote carries on a sad and despicable tradition.

Back in the 19th century and the early part of the 20th century, it was the Democratic Party, which I belong to, that unfortunately was the home for many of these bigots and led many efforts of voter suppression. Today, sadly, it is the Republican Party—the party of Abraham Lincoln—that is trying to suppress the vote of African Americans with many overt, covert efforts. The appointment of Thomas Farr to fill this vacancy is as overt as can be. We know who he is. We know what he believes. We know what he stands for. And we know that if he is given this lifetime appointment on the Federal bench, he is likely to continue his lifetime history of trying to deny votes to those who are African Americans.

This Chamber that I stand in, with some awe every time I enter it, became the Senate legislative Chamber in January of 1859, even before the Civil War began. It witnessed not only the departure of the southern Senators who were loyal to the Confederacy; it witnessed even Union soldiers coming in and camping out here, at times during the conflict, when they needed a roof over their heads. It also witnessed the battles over reconstruction when the so-called radical Republicans were determined to make sure that African Americans would be given a fighting chance in the south. It witnessed the impeachment trial of Andrew Johnson, and it witnessed many other events that have led us to this moment in time in the year 2018.

Many of the debates that took place on this floor, many of the sentiments that were debated back and forth over the decades, continue to this day to our generation, to our time, and to our Senate. When we bring Thomas Farr for a vote this week in the U.S. Senate, I hope that the party of Abraham Lincoln—the Republican Party of the United States—will join Democrats in stopping this nomination. Can we send a clear message, a bipartisan message from the Senate this week that Thomas Farr and the voter suppression in which he has engaged throughout his life is as unacceptable today as it was in the dark days after the end of the Civil War? That is our responsibility.

This Senator will be voting no on Thomas Farr.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Oregon.

(The remarks of Mr. MERKLEY pertaining to the submission of S. Res. 708 are printed in today's Record under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from California.

NOMINATION OF THOMAS FARR

Ms. HARRIS. Mr. President, a key component of our democracy is access

to the ballot. The Supreme Court acknowledged in *Reynolds v. Sims* that "the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."

I always say that your voice is your vote and your vote is your voice. In the recent midterm elections, we saw that there are still powerful forces in our country willing to go to incredible lengths to deny Americans their right to vote. It is indeed outrageous that some voters in Georgia had to wait 4 hours to vote, and a candidate for Governor was the one responsible for overseeing his own election; that Native Americans and their IDs were not accepted at polling places in North Dakota; that nearly 20 percent of North Carolina early voting locations were closed this year.

Five years ago, in *Shelby County v. Holder*, the Supreme Court gutted the Voting Rights Act. Congress is the only body that has authority to restore and should therefore be taking steps to restore and strengthen the Voting Rights Act and to expand early voting and automatic voter registration. Why? Because the more people who can readily participate in our democracy, the more our government will be responsive to the people we are elected to represent.

Yet, instead of Congress acting to strengthen access to the ballot, the Senate is considering Thomas Farr for a lifetime appointment to the District Court of the Eastern District of North Carolina—a nominee who has consistently and for decades put limits on the ability of Americans to exercise their constitutional right to vote. Just look at the facts.

Mr. Farr actually defended North Carolina's 2013 voting restrictions law—a law that would have required photo IDs, which disproportionately impacted Black voters. At the same time, they prohibited certain IDs, such as student IDs or public employee IDs. This law also reduced same-day registration and early voting—a law that was so clearly unconstitutional that the Fourth Circuit described the law as targeting Black voters with "almost surgical precision." The Fourth Circuit went on to call it "the most restrictive voting law North Carolina has seen since the era of Jim Crow."

The facts also include that Mr. Farr represented the North Carolina Legislature in multiple challenges to its 2011 congressional and legislative redistricting. This was an attempt to draw congressional boundaries in ways that disadvantaged Black voters for partisan gain. Those maps were later struck down as unconstitutional and racially discriminatory.

Mr. Farr has also repeatedly represented powerful employers against the rights of workers and customers to

be treated equally. For example, he represented a rental car company that allegedly imposed additional requirements on Black customers. He also represented a pharmaceutical company against allegations of gender discrimination, hostile work environment, and retaliation.

To be clear, attorneys are not charged—nor should they be—with the views of their clients, but when such a significant part of your decades-long record involves defending clients charged with discrimination and defending laws that undermine the right to vote, it is reasonable to question whether that individual can be a fair and impartial judge of similar cases.

Mr. Farr's public comments raise questions about his judgment as well. For instance, he has compared the decision upholding the Affordable Care Act to the *Dred Scott* and *Plessy* decisions. For a reminder, *Dred Scott* is a case that said African Americans could not be citizens, and *Plessy v. Ferguson* upheld the constitutionality of segregation—both now universally considered shameful decisions. The idea that a decision upholding the expansion of healthcare for millions of Americans is remotely comparable to these rulings should be utterly offensive to anyone who knows anything about America's history. These are statements of an ideologue, not someone who understands that their interpretation of these rulings should be something that people will, if they are not careful, rely on. So these are the statements of an ideologue, not an evenhanded and unbiased judge. The people of North Carolina deserve better, and let us be clear about who many of these people are.

More than one-quarter of the population covered by the Eastern District is Black—nearly 27 percent. Yet there has never been a Black Federal judge serving the Eastern District of North Carolina in the court's 146-year history.

In 2013, President Obama nominated Jennifer May-Parker, an assistant U.S. attorney and chief of the Appellate Division of the U.S. Attorney's Office, and she is Black. She was appointed to this vacancy—a position Senator BARR had previously recommended her for—but that nomination was blocked.

In 2016, President Obama nominated Patricia Timmons-Goodson—a justice who served on the North Carolina Supreme Court—who is also Black. That nomination was also held up.

As a result, this is now the longest judicial vacancy in the Federal court system. Instead of two highly qualified women, Senate Republicans want to fill this vacancy with someone who is anathema to so many of our communities and, in particular, communities of color.

So I would echo the North Carolina NAACP, which said that "if this nomination is confirmed, it represents an historic insult to justice and to the people of North Carolina."

I know there are folks who might consider the odds of stopping this



nominee and throw in the towel, but the way I see it, if it is something worth fighting for, it is a fight worth having. If it is something worth fighting for, it is a fight worth having. This fight against Thomas Farr is a fight worth having because Thomas Farr is far from what we should accept in a nominee. I know we can do better, and we must do better.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from South Dakota.

#### SENATE ACCOMPLISHMENTS

Mr. THUNE. Mr. President, the 115th Congress is drawing to a close, and we have accomplished a lot over the past 2 years. Our goal for this Congress was simple—make life better for the American people.

A big part of that was getting the economy going again. After years of economic stagnation under the Obama administration, American families were feeling the pinch. Growth was sluggish, wages were stagnant, and opportunities were few and far between. For too many families, getting ahead had been replaced by getting by. We were determined to change that, and so we took action.

We passed a historic reform of our Tax Code that put more money in American families' pockets and made it easier for businesses to grow and create jobs and opportunities for American workers, and now we are seeing the results: robust economic growth, the lowest unemployment level in almost 50 years, a record number of job openings, growing wages, near-record confidence among small businesses, and the list goes on.

In human terms, that means more opportunities for American workers looking to grow and advance; it means more options for Americans searching for a job; and it means bigger paychecks and better benefits for workers and less worry for families.

I am proud tax reform is making life better for American families and grateful to Senator HATCH and our colleagues on the Finance Committee for the incredible work they did to get this historic reform through Congress.

Tax reform was our biggest economic achievement this Congress, but that is not the only thing we have done to help American workers. Along with the White House, we have lifted burdensome regulations, and we enacted legislation, led by Senator ENZI and Senator ALEXANDER, to prepare students for the workforce by improving career and technical education programs. We also enacted Senator CRAPO's legislation to give Main Street lenders relief from burdensome Dodd-Frank regulations.

On the national security front, under the leadership of the late Senator McCain and Senator INHOFE, we have reinvested in our Nation's military to ensure that our troops are equipped not only for today's mission but to meet the threats of the future. We passed the

largest pay increase for our troops in nearly a decade, and we delivered real reforms for our veterans through the VA MISSION Act. This legislation, helmed by Senator ISAKSON, streamlined the VA's community care programs to help ensure that veterans receive efficient, timely, and quality care. Once fully implemented, it will also expand caregiver assistance to disabled pre-9/11 veterans, an overdue benefit for generations of our heroes. We also modernized the Veterans Benefits Administration appeals system to develop a quicker, more responsive system for veterans.

On the healthcare front this Congress, we passed the SUPPORT for Patients and Communities Act to address the nationwide opioid epidemic. This was a product that contained policies championed by multiple committees and multiple Senators, and I am grateful for all the work my colleagues did to advance this important initiative.

We also repealed ObamaCare's individual mandate tax which forced patients to buy insurance they didn't want and couldn't afford; we passed legislation, led by Senator JOHNSON, to give terminally ill patients access to experimental care; and under the leadership of Senator HATCH, we passed the longest extension of the State Children's Health Insurance Program in the program's history.

Another major achievement this year has been the tremendous number of good judges we have been able to confirm to the Federal bench. Senator GRASSLEY has done an incredible job of moving these judges through the process and presiding over the confirmations of two Supreme Court Justices. The Federal bench will be stronger for many years because of his work.

Senate Republicans have accomplished a lot in the 115th Congress, and we are excited to get to work in the 116th. Our agenda will stay the same—growing our economy and expanding opportunities for American workers and protecting our Nation.

There are those who wonder how much Congress will be able to accomplish in the next 2 years. After all, we are facing a divided government. We have a Republican President. The American people voted for a Republican majority in the Senate, but they also voted for a Democratic majority in the House of Representatives. Divided government doesn't have to spell the doom of productivity.

Over the last 30-plus years, some of our greatest legislative accomplishments have been the product of divided government—the 1986 Reagan tax reform, 1996 welfare reform, the Balanced Budget Act of 1997, national security legislation in 2002, the 2012 legislation to help working families by making the Bush tax cuts permanent, a major reform of the VA in 2014—all important bills, all the product of divided government.

So I know it is possible for the Republican Senate and the Democratic

House to achieve big things in the 116th Congress, and Senate Republicans are ready to work with our Democratic colleagues. Now it is up to the Democrats to decide whether they want to work with us. Democrats have spent a lot of time over the past 2 years trying to relitigate the last Presidential election, but if they want to get anything done in the 116th Congress, they are going to need to move past 2016. Tying up the House with partisan investigations of the President or running a Presidential campaign from the Senate floor is not a good use of anyone's time. We need to spend our time focused on the American people's priorities like helping working families and increasing opportunities for American workers. That is what Senate Republicans will be focused on in the next Congress.

I hope our Democratic colleagues will join us. If they are willing to work with us, I know that together we can achieve big things for the American people.

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

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

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture?

Mr. THUNE. 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 Mississippi (Mrs. HYDE-SMITH).

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 246 Ex.]

YEAS—53

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

## NAYS—46

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

## NOT VOTING—1

Hyde-Smith

The nomination was confirmed.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Karen Dunn Kelley, of Pennsylvania, to be Deputy Secretary of Commerce.

Mitch McConnell, Johnny Isakson, Mike Rounds, Thom Tillis, Mike Crapo, Pat Roberts, John Hoeven, David Perdue, Tim Scott, John Cornyn, Roy Blunt, Cory Gardner, Tom Cotton, Jerry Moran, John Barrasso, Roger F. Wicker, John Boozman.

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 Karen Dunn Kelley, of Pennsylvania, to be Deputy Secretary of Commerce, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Mississippi (Mrs. HYDE-SMITH).

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

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 247 Ex.]

## YEAS—62

Alexander	Cruz	Hoeven
Barrasso	Daines	Inhofe
Blunt	Donnelly	Isakson
Boozman	Enzi	Johnson
Burr	Ernst	Jones
Capito	Fischer	Kennedy
Casey	Flake	King
Cassidy	Gardner	Kyl
Collins	Graham	Lankford
Corker	Grassley	Lee
Cornyn	Hatch	Manchin
Cotton	Heitkamp	McCaskill
Crapo	Heller	McConnell

Moran	Roberts	Sullivan
Murkowski	Rounds	Tester
Murphy	Rubio	Thune
Nelson	Sasse	Tillis
Paul	Schatz	Toomey
Perdue	Scott	Wicker
Portman	Shaheen	Young
Risch	Shelby	

## NAYS—37

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Blumenthal	Hassan	Schumer
Booker	Heinrich	Smith
Brown	Hirono	Stabenow
Cantwell	Kaine	Udall
Cardin	Klobuchar	Van Hollen
Carper	Leahy	Warner
Coons	Markey	Warren
Cortez Masto	Menendez	Whitehouse
Duckworth	Merkley	Wyden
Durbin	Murray	
Feinstein	Peters	

## NOT VOTING—1

Hyde-Smith

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 37.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Karen Dunn Kelley, of Pennsylvania, to be Deputy Secretary of Commerce.

## RECESS

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

Thereupon, the Senate, at 1:15 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senate will come to order.

The PRESIDING OFFICER. The Senator from Iowa.

## TRIBUTE TO ORRIN HATCH

Mr. GRASSLEY. Mr. President, I am here to give thanks. Just a few days ago our country celebrated a national day of Thanksgiving. We celebrated food, fellowship, and freedom with family and friends. By any measure we are a people endowed with an abundance of blessings. As Americans, we have every reason to be grateful to share the prosperity of economic freedom, religious liberty, and self-government.

Today, I come to the floor to extend my gratitude for one of the most distinguished public servants ever to serve in the U.S. Senate. It is my distinct privilege to stand here today to pay tribute to my good friend and colleague from Utah, ORRIN HATCH.

He is a man widely known for his integrity, character, and temperament. He is devoted to his family, his constituents, and his country. With overwhelming support from the good people of Utah, he has served his State and all of America in the U.S. Senate for 42 years.

In those four decades of service, he has brought honor, humility, humor,

and heart to this institution of the U.S. Senate. He has honed his legislative experience on a broad range of public policies. In fact, none of his peers have led more laws to final passage than my friend Senator HATCH. He has built successful bipartisan coalitions to enact laws that make a difference in the lives of everyday Americans.

As former chairman of the Senate Judiciary Committee and currently the senior member there, he is a champion of religious liberty and the rule of law. He is an advocate for entrepreneurship and free enterprise, as well as a champion of intellectual property rights, which includes being the lead Senate sponsor of the Music Modernization Act. He is just old enough to know when laws aren't keeping up with technology. Thanks to his tenacity, the new law will help ensure songwriters, artists, and creators that they will be fairly compensated for their works.

Like so many Americans, Senator HATCH is a man of humble beginnings. He embraces the promise of prosperity and opportunity that makes America the beacon of the free world, and that brings me to the basis of my remarks today. From his decades of service and the chairmanship at the helm of the Senate Finance Committee, Senator HATCH has shouldered some pretty heavy lifting in the legislative trenches to advance free and fair trade laws to foster economic growth and opportunity.

As we all know, America is home to at least 320 million people. That is a fraction of the world's population, and yet America leads the world in economic output. Thanks to an amazing bounty of natural resources and an economic foundation that rewards ingenuity, productivity and creativity, our country, the United States, produces goods and services that consumers around the world want to buy.

Senator HATCH and I share a core philosophy: lowering taxes and trade barriers as a winning formula for prosperity. To paraphrase a philosophy that often is attributed to our 35th President, "a rising tide lifts all boats." Today, I want to give credit where credit is due. Thanks to Senator HATCH's unflinching leadership and unwavering commitment to advance the principles of free and fair trade, America's formula for prosperity and opportunity stands strong for generations to come.

It is virtually impossible to recall any trade policy in recent history that does not have the fingerprints of my esteemed friend Senator HATCH all over those documents. In fact, he led the renewal of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. It paved the way for a robust, transparent review of trade negotiations.

Like Senator HATCH, I understand that America needs to speak with one voice on the world stage for effective, lasting trade agreements. We also agree on the constitutional authority

of the legislative branch to maintain oversight of these trade agreements. Consultation with Congress is a focal ingredient to ensure that America's workers, job creators, and consumers benefit from the global economy.

Senator HATCH also steered through bipartisan, bicameral trade legislation that updated our customs laws. It authorized the U.S. Customs and Border Protection to strengthen travel and trade enforcement at our borders. Passage of the Trade Facilitation and Trade Enforcement Act of 2015 holds our trading partners accountable. It preserves the twin pillars of America's most important economic assets: innovation and intellectual property. Putting in place effective tools to protect intellectual property and thwart counterfeit and illicit products from infiltrating the supply chain protects all of our consumers, all of our workers, and our job creators.

Senator HATCH understands that trade agreements can do more harm than good without proper enforcement. Unfair trade can lead to bad trade. That is bad for America. Tax and trade cheats undermine our economy. Senator HATCH has worked tirelessly throughout his years at the helm of the U.S. Senate Finance Committee to weed out wrongdoers and, at the same time, to sow the seeds of accountability and transparency in our international trade regime. Protecting U.S. patents, copyrights, and trademarks are essential to U.S. innovation, investment, and prosperity in the 21st century.

Senator HATCH has also worked to eliminate barriers to trade that helped developing nations create more open economies. His long-term commitment to renew the Generalized System of Preferences helped to lower input costs for U.S. job creators and manufacturers.

On Senator HATCH's watch, investment and opportunity have grown around the world. That rising tide includes the African Growth and Opportunity Act and other trade agreements that facilitate economic development and democracy in developing nations.

Expanding market access is good for America. As manufacturers and farmers in Iowa tell me time and again, that is the case. They want the opportunity to compete in every market for every sale. Americans want to do business on the world stage and compete on a level playing field. Thanks to Senator HATCH's leadership with the Trade Preferences Extension Act of 2015, we expanded market opportunities in developing countries. Once again, quoting President Kennedy, "a rising tide lifts all boats."

When things haven't gone according to plan, Senator HATCH has worked effectively to strengthen U.S. trade remedy laws, including updates such as electronic reporting requirements to hold bad actors to account and to protect the health and safety of consumers for imported goods and services.

Building on the passage of the American Manufacturing Competitiveness Act of 2016, Chairman HATCH also led the way to further reduce trade barriers, boost economic benefits, and foster competition for U.S. businesses, our services providers, and our manufacturers. The Miscellaneous Tariff Bill Act of 2017 untangles the burdensome redtape of interagency petitions and enforcement that can make or break a business due to unfair trade shenanigans. It strengthens transparency and fairness to help American manufacturers and their workers compete for business. In a nutshell, this law helps U.S. businesses simply to stay in business.

At the end of the day, all of what I said are things, among others, that fuel the U.S. economy—the opportunity to compete for every sale in every market.

Senator HATCH will leave behind a remarkable legacy and a very big gavel. From one public servant to another, Senator HATCH, I am grateful for your service. You have an impeccable record and a long list of achievements that lift the tide for generations to come. Thank you for all you have done for your State, for your country, and for this institution of the Senate.

To my dear friend, from the bottom of our hearts, Barbara, my wife, and I are grateful for your friendship and wish you well for the future.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore, the Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my dear colleague from Iowa. He is one of the greatest Senators I have served with. He is just a wonderful friend and a wonderful Senator. He has worked his tail off the whole time he has been here. I am grateful for his kind words. It means a great deal to me.

Mr. GRASSLEY. Thank you.

Mr. HATCH. Thank you so much.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I have the great pleasure today to talk about a friend. It is a bittersweet moment because that friend is choosing not to stay with us here in the Senate. He didn't run for reelection. He is going back home to Utah, but I want to take a minute to talk about his incredible accomplishments here as a public servant over a 42-year career—over 4 decades here in the Senate.

Some people come here because they want to be somebody. ORRIN HATCH came here because he wanted to do something for people, and boy, he has done that. Time after time, he has stepped up to serve the American people.

When Senator HATCH retires, the Senate will be losing not only our President pro tempore—that means that he is fourth in line to be President, and he is the President pro tempore here of the Senate, the most senior Member—but we are also going to

lose somebody who, over the years, has been a mentor for a lot of us because he is a person who is committed to legislating, to making a difference in the lives of the people of Utah and the people of our great country. He has been a Statesman. At a time of bare-knuckle politics, isn't it nice to have that model? That is ORRIN HATCH.

Back in 1976, a blue-collar kid from Pennsylvania, who had been a card-carrying union member, of which he is proud, and later went to law school and in Salt Lake City became a successful litigation attorney, decided to run for the Senate. He was running against a 3-term incumbent. Normally, that is not a recipe for success, but he had a rare and impressive victory for a first-time candidate, and he hasn't looked back since.

When he got elected, I think he probably was a little surprised, but he also realized that he owed something to the people of Utah. That was to put his nose to the grindstone and make a difference for them, and that is what he has done.

They say he has sponsored more bills that have become law than any other living Member of Congress. He might even have that record for any Member of Congress but, certainly, for those of us who are still around.

He is the former chairman of the Senate Health, Education, Labor, and Pensions Committee, also called the HELP Committee, and the former chairman of the Senate Judiciary Committee. Currently, he is the chairman of the all-powerful Senate Finance Committee. I say that somewhat jokingly, but, truly, that committee has jurisdiction over such a broad range of issues, all of which Senator HATCH has touched. I have gotten to work with him on a lot of those issues over the years, when I was on the Ways and Means Committee in the House and now on the Senate Finance Committee. We have worked together on tax reform, on anti-drug legislation, on pension legislation, on healthcare legislation, on intellectual property legislation, and on so much more.

I also had the honor of working very closely with him when I was U.S. Trade Representative because the Senate Finance Committee handles trade matters. He was always extremely involved and engaged in expanding the opportunities for U.S. workers and farmers to sell their products abroad. With a slew of achievements to highlight, it is his most recent accomplishment that I want to talk about very briefly, and that is the devotion he gave to tax reform.

Remember, it had been 31 years since we had had any significant tax reform in this body. Then, a couple of years ago, ORRIN HATCH said: Do you know what? We are going to do this. He set up a bunch of working groups, and they were bipartisan. I cochaired one of them with Senator SCHUMER, who is now the Democratic leader. He said: Let's go to work on this thing.

Frankly, a lot of people didn't give him much of a chance. Why? It had been tried previously in those 31 years, and it had been unsuccessful. Then, here we were in this partisan atmosphere. How could it possibly succeed?

He kept at it, and he shepherded through the process what, I think, is historic tax reform and what I know is helping the people I represent. It is helping small businesses, and it is helping American workers. It is helping to give people opportunities that they would not otherwise have had.

It had been 31 years. Think about that. Back then, Senator HATCH was a second-term Senator. Pete Rose still played for the Cincinnati Reds. Ronald Reagan was President of the United States.

After 31 years, it was probably a good idea to update the Tax Code, and he did that. It is pro-growth. It is resulting in more investment in people and equipment and jobs. As a result, I believe you see this expansion of our economy out there. I think it is the biggest single reason for it.

Wages are finally going up for the first time, really, in a decade and a half, and families have just a little more cash to spend for their Christmas shopping, for their retirements, for their healthcare, for their kids and grandkids. That is exactly what Senator HATCH intended when we crafted that new law, and that is a heck of a capstone for an amazing career.

I am also, though, very grateful for his work in other areas—in protecting religious freedom, in encouraging technological innovation, in focusing a lot on the tech community and how we can help here in Congress to either provide legislation that helps them to be successful, which has encouraged this economic growth we have seen in this country over the last several decades, or to get out of the way, when necessary, to ensure that technology can continue to be at the cutting edge here in the United States.

He has even helped songwriters. Now, some might think that is selfish of him because he is a songwriter himself, but he did it because he realized that songwriters deserved to get a responsible return and to be able to protect their intellectual property that they had embedded in their music and in their videos. So he has been a hero to the folks in the music industry as a result.

By the way, he is not done. This week, next week, and the week after, Senator HATCH is and will be leading a bipartisan effort with Senator BROWN to save the multiemployer pension system. Folks, this is not a task that people take on because it is fun. It is difficult. It is difficult on substance, and it is difficult on politics. Who is back in the lead? ORRIN HATCH, as cochair of this select committee, which this Congress formed to finally come up with a way to keep these pensions from going under, to keep the government entity that ensures the pensions, which is called the Pension Benefit Guaranty

Corporation, or PBGC, from going under, and, ultimately, to ensure that our economy and thousands of businesses will not be impacted so negatively, because we are going to lose a lot of businesses, and we are going to lose the ability to provide people with their hard-earned retirement money unless we fix this system.

Once again, he is in the lead and is trying not to do something that is good for him or good for him politically but something that is good for our country that he knows has to be done. In my view, ORRIN HATCH epitomizes what it means to be a public servant and to be a servant leader because he does it through leadership. He doesn't have to give speeches on civility; he practices it.

Over the years, for me, he has been a model of a serious legislator—one focused on delivering results. Perhaps, most importantly, he is a gentleman. He is a gentleman who treats everybody with respect—everybody. Regardless of your political focus, regardless of who you are in this place or what your station in life is, ORRIN HATCH treats you with respect and dignity.

Despite all of these legislative accomplishments during his more than four decades in the Senate, what is he the most proud of? His family. I know that. I got to know his son early on when we worked together as lawyers in the first Bush White House. This was about 30 years ago. He and Elaine, his wife, have been together now for more than 60 years. They have 6 children, 23 grandchildren, and 24 great-grandchildren. Now, that 24 might have increased since I started talking—I don't know—but he has a lot of them.

Even as he retires as the President pro tempore of this body, I know he is going to stay busy with the Hatch Foundation, and, folks, he is going to stay busy with that growing family. Shepherding tax reform will be nothing compared to shepherding 47 grandchildren and great-grandchildren this holiday season.

ORRIN HATCH, we thank you for what you have done for your State and your country. I know I speak on behalf of this body as a whole when I say that the impact you have had during your time here in the Senate has been one that has made all of us better by being around you and has made this country better. I am grateful for having had the opportunity to work with you as a colleague, and I look forward to the pleasure of our continuing friendship. Enjoy your retirement, ORRIN. It is well-deserved. Godspeed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my dear colleague for his kind remarks. I didn't expect them. I didn't realize this was going on until a few minutes ago. So I am grateful to him. Thanks for that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise this afternoon to say a few words about

a colleague, a friend, a mentor, and a man whom I admire very, very much and for whom I have so much respect, my colleague Senator HATCH.

In Pennsylvania, as in many States, along the sides of the roads in various towns, you often see these commemorating plaques of historically significant places. In Pennsylvania, there are these that are of beautiful cast aluminum. They are painted blue, and there is gold lettering. They tell you something unique about little boroughs, towns, villages, or sometimes sights in big cities all across the Commonwealth.

There is such a commemoration at the house at which Betsy Ross made the first American flag. There is a marker that signifies the spot at which President Lincoln gave the Gettysburg Address. There is the site of the first World Series in Pittsburgh, PA.

Now, I am not a member of the commission that makes the decision about these things, but if I were, I think you could make a great case for a current and unique Pennsylvania success story. Many of my colleagues already know that Chairman HATCH is actually a son of Pennsylvania. He began with very humble roots in the great city of Pittsburgh, PA, where he attended McGibney Elementary School and grew up in a hardscrabble neighborhood.

He developed an amazing tenacity, which we have all seen and come to know, that has stayed with him to this day. As a matter of fact, my understanding is that the tenacity started at an early age. I understand there was a season during which a young ORRIN HATCH, on the Baldwin High basketball team, managed to foul out 15 times in 1 season. A pretty tough and tenacious guy on the basketball court he was. Yet he was not just a good athlete.

The city of Pittsburgh helped to nurture in ORRIN HATCH his love for music. He was a regular attendee at, among other things, the Pittsburgh Symphony Orchestra at the old Syria Mosque in Oakland, which I like to think contributed a little bit to his lifelong love of music.

He was a hard-working guy from the beginning. In high school, ORRIN HATCH worked his summers as a wood lather, and he was a card-carrying member of the AFL-CIO. The modest income he earned from that job helped to put him through school.

Yet, if you had to pick one place to put the marker that would be calling attention to this wonderful son of Pennsylvania, it might actually be a chicken coop in the Pittsburgh area because, while he was struggling to make ends meet right after college, ORRIN HATCH renovated the chicken coop in his parents' backyard, and he turned it into a little two-room cottage. That is where he lived with his young family. That is where they scraped by while he was attending the University of Pittsburgh School of Law on a scholarship.

The future Chairman HATCH graduated from that law school. He practiced law in Pittsburgh for 7 years and

was recognized as a formidable attorney in Pittsburgh, in Western Pennsylvania, before leaving for Utah, where he would ultimately launch what then looked to be improbable but would turn into being this enormously successful career in government.

Of course, the challenge, if you were going to put one of these markers up is this: What would you say? There is just so much to say about Chairman HATCH. It is hard to encapsulate his success in this body, certainly on a marker or even in a speech, but let me try to touch on a few of the high points.

It is amazing how long he has been so accomplished in this great body. Before I had even graduated from college, Senator HATCH had already worked to successfully pass one of the initiatives for which he has become well-known.

In medicine, as the Presiding Officer knows, we have a term called orphan conditions. This really refers to very rare diseases, diseases that afflict fewer than 200,000 Americans. While they are narrow in the scope of any particular disease, cumulatively, they do affect quite a significant number of Americans. They are conditions like cystic fibrosis, multiple myeloma, and ALS. Because any one of these orphan conditions affects relatively few people, the economics of developing a treatment for one really didn't work. From 1973 to 1983, the FDA actually only approved 10 orphan therapies over 10 years for all of the hundreds and hundreds of orphan diseases that had afflicted millions of people cumulatively.

Senator HATCH recognized this problem. As chairman of the Committee on Labor and Human Resources, which was the predecessor to the HELP Committee, Senator HATCH worked across the Chambers and across the aisle with Representative Henry Waxman. In 1983, they passed the Orphan Drug Act, which increased the incentives for developing drugs for these rare but, really, problematic conditions.

Since that time, there have literally been hundreds and hundreds of orphan products that have been approved and have come on the market. While that law has been updated over the years to reflect the changing technology and changing dynamics in medicine, the fact is the Orphan Drug Act that Senator HATCH authored as a relatively new Senator has undoubtedly made a profound difference in saving lives and in improving the quality of life for millions of Americans who previously had little or no hope. It was a very, very big deal.

The very next year, Chairman HATCH achieved the passage of another really monumental law in the healthcare space. It is officially called the Drug Price Competition and Patent Term Restoration Act, but everybody around here simply refers to it as Hatch-Waxman. This is the legislation that really laid the foundation for the generic drug industry that we see today.

Really, when you think about it, this has been an astonishing—really, revo-

lutionary—innovation that has been enormously helpful for American consumers. If you go back to 1984, only about 19 percent of all of the drugs that were dispensed in America were generic, and over 80 percent were branded drugs. That is important because branded drugs are vastly more expensive than generic drugs. By 2017, largely as a result of the legislation that Senator HATCH authored, that dynamic had completely flipped. In fact, it had more than flipped. By 2017, branded drugs are less than 15 percent of all of the drugs dispensed, and generic drugs, the low-cost alternative, are over 85 percent of all the drugs dispensed in America. This one change alone results in saving American families billions of dollars a year on their healthcare costs.

The list of Senator HATCH's accomplishments is a very, very long one, and I couldn't go through all of it. I couldn't begin to. Again, just to touch on some of the other big ones, there is the creation of the Children's Health Insurance Program and the passage of the Dietary Supplement Health and Education Act. All of this happened before I got to the Senate, some many years ago.

Then, in 2010, I was elected to the Senate, and I had this wonderful privilege shortly thereafter of working on the Senate Finance Committee with Senator HATCH as our chairman and our leader. It was a privilege for me, for a lot of reasons, not the least of which is, I had a chance to see up close, in person, and firsthand his leadership style and how effective he is. He is a role model for anyone who wants to have a successful career as a U.S. Senator.

He was tremendously productive on his work to repeal Medicare's flawed sustainable growth rate, which, year after year, plagued healthcare. There seemed to be no solution, but Senator HATCH figured that out. He was principally responsible for crafting and passing the CHRONIC Care Act. Anybody in the Senate could learn a lot from his focus on oversight of our Nation's foster care system, as well as his role in shaping the Finance Committee's response to the prescription drug abuse and the opioid crisis. It is a very, very long list of really, really important reforms and innovations in healthcare, but it is not just healthcare.

What I think will probably be one of Senator HATCH's most lasting legacies is the leadership he provided to make it possible for all of us to pass the most comprehensive tax reform in over 30 years.

Our Tax Code was broken for a long time. Without Senator HATCH's leadership of the Finance Committee, it would still be broken today. Instead, he helped us to take an outdated, uncompetitive Tax Code and transform it into a competitive, progrowth Tax Code, bringing down our corporate rate to 21 percent, reversing the trend of compa-

nies moving headquarters abroad, reforming our international tax rules to encourage investment domestically, and allowing businesses to immediately write off capital investment. That already has and will continue to lead to a surge of investment, which enhances worker productivity, which is a necessary precondition for wage growth, which we are now seeing. These are the fruits of Senator HATCH's labors.

He insisted that we lower taxes at every income level so virtually all Americans save on their Federal tax bill, and the result has led to the strongest economy in over a decade and, by many measures, much longer than that.

Consumer confidence is at an 18-year high. For the first time that I know of in American history, we have more job openings in America than there are people looking for jobs. Unemployment benefit claims are hitting a 45-year low. In fact, unemployment is the lowest it has been since 1969. These are unbelievable numbers. African-American unemployment is at an alltime record low. Hispanic unemployment is at a record low. Youth unemployment is at a 50-year low. As a result of all of this demand for workers, average hourly earnings are rising at the highest year-over-year increase in a decade. That story is true and was made possible by Senator HATCH.

It was roughly 50 years ago when the Hatch family left Pennsylvania for Utah. That was our loss. It is a big gain for Utah. They gained a great man, a good man, and a future statesman. I will insist that the Commonwealth of Pennsylvania deserves to take a lot of pride in having contributed, at least in helping to shape this good, kind, decent, honorable, and extremely influential man and his life.

I want to give my personal thanks to Senator HATCH for his leadership and for the fact that he has been such a good and honorable man. He enhances the reputation of this body, and he has set a great example for all of us to follow.

I wish my friend and mentor a very long and happy retirement.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Utah.

**MR. HATCH.** Mr. President, I just can't express my gratitude for the kindness of my dear friend from Pennsylvania. This means so much to me. I didn't even realize it was going to happen. I hustled over here, and there it was.

I say to the Senator, I am grateful to you, and I am grateful for the kind remarks you have made. I couldn't have asked for more. It was so decent of you, as you always exhibit. You are a great Senator, and I really appreciate your support here today. Thank you so much.

**THE PRESIDING OFFICER.** The Senator from Louisiana.

**MR. CASSIDY.** Mr. President, I would like to thank the senior Senator from

Utah who is retiring at the end of this session of Congress.

Senator HATCH has faithfully served the public for 40 years in the U.S. Senate, constantly using the interface of public policy and the free market to find the best outcome for the American citizen.

If the responsibility of Congress is to pass legislation that improves the lives of Americans, Senator HATCH has met this responsibility. As two examples, when I was a doctor—before entering politics—treating patients, Senator HATCH helped me take better care of my patients. Let me give these examples: The Hatch-Waxman Act leveraged the free market to increase the availability of generic drugs, which means more affordable medicines. The second example I will give is the 1997 Balanced Budget Act, creating the Children's Health Insurance Program, also known as CHIP, which gave greater access to healthcare for Americans in need. That benefited me as a doctor taking care of my patients. As a Senator, it was an honor to work with him this past year to reauthorize the CHIP program and to continue efforts to make prescription drugs more affordable.

On a personal note, shortly after joining the Finance Committee, Chairman HATCH sent me a letter welcoming me to the committee and making his office available to help in any way his office could.

If there is a defining characteristic of Senator HATCH, it is that he listens. Whether it is to fellow Senators, the people of Utah, or the people of the United States, Senator HATCH listens and works to find a mutually beneficial outcome.

This happened when the Federal Government came after the Volks construction company in Prairieville, LA, for a record violation occurring well beyond the government's legal authority. The District of Columbia Circuit Court of Appeals stepped in and unanimously ruled to stop the government overreach, but the Obama administration issued a rule to permit the practice, despite the DC Circuit Court ruling. Knowing this was an important issue for companies in my State, as well as in the rest of the country, Chairman HATCH worked with me to lead legislation to permanently protect businesses from this kind of government abuse of power—again, using the free market or protecting the free market from government abuse.

Another example I will give is during tax reform, when Senator HATCH listened to colleagues' concerns and ideas about how to improve the Tax Cuts and Jobs Act to give our companies the tools to succeed. The final product was better for it. He worked with me to strengthen and preserve the historic tax credit, which is instrumental in over 780 restoration projects in Louisiana. When you go to New Orleans and see all of these old buildings now shining once again in glory, they were probably helped by the historic tax

credit, leveraging \$2.5 billion in private investment, creating over 38,000 jobs in Louisiana alone. This is again marrying, if you will, the free market with public policy.

The last issue I will mention, of the many I could, is the following: Since first elected, Senator HATCH has worked to help Americans in their retirement years by increasing access to various types of retirement savings plans to ensure that the widest range of people save for their future. His legislation gave businesses, particularly smaller businesses, the tools needed to offer retirement plans to workers at the lowest possible cost, leveraging the interface of government policy with the market to improve the lives of many in their retirement.

In his tenure, he pushed for sound solutions to the pension issues facing State and local governments. Again, using the interface between government policy and the market to lower the cost of medications. To increase access to healthcare, he promoted the use of sound policy to allow the American economy to thrive. It is this work that those of us who remain in Congress must now pick up and continue.

Scripture says that "the greatest among you shall be your servant." We have been blessed to have had Senator HATCH's wisdom and leadership in the Senate. We have been blessed to have had his wisdom and leadership for our country, and we thank him for his great service to the people of Utah, to the people of Louisiana, and to all Americans.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am grateful to my colleagues and especially my colleague from Louisiana for his kind remarks on the floor of the U.S. Senate. It means so much to me. I want him to know that.

I want the others to realize how much I appreciated their taking time to come to the floor and expressing their opinions about my service in the Senate.

This is a difficult thing for me because I love the Senate. I love both sides. I love my Democratic colleagues. It is no secret that I have worked with both of them to bring great legislation to the floor of the Senate and to pass it.

I have to say to the colleagues on my side, there isn't one of them I don't respect. Every one of them I have great fondness and affection for. I sure appreciate the Senator from Louisiana and the others who have spoken here today.

I am genuinely touched by the kind words and thoughts from my respected colleagues, Senators GRASSLEY, PORTMAN, TOOMEY, and of course CASSIDY. I say to them, you are all dear friends, excellent Senators, and I am very grateful for your comments. More than that, I am deeply grateful for your friendship and the impact your

dedication and patriotism have had on me. Of course, that also holds true for all members of the Finance Committee with whom I have had the honor and privilege of serving.

Recently, in the Finance Committee, we passed comprehensive tax reform, a 10-year CHIP extension, saw a health insurance protection extension, a critical 5-year extension of the highway trust fund, and TPA, along with several other trade bills. I can say with great confidence that most of these accomplishments would not have borne fruit without help from each of the Senators and many of our friends on the committee.

Today marks one of the last times I will have the opportunity of standing before the Senate to speak on my work within the Finance Committee's vast jurisdiction and, of course, the fights and victories I have been a part of.

While we may not have been able to close on many of these achievements until recently, they have all been built on hard work that I, other members of the committee, and the wider Senate have engaged in over the past few decades.

For example, earlier this year, I was very happy to see a 10-year reauthorization of the Children's Health Insurance Program, or CHIP. Ten years, that is the longest CHIP extension in the history of the program, and I am grateful to my colleagues for it. It is a program that provides insurance to over 9 million children in distress a year.

Creating CHIP was a bipartisan model of success. Senator Ted Kennedy and I were only able to pass CHIP the first time because we both were willing to cross the aisle to see this program succeed. This bipartisan work ethic extended to many pieces of legislation I worked on while on the Finance Committee.

In 2015, we were able to renew Trade Promotion Authority, which is one of the most important tools Congress has that allows us to work hand in hand with the executive branch to advance our Nation's trade agenda. TPA helps to ensure our trade agreements are held to the highest standard.

Not every piece of legislation I am proud of has gone through without a fight, though. We can't forget last winter, when I was so proud to be a part of shaping the historic tax reform legislation that is boosting economic growth today, lowering unemployment today, and spurring job creation today. We worked hard in the Finance Committee to fix the broken Tax Code and, by all accounts, it appears we did a pretty good job.

This legislation was built on years and years of work in the Finance Committee, and I am very appreciative of my colleagues. I led the creation of working groups, released opinion papers and recommendations, and held 70 hearings on how to improve the Tax Code since I became the top Republican on the Finance Committee.



As part of tax reform, we were also able to repeal the individual mandate tax, which forced Americans to buy health insurance they did not want or could not afford.

These are just a few of the accomplishments I have been privileged enough to shepherd through during my service, and they are darn few compared to what we have been able to do. While I am proud of these accomplishments, there is always more to be done, which is why, in addition to thanking all my friends, colleagues and mentors throughout the years, I would like to share some parting words of advice that I have picked up through my work on the Finance Committee, and other committees, for those who will remain in this Chamber.

I see these next few years as critical to the future of our country, to the future of our ideals, and to the future of freedom not only here but throughout the world. As such, I have a few suggestions I would like to make to my colleagues.

First, be earnest, be honest, and guard at all times your integrity. If we cannot take the time to think deeply about an issue, to reason it out, and speak honestly among ourselves and our constituents, it will be impossible to enact lasting and meaningful change.

To quote my good friend Senator KENNEDY, "Integrity is the lifeblood of democracy. Deceit is a poison in its veins."

That means sometimes, often when it is least convenient, we must speak the hard truths. That process will often lead to discord, falling short, or struggling for years to fix vexing problems or disagreements. As Winston Churchill once famously said, "You have enemies? Good. That means you stood up for something, sometime in your life."

So have courage and act.

Second, if you don't care who gets the credit, you will be amazed at what you can achieve. In politics, that can be a hard sentiment to swallow, but focusing on taking the credit more often than not undermines outcomes. Most of the pieces of legislation I am most proud of had dozens of cosponsors, were widely seen as bipartisan, and have remained on the books largely because I did not get everything I wanted.

An article of my faith is, "If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."

That article speaks only to the results and not at all about taking the credit. The more I learned to focus on that principle, the better off I have been.

Finally, be grateful, be kind, and be quick to forgive. At the end of the day, my friends, we are all people, and people often disagree. Our differences may be as innumerable as our similarities, but if we start with the premise that every Member's intent is to improve our country and the life of its citizens, then our disagreements are logistical, not personal.

I have always truly believed that just about every Member of this body wants to do the right thing for the American people, but they sometimes want to go about it in different ways. What we must never do is question a fellow Senator's dedication to their country; we must never question their dedication to democracy; and we should never disparage them personally when each of us has given so much.

Our job in Congress is the difficult task of aggregating disparate preferences and molding them into laws to make people's lives better. That leads to what many describe as sausage making. The process generates heated debates and sometimes rancor. Yet I have no doubt about the convictions to do good on the part of all of my esteemed colleagues on the Finance Committee and in Congress in general. I have no doubt about how sincere and convicted my good colleagues really are. I have enjoyed everyone here.

I have to say that if you work hard and you study hard and you open your mind to the other person's ideas and ideals and you are willing to make some changes that accommodate others and you are willing to realize that you don't have all the answers, then you can have a great time here, you can be very successful and, in the end, be able to retire, as I am, feeling like I have done good work here.

I love my colleagues on both sides of the aisle. I respect my colleagues on both sides of the aisle. I love this country with every fiber of my being. I love the Constitution, which gives us freedoms that we all take so much for granted throughout this country. I am grateful for honest, decent people like all of the Senators whom I have served with in the U.S. Senate, both now and in the past. I am grateful for the Senate rules.

I am grateful a little, scrawny U.S. Senator from Utah could lead a fight against an outrageous labor bill that everybody knew was wrong and actually win it on the floor of the Senate because of just guts and the ability to stand here and take the abuse. Labor law reform dramatically changed this country, nearly ruined our country, without really helping the unions.

I was raised in the union movement. I actually held the union card I earned through apprenticeship, my journeyman's license. I am proud of that. I am proud of my union friends, but when you try to take unfair advantage, somebody has to stop it, and I am grateful I was given that assignment early on with this matter, with 62 Democrats and only 38 Republicans. I can still remember a number of Democratic Senators coming up to me and saying: Hey, kid—because I was still pretty young then—hey, kid, you have to win this. This is bad for the country.

And I asked them: Are you going to help me?

And more often than not they would say: Well, I can't help you, but I am with you.

There was a lot of pressure. There was a lot of effort made to try and stop men and women from doing what was right. If we had not won on labor law reform, we would have gone straight to socialism, and it would have been the end of this great country. We have come close a few other times as well.

This is, without question, the greatest country in the world. Without question, this is the greatest deliberative body in the world. Without question, I acknowledge my colleagues on both sides of the aisle as tremendous statesmen and women who really have been here for the right reasons. I am grateful I have had the opportunity of serving in this body, and I am grateful for the 42 years I have put in. I can't say I have enjoyed every one of those years, but looking back on it, I think I have to say that I have really enjoyed being here.

I love my colleagues on both sides of the aisle. I respect my colleagues on both sides of the aisle. I want this body to continue on and be successful for America, not only for America but for the rest of the world because this is where freedom really exists. This is where freedom can be maintained. This is where freedom can be felt in your guts. I felt it. I know a lot about freedom. I know a lot about the U.S. Senate. I know a lot about my colleagues and the good things about them. I am going to remember the good things; I am not going to remember things that used to irritate me or wrangle me. There weren't many of those compared to the good nature and quality of my colleagues on both sides of the aisle.

I am grateful for this body. I am going to miss it terribly. I think there comes a time when you really ought to hang it up, not because I can't do this work anymore—I sure can—but because I worked hard to get a worthy successor, and Mitt Romney is going to be that. He is an outstanding human being. He is an honest, decent, morally upright human being. I think he will work hard and be a great asset to the U.S. Senate. He will not have the seniority I have as the most senior Republican in the U.S. Senate, but he has a lot of things going for him, and I suspect he will make a great addition to the U.S. Senate. Knowing that he was willing to run, having chatted with him and talking to him about running, I feel really decent about wrapping it up and saying not goodbye, but I will be watching. I will be praying for you. I will be doing everything in my power to support both Houses of Congress in this, the greatest country in the world, with the greatest set of legal principles the world has ever known and I think with the greatest people we have ever known.

So with that, I express my gratitude to the U.S. Senate, to my colleagues on both sides of the aisle, both presently in the Senate and those who have gone on to other worlds. I personally express gratitude to everyone here because virtually everyone has shown me great favor and great kindness.

When I came here, I came here to fight Senator KENNEDY because I thought he was too liberal and that he was not a good Senator. I don't think he had passed really any legislation when I got here. I don't think he did until I became chairman of the committee, but he was a great legislator, and he did have an awful lot to say on his side. I think he would be the first, if he were alive today, to say we finally talked it out together, decided to work together, decided to accomplish things together, decided to stand together. When we were in battles, they were really hard-fought battles, but they were battles on principle, for the most part.

I have to say I am grateful for the experiences I have had in the Senate with virtually every Senator who has been in the Senate. In all of my years of being here, I have to say I have love for every one of the Senators who has served here. There are a couple I have less love for, but by and large I even have love for them.

These folks in this Senate are really good people. They care about the country. They care about trying to do what is right. They are willing to fight for their principles, and they can be worked with. I challenge my colleagues to work together with the best interests of this country. If you will, this country is going to go on and be a very, very happy, prosperous, and successful country.

I will end by saying I am so grateful for the privilege of being in this body for 42 years and knowing all of you, including our clerical workers, our stenographers, and, of course, the Parliamentarians, Secretaries, and all of the people affiliated with the U.S. Senate. No wonder it is the greatest deliberative body in the world.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NOMINATION OF THOMAS FARR

Ms. KLOBUCHAR. Mr. President, I rise today on two matters. I wish to begin by expressing my opposition to the nomination of Thomas Farr to the Federal District Court for the Eastern District of North Carolina.

As a Senator from a State with a tradition of high voter turnout—in fact, in the last Presidential election, with the highest voter turnout in the country—in the election a few weeks ago, nearly 64 percent of Minnesota voters cast their ballot. This isn't just registered voters; it is eligible voters. We are talking about an issue that, in my State and in so many places around the country, is fundamental to our democracy—access to the polls. It is the central pillar of our democracy. If people

can't vote, they can't have a say and we don't have a real democracy. It is that simple. That is why I am here to voice my opposition to Thomas Farr—because of his long record of defending discriminatory voting laws and redistricting plans.

In North Carolina, Mr. Farr defended one of the most restrictive voting laws that we have seen, which, in addition to establishing a discriminatory voter ID requirement, eliminated same-day voter registration.

By the way, I have spent a lot of time on this and have a bill to institute this across the country. Same-day voter registration is really the key. When you look at the top 10 States for voter turnout—some are red, some are blue, some are purple—what do they have in common? They have same-day registration. It makes it easier for people to vote. As long as they can prove where they live—with a neighbor, with a gas bill, you name it—they are able to register that day. That is the key when you look at all the numbers.

What did Mr. Farr do? He actually defended one of the most restrictive voting laws, eliminating same-day voter registration. He reduced early voting and did away with voter registration for 16- and 17-year-olds. How did he do it? He did it by defending those laws.

When the law was challenged in court, the Fourth Circuit Court of Appeals found that it was enacted with the intent to discriminate against minority voters. In its ruling, the court said that the law targeted minority voters. This is a quote from the circuit court, which is actually one of the more conservative circuits. They said that they did it with “almost surgical precision.”

Mr. Farr also defended North Carolina's redistricting plan against claims that it used race as the predominant consideration in drawing two congressional districts. A district court found that the plan constituted an unconstitutional racial gerrymander. The case went all the way to the Supreme Court, which agreed with the district court's decision.

So you don't have just one incident of someone maybe getting on a legal brief or writing something or doing a law review article or writing a paper in college or in high school. This is a long, consistent, systematic record of defending discriminatory voting schemes. And I say “schemes” because that is what they are. They are done with the intention to discriminate against people of color.

We should be making it easier to vote in our elections, not harder. That is why I am introducing legislation to automatically register eligible voters when they turn 18. That would be so easy. We wouldn't have to have all these fights all the time. We have modern-day technology that lets my hometown company of Target find a pair of shoes with a SKU number in Hawaii. There is no reason we can't go through

the records and make sure we simply register people who are legal to vote when they turn 18.

It is not just Mr. Farr's work in the courts that is concerning; I am also troubled by his involvement in a political campaign that was accused of engaging in tactics to discourage, once again, African Americans from voting. The Department of Justice's Civil Rights Division filed a complaint alleging that the campaign Mr. Farr worked on sent tens of thousands of postcards to heavily African-American districts intended to intimidate voters. According to a former Department of Justice official who investigated the campaign's alleged voter-intimidation tactics, Mr. Farr's answers to the Judiciary Committee denying his involvement were “contrary to the facts.”

Finally, I would like to remind my colleagues about the history of this vacancy. The Eastern District of North Carolina is 27 percent African American; yet the district has never had an African-American Federal judge. Before Mr. Farr was nominated, two other nominees were submitted to the Senate during the previous administration. Both of those nominees were African-American women. Neither of those nominees received a vote.

Our courts must be dedicated to upholding the law, including safeguarding citizens' constitutional rights to vote. The future of our democracy depends on it.

I am opposing this nomination.

#### DEATH OF JAMAL KHASHOGGI

Mr. President, I now turn to another topic. I rise today to call for a forceful response to the murder of Jamal Khashoggi and to hold the Saudi Government accountable at the highest levels. Our country is stronger and safer when our core democratic values—values of freedom of the press and the protection of human rights—are at the heart of our foreign policy.

It has been almost 2 months since Jamal Khashoggi's heinous murder. He was a resident of the United States and a respected journalist with the Washington Post. People across our country have been rightfully appalled by his death. All he was doing was going inside the consulate in Turkey to try to get his marriage papers so that he could get married to his fiancée. That was what was happening, but it turns out he was actually lured there—lured to his death.

We were then treated to an incredible coverup by the Saudi Government, with shifting explanations, inadequate cooperation with investigations, and use of authoritarian tactics to silence critics. News reports have made it clear that the CIA believes with high confidence that the attack was called for at the highest level of the Saudi Government.

I look forward to hearing from Secretaries Pompeo and Mattis regarding how the administration plans to respond when we have the briefing that

has been scheduled for tomorrow. Unfortunately, the President has repeatedly dismissed his own intelligence community's assessment of these deeply troubling events. Of course, this is not the first time we have heard this. We heard this with Russia, when every single one of his intelligence heads clearly said that there had been interference in the last elections and that the Russians were emboldened to do it again. But the President again backed away from that, did not embrace that assessment, and then made policy decisions and statements when he was with Vladimir Putin that undermined that intelligence community. This appears to be what we are seeing again.

The President's response stands in stark contrast to the founding principles of our democracy. If the President refuses to defend the values of this country, then this Congress must.

First, we must hold anyone who ordered and participated—including the Crown Prince—in Mr. Khashoggi's death responsible. To do that, the administration must conduct a full, transparent, and credible investigation.

Second, while the sanctions that the administration has imposed on 17 Saudi officials are an important first step, more must be done. I support Senators CORKER and MENENDEZ in calling on the President to report to Congress on whether the Crown Prince is responsible for this murder. That is what they are supposed to do under the Global Magnitsky Act. If, as reports suggest that the CIA has assessed, the Crown Prince was involved, the sanctions must apply to him too. No one is above the law.

Third, I support suspending nuclear energy talks with Saudi Arabia. It has recently been revealed that the administration has been in extensive talks with Saudi Arabia about nuclear energy. I appreciate that five of my Republican colleagues have come out in favor of suspending these talks, and, of course, that is the right thing to do.

Fourth, I will work with a bipartisan group of my colleagues to limit the sale of weapons to the Saudi military. This is our leverage. This is our leverage to ensure that this investigation is completed; to ensure that these sanctions are implemented and followed; to ensure that this never happens again; and also to send a message to the rest of the world—all of the authoritarian regimes who are watching what happens here—that you don't do this to journalists for American newspapers, that you don't do this to American residents who are simply going back to get their marriage completed.

I previously voted against arms sales to Saudi Arabia, and I will continue to oppose the sale of certain weapons—particularly offensive weapons—to the Kingdom.

The Saudi Armed Forces are so reliant on U.S. military equipment that this argument that they are going to immediately shift to Russia and Chi-

nese suppliers—that would be extremely difficult. So we should exert the leverage that we have now.

There is no question that the United States and Saudi Arabia have common interests in the region and that for many, many years, Saudi Arabia has been our partner. But partnership doesn't require sacrificing our values in exchange for promises of arms sales, oil, or other financial gain. We must be able to cooperate with our partners in the region, while at the same time making clear that we will not overlook human rights abuses or the suppression of peaceful dissent.

The recent actions of the Crown Prince, who many hoped would be a forward-looking reformer, have raised serious questions about our relationship with our partner Saudi Arabia. From expelling the Canadian Ambassador because of a tweet, to the suppression and murder of political dissidents, to what happened with Mr. Khashoggi, to ruthlessly pursuing a war that has resulted in countless civilian casualties in Yemen—the brazen actions of the Saudi leadership must be confronted head-on.

The ongoing war in Yemen has created one of the world's worst humanitarian catastrophes that will impact the safety, security, and stability of the country for decades to come. All you have to do is look at the photos of those little children starving to know that this is wrong.

While I support the administration's recent decision to suspend U.S. aerial refueling for the Saudi coalition, I am concerned that the administration lacks a comprehensive strategy for ending the conflict, including effectively countering Iranian influence. I believe it is very important, by the way, that we put this suspension into law.

I supported a resolution that would have ended U.S. support for the Saudi-led coalition military action in Yemen. I supported that when we voted on it last time and voted for the McCain National Defense Authorization Act, which included a provision that prevented the U.S. military from supporting the Saudi-led coalition's operations unless Saudi Arabia takes steps to alleviate the humanitarian crisis and end the war in Yemen.

I also support the comprehensive, bipartisan legislation introduced by my colleagues to ensure effective oversight of the U.S. policy on Yemen and demand meaningful accountability for the murder of Mr. Khashoggi. Provisions of this legislation, including the suspension of weapons sales to Saudi Arabia, imposition of mandatory sanctions on people involved in the death of Mr. Khashoggi, and a prohibition on U.S. refueling of the Saudi coalition aircraft engaged in the civil war, are very important.

Our response to this murder and the Saudi regime's ruthless suppression of dissent will serve as a lesson to other nations that would do the same.

I have really appreciated the Presiding Officer, Senator FLAKE, standing up for the freedom of the press. Mr. Khashoggi was a journalist. He was simply doing his job. He was doing it with grace. He did it all over the world. And he loved his home country, and look what happened to him.

We must demonstrate that it is unacceptable to suppress, to imprison, and to violently target peaceful opponents of any regime or reporters and that the United States will always defend human rights and hold anyone guilty of violating those rights accountable. Strong, bipartisan congressional leadership will help us demonstrate our resolve. I urge my colleagues to join me in supporting our colleagues' resolution that will come before the Senate, I hope, later this week.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arizona.

INF AND NEW START TREATIES

Mr. KYL. Mr. President, today, along with several other colleagues from the Senate, I wrote to the President on the subject of the possible extension of the New Strategic Arms Reduction Treaty, or New START.

Several people have been encouraging the President to begin studying whether we should extend New START, which expires in 2021. That is a couple years from now, but obviously, if one is going to consider renewing something of this import, it is good to be thinking about it early. In this regard, we offered to the President suggestions of things that he should take into consideration in determining whether to extend New START with Russia and whether to begin negotiations with the Russians. We suggested three things that he should consider in deciding whether to proceed with these discussions. I am going to discuss one of them in great detail, but the first two are also important because they represented factors that were considered by the Senate at the time that it ratified the first START agreement.

The Senate declared in the New START resolution of ratification that "the United States is committed to proceeding with a robust stockpile stewardship program and to maintaining and modernizing the nuclear weapons production capabilities and capacities that will ensure the safety, reliability, and performance of the United States' nuclear arsenal at the New START treaty levels." That was our commitment. That is what we said in the resolution of ratification, and President Obama had written a letter to the Senate confirming that it was his intention, as long as he was President, to follow this program of work.

Regrettably, what we posited as an underpinning requirement for participation in New START has not been maintained as the years have gone by. The infrastructure and weapons capabilities that were pledged at the time that the Senate gave its consent to the treaty have been significantly delayed

or reduced in scope, and the result of this is a risk that the symmetry that potentially existed between Russia and the United States as a result of the New START treaty will be changed and that the United States will be disadvantaged with the continuation of the New START limits.

Another consideration that we brought to the President's attention was also referred to in the resolution of ratification of the New START treaty—and this was in 2012, by the way—we said that the President should “pursue an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapon stockpiles of the Russian Federation and of the United States in a verifiable manner.” We did that because even at the time that New START was ratified, the Russians had a 10-to-1 advantage in tactical nuclear weapons over the United States, and the New START treaty didn't do anything about that. It dealt only with strategic weapons.

We raised the issue with the Russians. We tried to negotiate it as part of the New START treaty, but Russia was not interested. We went ahead anyway, but what we said was that we really ought to try to address this asymmetry between what the Russians have and what we have in terms of tactical nuclear weapons.

By the way, that hasn't been done, either, so we thought it was important for the President to bear that in mind as he considered what to do about talking to the Russians about extending the New START treaty.

The reason it is important is that the Russians, with this enormous advantage in tactical nuclear weapons, have actually changed their doctrine of war to potentially use those weapons—to use nuclear weapons in a military conflict with the United States or our NATO allies. They believe that this might be beneficial to them under what has been called a doctrine of “escalate to de-escalate.”

What that means is, they start some kind of a conflict with little green men or other kinds of hybrid warfare where they can blame it on somebody else. Maybe there are some cyber attacks that are simultaneous and confuse the issue. In the context of all of this confusion, it is very difficult to put the blame anywhere, but the Russians are finally identified, and an actual military conflict breaks out.

Well, in order to dissuade NATO or the United States from stopping the Russian aggression, if that is what is going on here, the Russian doctrine says: We reserve the right here to use tactical nuclear weapons on the battlefield there, which would enable us to win the battle, obviously, and send a signal to the United States that “You had better just let us be. Stop there.” Maybe they will say: We don't intend to go any further, and so don't escalate this conflict because you can already see that we are willing to use nuclear

weapons, and if you escalate it, you can expect Russia to use nuclear weapons.

Obviously, we don't want to use nuclear weapons in a conflict. The reason we possess the nuclear weapons is to try to defer conflict. But our weapons are very large, devastating weapons that were built to be delivered on long-range missiles or bombers to the Russian—or then the Soviet heartland that could do great destruction to Soviet cities and military installations. They weren't designed to offset tactical attacks by another adversary, like Russia. So we don't have the kinds of tactical weapons that Russia has. As a result, we believe that, on this escalation ladder that could occur in a conflict, we are at a disadvantage, which is why we suggest to the President that in order to be sure that Russia doesn't ever miscalculate and determine that it is worth the risk to Russia to actually conduct an attack, including using nuclear weapons—we need to be sure that they don't miscalculate here, and the President should take into account this disparity in nuclear weapon capability between Russia and the United States today in determining whether to extend the New START treaty.

It may be that in renegotiating this, we need to take all of this into account. These are changed circumstances in doctrine since 2012; they are not changed circumstances in terms of the asymmetry of weapon possession.

There is a third thing that has changed—although in one respect it hasn't changed—that we also asked the President to consider, and that is the fact that a treaty is obviously only as good as the willingness of the parties to abide by it. In the case of the New START treaty, we would expect the Russians to abide by that, as we would expect them to abide by any other treaty. Well, it turns out that at the time that the New START treaty was ratified by the U.S. Senate, the Russians had been in gross violation of another treaty—the INF Treaty—and the government didn't make that clear until after the New START treaty was adopted.

The Intermediate-Range Nuclear Forces Treaty is a treaty of several decades long now that prohibits either Russia or the United States from developing or deploying a missile that has a range between 500 and 5,500 kilometers. This is a treaty that only binds Russia and the United States. It doesn't bind China, for example, which does possess these weapons. So both Russia and the United States would be at a disadvantage in a conflict with China, for example.

We were simply asking that the President consider whether Russia abides by the treaties that it signs, and in that regard, whether it has violated the INF Treaty. Well, it is a question that has already been answered. The U.S. Government has already confirmed—and others have as well—that

Russia has been in violation of the INF Treaty at least since the year 2008.

The onsite inspections regime of the INF Treaty terminated in 2001. It hasn't been particularly easy to verify, but the State Department's 2014 annual compliance report found that Russia was in violation of the INF Treaty. This is the first time we actually made our knowledge of this public.

In April of 2016, the U.S. Government, again, in more detail, revealed Russia's violation of the treaty, and it did so very explicitly, pointing to the particular type of weapon the Russians had been developing—a ground-launched cruise missile. In November of that year, the United States convened a meeting of the Special Verification Commission of the INF Treaty, and through this and other engagements with the Russian Federation, we provided detailed information to Russia about the nature of the violations of which we were aware. This is important because the *modus operandi* of the old Soviet Union was to say: We are not in violation of the treaty. If we are, prove it to us. Then the United States would have to come forward with information we had gathered through intelligence sources that would demonstrate how we found out they were in violation, thus compromising our so-called sources and methods. We thought this violation was important enough to do that, and therefore we informed the Russians through the Commission of what we understood about their program, including information pertaining to the missile, the launcher, Russia's own internal designation for the mobile launcher chassis, and the names of the companies involved in developing and producing both the missile and the launcher. We gave information on the test history of the ground-launched cruise missile program—the GLCM—that we were aware of, including the coordinates of the test and Russia's attempts to obfuscate the nature of the program. We provided all of this information.

We also provided knowledge about the range—between 500 and 1,500—and the fact that violating the treaty with this missile was actually distinct from two other missiles that Russia had developed. I will not give you the descriptions of them, but we have them, and we made all of that public.

We even gave, in a subsequent report, the 2018 annual compliance report, the specific designator for this missile, the 9M729.

We continued to raise these issues throughout 2017, 2018, and in fact it wasn't just the United States. In December of 2017, the North Atlantic Council urged Russia to address the serious concerns raised by its missile system “in a substantial and transparent way, and actively engage in a technical dialogue with the United States.”

Just a couple of weeks ago, on November 12, NATO Secretary General Stoltenberg stated in a speech that

“the deployment of new Russian missiles is putting this historic treaty in jeopardy.”

He was talking about the New START treaty. He completed his thought by saying: “Russia now acknowledges the existence of a new missile system.”

If Russia cannot be trusted to comply with treaties and if we have this long history of violation of the INF Treaty and now the President is being asked to consider reupping the New START treaty, we urge him to consider this in the context of Russia's current violations. Clearly, at a minimum, this would call for additional verification and enforcement with respect to the New START treaty.

It seems to me it calls for more than that because Russia has clearly believed it is in its country's best interests to blatantly violate the INF Treaty and take whatever the consequences are rather than abide by the treaty. If it believes that with respect to the development of a new cruise missile, it could very easily conclude the same with respect to violations of the New START treaty irrespective of any sanctions or other punishment the United States would mete out.

There is very little one can do to a country that chooses to unilaterally violate a treaty. You can point it out, you can say they shouldn't do it, and you can pull out of the treaty itself, but that doesn't fix the problem; namely, their violation in the first place.

We have actually acted on some things with regard to the INF violation. In December of 2017, the United States imposed economic sanctions on the two Russian companies that were involved in the design of this prohibited missile. We also began examining the range of military options for the United States, both that were INF Treaty-compliant and also what would happen were we to leave the INF. By the way, the President has unofficially said that in view of the Russian violation, the United States will leave the INF Treaty. He hasn't made that public announcement formally yet, but it is clear this is what he intends to do. Under the circumstances, one can hardly blame him when the Russians have gone ahead to develop a missile that threatens both Europe and U.S. interests, and we need to react to that in various ways.

One of the things we have done is for Congress to authorize the administration to study what we ought to do in response, both in terms of potential active defenses and potential offensive capabilities to match what the Russians have done. In the 2018 National Defense Authorization Act, we authorized \$58 million to develop active defenses to counter ground-launched missiles of the prohibited range and counterforce and countervailing capabilities to prevent attacks from these missiles and also to establish a program of record to develop an intermediate range, conventional, road-mo-

bile, ground-launched cruise missile of our own. There are additional potential military response options that obviously come to mind, but the point is, there are two countries to an agreement, and when one country deems it important enough to violate the agreement, even to suffer whatever consequences may exist, then the President ought to take this into consideration in deciding to extend yet another nuclear weapons treaty; in this case, the New START treaty.

There are some other things I think the United States would want to consider doing that it can only do if it leaves the INF Treaty, and that is why I think the President is wise to, in effect, give the Russians notice that this is what we intend to do. Russia can still try to come back into compliance, I suppose, by destroying not only the weapon itself, the cruise missiles it has already deployed, and destroying the launchers on which these missiles would be launched because they too would be in violation of the INF Treaty. They have time to do this.

By announcing in advance his intentions, the President has also given us an opportunity to think about our future. It doesn't do any good for defense planners to think about potential weapons or defenses that the United States could develop if there is never a prospect, in the case of the offensive weapon, of ever actually building it or deploying it. That is a career-ender to be sure. The INF Treaty would currently prohibit that. So nobody is going to spend any time planning activities for the United States that would themselves be a violation. By letting Russia know we are now willing to consider doing that, Vladimir Putin should understand that the President is serious about potentially withdrawing from the treaty. Hopefully, that would give him time to think about the consequences and decide to come into compliance, but it may not.

If it doesn't, and he remains out of compliance, then not only could the United States potentially develop weapons of our own to counter the Russian violation, but we could also begin thinking about what this means in terms of other treaties we have with Russia, changes that we would want to make in order to ensure that these treaties are worth complying with.

The New START treaty only applies to the United States and Russia. What it says is, we will both maintain an existing level of nuclear weapons—a little over 15,000 each. The United States had to bring our stockpile down to meet that level. Russia did not. So the practical effect of the New START treaty, at the time, was for the United States to reduce its nuclear weaponry and Russia basically to do nothing.

What Russia has done in the meantime, however, is to continue to work on the modernization of its strategic missile and nuclear weapons programs. It has developed new missiles. It has tested. It has developed new doctrine,

as I said, in the potential use of nuclear weapons, and it has a capability for nuclear warhead production that the United States does not have.

It is not known today, but we don't have a nuclear weapon warhead production capability. We couldn't do it. We could build one in a lab or two over time. Russia has a production line, and it is constantly replacing the warheads it has with new warheads and developing new missiles, as I said. Now, I think all of that is relevant to the consideration of whether we should stay in the New START treaty. If we think Russia will comply with the terms, maybe we would conclude again that it is wise to stay in that treaty. This is a little hard to conclude, however, if Russia remains in violation of the INF Treaty.

For all these reasons, we thought it important to recite a little bit of the history of the New START treaty and to quote from the resolution of ratification so the President could see what the Senate's intention was when that treaty was ratified at the end of 2012 and to think about what those factors mean in today's world if the President has an intention to think about potentially extending the terms of the New START treaty.

Again, it doesn't happen until 2021. It is smart to start thinking about it now, but in thinking about it, instead of just blindly considering that it is a wonderful thing and we need to move forward with it without expressing an opinion against extending it, the signers of this letter wanted the President to appreciate some of the background and to understand what we thought the intentions were and what we hoped would occur after the New START treaty was adopted and ratified and how we thought it would improve the relationship between Russia and the United States at the time. If anything, conditions have gotten worse, not better. As a result, these are factors the President should take into consideration when determining whether to consider extending the New START treaty.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF THOMAS FARR

Ms. WARREN. Mr. President, for decades powerful interests have been working to take over our courts and tilt the scales of justice in favor of billionaires and giant corporations. President Trump has been all in, nominating extreme and partisan judges to the Federal judiciary at lightning speed.

Trump's judges can easily fill a “Who's Who” of radical, rightwing, pro-corporate lawyers, but today I

want to focus on the nomination of one of the worst of the worst: Thomas Farr, Trump's nominee to serve on the Federal District Court for the Eastern District of North Carolina.

Thomas Farr has made his name as the go-to lawyer for the rich and powerful. When the rental car company Avis and its franchisee were sued for discriminating against African-American customers, Farr defended the franchisee. When Pfizer was sued for sex discrimination and creating a hostile work environment, Farr was there once again representing the company.

Today, just a few weeks after millions of Americans went to the polls to exercise the basic right at the core of our democracy, I want to focus on one of the most pressing reasons my colleagues should vote against the Farr nomination. His nomination will only deepen a plague of voter suppression aimed at stripping Americans—particularly people of color and marginalized groups—from exercising their lawful right to vote.

Voter suppression is front and center on Farr's resume, including his work for Jesse Helms, the former U.S. Senator and shameless bigot. Farr worked as Helms' campaign lawyer while Helms led some of the most blatantly racist political campaigns in modern history. For example, to decrease Black turnout, Helms' Senate campaign mailed postcards to 125,000 voters in predominantly Black precincts, falsely claiming they could be found ineligible to vote based on specific criteria involving their location and length of residence and warning that they could face criminal penalties if they voted.

That is just the beginning. In recent years, Farr represented the North Carolina Legislature in a case challenging a discriminatory voting bill that, according to one Federal appeals court, targeted African Americans with "almost surgical precision." The legislature conducted research into voting practices that helped increase turnout among African-American voters and then wrote a bill that essentially eliminated each of those practices. Farr was there to defend the legislature when faith groups, civil rights groups, and the Obama administration's Justice Department challenged the discriminatory law. The law was ultimately found unconstitutional by the Federal appeals court and was not reinstated by the Supreme Court. Later, when North Carolina redrew its district lines in ways that discriminated against African Americans, Farr was there once again to defend the legislature.

Thomas Farr's nomination is particularly troubling given the blizzard of efforts in recent years aimed at stopping Americans from casting their votes. State after State has passed restrictive voter ID laws, purged voting rolls, limited opportunities to register, and erected other barriers to the democratic process.

We saw voter suppression rear its head during this year's midterm elec-

tions, perhaps most vividly in the State of Georgia. Democratic gubernatorial candidate Stacey Abrams ran a grassroots campaign that sought to lift up Georgians from all backgrounds and to lead a record turnout vote among African Americans, LGBTQ individuals, and young people, but her opponent, Georgia's Secretary of State Brian Kemp, not only refused to recuse himself from overseeing the same election that he happened to be running in, but he openly used the power of his office to suppress voters, especially in communities of color.

In North Dakota, the Republican-controlled legislature passed a voter ID law that required prospective voters to present an ID with an address, but not just any ID with an address, one that contained a residential street address. Now, this law disproportionately disadvantaged voters in Native American communities, which sometimes use post office addresses or other kinds of residential addresses, rather than residential street addresses.

What we saw in Georgia and North Dakota was egregious, but it was by no means new. According to the Brennan Center for Justice, since 2010, 24 States, most of which are under Republican control, have implemented measures to make it harder for American citizens to vote.

The Republican Party and President Trump are leading this effort with a bull's-eye on Americans who may not be inclined to vote for them. After the 2016 election, Trump falsely claimed that millions of people voted illegally, and months after taking office, he established a sham voter fraud commission. Trump's Justice Department has been in lockstep, reversing its position in a case challenging Texas' discriminatory voter ID laws, requesting that States turn over voter roll information in an apparent move to purge voter rolls, and filing a brief in an Ohio case arguing that it should be easier for States to purge voters from voter rolls.

Republicans know that every time they try to lock voters out of the Democratic process, they are going to get challenged in court, but they have a plan for that. They have been working at breakneck speed to stack Federal courts with a cadre of conservative Federal judges whose records show that they have no intention of protecting democracy. Why? Because the fight for our democracy is a fight over who government works for. Does it work for the rich and powerful or does it work for all of us?

Putting Thomas Farr on the bench is a way for politicians to wall off access to the democratic process so they can keep on working for billionaires and giant corporations. The Eastern District of North Carolina, the district in which Farr has been nominated to serve, is 27 percent African American. Yet the Federal court has not had an African-American judge—not one, not ever.

President Obama attempted to change that by nominating two impres-

sive African-American women to serve as judges in that district, individuals dedicated to ensuring that every American had an equal opportunity to democracy, but Republican Senators refused to allow their nominations to move forward. Now Republicans want to hand that seat to a man who has made it his job to make it harder for North Carolinians to exercise the right to vote.

The literacy tests, poll taxes, and grandfather clauses of the Jim Crow era may be of a bygone era, but today, Americans—and particularly Americans of color—face new, steep barriers to the ballot box. Farr has made it his job to ensure that those barriers remain in place.

If we truly believe that our court should defend equal justice under law, then every Member of this Chamber must vote no on Thomas Farr.

#### SANDERS-LEE-MURPHY RESOLUTION

Mr. President, I rise today in support of the Sanders-Lee-Murphy resolution to stop the U.S. military's involvement in the Saudi Arabia-led bombing campaign in Yemen. I am a cosponsor of the resolution, and I thank the Senators for their strong leadership on this important issue.

The resolution would direct President Trump to stop our involvement in Saudi-led military operations in Yemen unless Congress provides specific authorization. It would allow our counterterrorism operations against al-Qaida and its affiliates to continue, but it would ensure that the United States is not giving the Saudis a blank check.

For over 3 years, Saudi-led coalition warplanes—refueled and armed with missiles by the United States—have been bombing Yemeni territory to counter Iranian-backed militias. Thousands of Yemeni civilians have been killed as a direct result of this dangerous proxy war between Saudi Arabia and Iran, but when I asked the general who leads our forces in the Middle East about it earlier this year at an Armed Services hearing, he said we weren't even keeping track of where those U.S.-armed and U.S.-refueled planes were going, and he couldn't tell me what they hit when they got there.

I am glad the Trump administration has finally come to its senses and halted its refueling support to the Saudi-led coalition, but this is too little, too late. It is too late to save as many as 85,000 Yemeni boys and girls under the age of 5 who have already starved to death, and it is too little to save the countless children and families who are currently starving as famine spreads throughout Yemen.

Instead of taking decisive action to address this humanitarian crisis, the United States continues to sell weapons and provide other support to the Saudi-led coalition. The administration continues to cover for Saudi actions, the most recent in a rambling, incoherent, shameful statement from the President himself.



I know that Iran's actions in Yemen are destabilizing. Iran is making the conflict worse, and that is unacceptable. But let's be clear. Saudi Arabia is the one receiving American weapons and support. The ugly truth is that the United States is complicit in the deaths and devastation in Yemen, and we need to hold our partners and our allies accountable. We need to end U.S. support for this war, and we need to end it now.

Remember who we are dealing with here. The CIA has reportedly confirmed the clear involvement of senior Saudi officials—up to and including Crown Prince Muhammad bin Salman—in the horrifying brutal murder of Saudi journalist and U.S. resident Jamal Khashoggi last month. That tells us everything we need to know about this so-called ally.

It is long overdue for Congress to take real action to help put a stop to the humanitarian crisis in Yemen. I will vote against any additional arms sales to the Saudis while the war in Yemen continues.

I will stand with my colleagues in both parties as they press for accountability in Jamal Khashoggi's death.

I will vote for the Sanders-Lee-Murphy resolution today, and I urge my colleagues to do the same.

The Yemeni people are suffering, but we can do something about it. It is time for Congress to grow a backbone and act.

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

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

#### REMEMBERING JIM HANSEN

Mr. LEE. Mr. President, earlier this month, Utah lost one of our very finest—former Congressman Jim Hansen, a great leader, an amazing husband and father, and a fantastic, loyal friend.

It is my privilege to honor his life today. Jim's first and most important rule for getting involved in politics was "get involved because you have a cause, and not simply because you want a job." In fact, his own motivation to first run for local office was with the objective of improving the local water system in his small town of Farmington, UT, where the water supply was sometimes dirty and sometimes even nonexistent.

Though he had lived in Farmington, UT, for only a few years at the time, he was elected to the Farmington City Council in 1961, and he oversaw the installation of a new utility system—no small feat for that small town. That water system allowed the community to grow and to flourish, just as it continues to do to this very day. Thus began Jim Hansen's 42 years in public service.

After serving on the city council in Farmington for 12 years, Jim was elected to the Utah House of Representatives in 1973. He worked hard and eventually rose to the position of speaker of the house during his final term. It was then that Jim launched his congressional bid for Utah's 1st Congressional District, defeating five-term incumbent Gunn McKay in 1980. He got right to work in representing the citizens of Utah—this time at the Federal level. Among his proudest accomplishments were serving on the Base Realignment and Closure Commission and on the House's Natural Resources Committee. Jim took great pride in helping save Hill Air Force Base, in Northern Utah, from closure. Whenever he would hear a jet roaring overhead at a decibel level loud enough to break the windows, he would tell his children, predictably: That is just the sound of freedom. You are lucky to hear and live under that sound every day.

A great lover of the outdoors, so too was he proud of saving the environment from environmentalists, as he would say. Jim often sparred with environmentalists about wilderness issues and championed multiple-use policies for public lands, although he was also a sponsor of the 1984 Utah Wilderness Act, which designated wilderness in U.S. forest areas.

Ever a staunch Republican and always a man of humor, Jim Hansen delighted in reciting his own version of Proverbs 22:6. He would say: "Train up a child in the way he should go, and when he is old, he will vote Republican." Yet Jim was always known for being able to work across the aisle and was well respected by his Democratic colleagues. He served as the chairman of the House Ethics Committee during a partisan crisis among House Members over the investigation into former Speaker Newt Gingrich. Both parties, at the time, trusted him to handle any investigations fairly and impartially.

For 22 years, he tirelessly served the First District of Utah in the U.S. House of Representatives, becoming Utah's longest serving Congressman. After he announced his retirement in 2002—still at the top of his game—he said in an interview that he wanted to leave behind a legacy of hard work. Indeed, Jim Hansen did.

Not only was Jim hard-working, but he was also immensely generous. He did not keep his success for himself but for years offered mentorship to anyone who sought to navigate the political waters.

I myself was lucky enough to call Jim a mentor and a friend. When I first considered running for the Senate in 2010, he met with me at length and gave me a whole lot of very helpful advice and encouragement. Even though I was a newcomer with very little chance of success, he couldn't have been more generous with his time, with his wisdom, or with his words of support. When I announced my candidacy, he

stood by me and offered his full endorsement. So many others were also blessed by Jim's friendship and his loyalty.

A lesser known story that illustrates the quality of Jim's character involves his longtime friend Norm Bangerter, with whom he served in the State legislature. In 1978, both men had their sights set on the house speaker's post. They didn't want to run against each other, so they made a deal that Norm would step aside so long as Jim agreed to step aside in the future if they were ever interested in running for the same position again.

Jim hoped to become Governor of Utah. In the 1980s, after Jim had been serving in the House of Representatives for a few years, there was an opening for a Republican to take back the governorship, and everyone expected Jim to make a play for it, except that Norm wanted to run. So what did Jim do? Well, he stepped aside and allowed his friend to run for and to eventually win that position—a position that Norm Bangerter then held for 8 years. That was the caliber of Jim Hansen's character. He was a man of humility and integrity, who honored his word and always put others before himself.

I would be remiss if I didn't also mention Jim's piety in the truest, purest sense of that word. In addition to having a deep loyalty to his country and to his State, he had a deep loyalty to his family and his church. Jim married Ann Burgoyne in 1958, which he considered wisely to be the smartest choice he ever made. Their family grew to include 5 children and eventually 14 grandchildren and 1 great-grandchild.

Grandpa Jim was the center of their family, and his love for them animated so much of his life. His grandchildren fondly remember his jokes, stories, and genuine, unmistakable zest for life. His granddaughter Anna recounted that on Jim's 80th birthday, when he insisted on going water-skiing, he had waded into the lake while wearing his slacks and socks, with his grandchildren sloshing behind him, to fish out the ChapStick tubes and Tic Tac packs that were floating out of his pockets. That, of course, was Jim Hansen—full of life and spirit until the very end.

Before his involvement in politics and after he served in the Navy during the Korean war, Jim went on a mission for the Church of Jesus Christ of Latter-day Saints for 2 years. He also served as the bishop of the Farmington 2nd Ward and as the president of the Davis Stake. One of his jobs as bishop was to supervise the Farmington South Stake Center, which is where loved ones and dignitaries gathered to honor his life just this past week.

It is only fitting that we pay tribute to this honorable man, who so faithfully and nobly served God, family, and country throughout his entire life. Jim Hansen will be sorely missed by his family, friends, Utahns, and all those whose lives were touched and changed for the better by him. I have no doubt

that his legacy will live on for many years to come.

WAR POWERS RESOLUTION TO END UNAUTHORIZED U.S. MILITARY INVOLVEMENT IN YEMEN

Mr. President, the U.S. Constitution makes unmistakably clear the fact that in order to declare war, one must go through Congress. There are good reasons for this requirement. Whenever we go to war, we are making the greatest of moral decisions—decisions that will imperil the lives of those involved in that war, including and especially the brave young men and women who represent us in uniform and who fight to protect our freedom. The costs of war—and I speak not only of the economic costs but especially of the deep human costs associated with war—are such that these decisions should never be made lightly. It is for this reason that the Founding Fathers wisely put this power into the hands of those occupying the branch of government most accountable to the people at the most regular intervals.

You cannot declare war without going through Congress. Sadly, over time, some of this power has been neglected—neglected by the very Congress to which the power properly constitutionally belongs. Under the Constitution to which every Member of this body has sworn an oath to uphold, to protect, and defend, it is wrong to go into war without Congress's directing it, ordering it, declaring it. Yet, sadly, tragically, unconstitutionally, I believe, the United States has been involved as a co-belligerent in a civil war half a world away in Yemen, involved in connection with a Kingdom of Saudi Arabia-led coalition against the Houthi rebels.

What, one might ask, is the interest of the United States in this war? What is it about this particular civil war in Yemen that is important to keep the American people safe? That is a question that has never been fully answered. In fact, it is a question that has never been answered by the only branch of government that is capable constitutionally of making that assessment, of answering that question. We have never answered it.

It is not just a mere formality that we go through when we require Congress to declare war. It is about the debate that that starts, the conversation that occurs among the American people, the accountability that each Member of the Senate and each Member of the House of Representatives has to his or her constituents. It is about the fact that we have to be able and willing to look the American people in the eye—even our own constituents, our own friends and neighbors, even and especially those who are the parents and loved ones of the men and women who will be at the battlefield and will be asked, potentially, to pay the ultimate price for defending freedom. We have to be willing to do that. Yet we haven't because, for the last 4 years, we have been fighting someone else's war without a declaration of war by Congress,

without an authorization for the use of military force by Congress.

What, then, is the remedy? There are a number of things that we could do and that we should do. Among them are the procedures outlined by and provided in the War Powers Act. The War Powers Act gives us the ability to halt our military involvement where Congress deems it inappropriate.

A few months ago, Senator SANDERS and I ran a resolution to do precisely that—availing ourselves of the benefits of the War Powers Act. Sadly, that measure was narrowly defeated; it was tabled; it was halted from moving forward. It has been filed again. We are going to have an opportunity again very soon, perhaps as early as tomorrow, to vote on that yet again.

In the meantime, what has changed? We have continued to fight this war still in an unconstitutional posture, still without the American people having been adequately consulted, still without the American people's elected Senators and Representatives having made a decision to go to war, still without the opportunity for us to look in the eye our neighbors, our constituents, and the parents and family members and loved ones of our brave men and women in uniform who are asked to fight these battles and to tell them why it is that we are asking for this potential sacrifice of American blood and treasure. We have not done those things.

Since that time, we have seen some very unsettling realities unfold within the Kingdom of Saudi Arabia, with credible intelligence regarding the Crown Prince's involvement in and ordering of the death of Mr. Khashoggi. We now have not only the eyes of the American people on Saudi Arabia—more importantly, we have the eyes of people all around the world on the United States of America. It is not just about the death of Mr. Khashoggi, but Mr. Khashoggi's death and the way it came about and the way it is alleged and supposed to have been ordered by the Crown Prince of Saudi Arabia says something about us if we proceed undeterred in our fighting of an unconstitutional war on behalf of the Kingdom of Saudi Arabia. It is not just what the American people think about Saudi Arabia or about us in Washington; it is also about what the rest of the world will think about the United States of America if we turn a blind eye to this and if we continue to fight an undeclared, unauthorized, unconstitutional war that has no apparent connection to the safety of the American people, to the security of the American homeland.

This is why I respectfully—and with all of the urgency I am capable of communicating—implore my colleagues to support this resolution, to support the resolution to get us out of fighting Saudi Arabia's war in Yemen. It is not our war, not our security, not on our watch.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF THOMAS FARR

Mr. BROWN. Mr. President, we have just been through a long election season, with a lot of close races. In States all over the country, voters had to contend with relentless attacks on their voting rights. We saw it in Ohio, where voters were purged from the rolls. We saw it in my mother's home State of Georgia, where more than 50,000 voter registrations were held up. Seventy percent of those were from Black voters. We know exactly who these laws are aimed at. It is people of color, and it is despicable. It is outrageous.

Rather than working to fix this problem, making it easier for voters to exercise their fundamental right, this administration and Republican leaders in this body and in State legislatures around the country want to put a man on the Federal bench who has supported unapologetic racists and defended voter suppression laws.

This body has done nothing to try to stop voter suppression. Controlled by Republicans, State legislatures around the country, in legislature after legislature, have, in fact, emboldened people who want to suppress voting rights.

Andrew Gillum and Stacey Abrams are two candidates each who would probably be Governor-elect right now if every voters' voices had been heard. Listen to what they had to say about Thomas Farr, the nominee for the Eastern District of North Carolina: "When it comes to the trifecta of voter disenfranchisement—voter suppression, racial gerrymandering, and restriction of voting rights—Thomas Farr is, sadly, one of the most experienced election lawyers in the country."

When it comes to the trifecta of voter disenfranchisement, he wins the award. He defended North Carolina's voter suppression laws—among the worst in the country. The Fourth Circuit Court said that the law targeted Black voters "with almost surgical precision."

He defended Jesse Helms in a lawsuit where Jesse Helms campaigned and sent 125,000 postcards to African-American communities, telling them that they would be arrested for voter fraud at their polling places. Considering the history of voter suppression in that State, imagine the terror, in many cases, in the eyes of those African-American voters who saw those postcards telling them that they could be arrested for voter fraud at their polling places. Of course many of them were not going to vote then, which is exactly what Jesse Helms and Thomas Farr wanted to happen. Thomas Farr defended Jesse Helms in court. To put

this man on the Federal bench is a national disgrace.

The cherry on top of this nomination is the fact that Barack Obama nominated two African-American women to serve on this court. Under the leadership of the gentleman down the hall, the Republican leader, MITCH MCCONNELL, this body didn't even give them a hearing. Instead of the choice of two African-American women who led over a decade, they want to put a man on the bench who defended segregationists and voter suppression. They want to put that kind of judge in that seat. It is a throwback to the worst moments of our history. This body shouldn't stand for it.

#### GM LORDSTOWN CLOSURE

Mr. President, around the time of the auto rescue almost a decade ago, I was watching the first Chevy Cruze come off the line in Lordstown, OH, at a plant that had been there in Youngstown, OH, for almost a decade. Two years ago, I was at the GM Lordstown plant for its 50th anniversary. I saw the pride the community takes in that plant. GM itself estimated 10,000 people turned out to watch the parade. The line to tour the plant stretched down the street and around the block. It is what this plant and this auto industry mean to the communities they serve.

When the news broke late Sunday night or early Monday morning that General Motors is closing this plant and laying off up to 15,000 workers in Ohio and around the country, one reporter for the Youngstown Vindicator tweeted that it was an "all hands on deck day, with just about everyone in the newsroom dropping everything to cover the GM Lordstown story."

Those reporters are not enemies of the people. In fact, these reporters are people who care about their communities, who don't make a lot of money, and who are willing to afflict the comfortable and comfort the afflicted. They are not enemies of the people. These reporters understood what these job losses will mean, not just to those workers but to this community in Mahoning Valley of about a half a million people.

While people's lives were being upended in Mahoning Valley and around country and while parents were having painful conversations around kitchen tables, local businesses were nervously looking at their balance sheets, do you know what happened? Wall Street traders were celebrating. As the announcement to lay off workers happened, the stock price went up. Look at what happened to their stock price after their announcement.

Wall Street and its cronies in Washington simply don't value workers, and they don't understand the dignity of work. They don't look at workers as vital to a company's success. Indeed, they view the American worker as nothing more than a cost to be minimized, and Wall Street rewards companies when they lay off workers. They reward companies when the workers'

pay is cut or their benefits are scaled back. Wall Street rewards companies when their workers get hurt.

Of course, we expect companies to always try to maximize profits, but we weren't elected in this body to serve corporations. We were elected to stand up for the Americans we serve and to stand up for the small business owners. This broken business model is exactly why we need a trade and tax policy that actually invests in American workers. Instead, this crowd in Washington is only making it worse.

Earlier this summer, on the very same day that GM Lordstown laid off the second shift in Mahoning Valley, we got word that GM plans to build its new Chevy Blazer in Mexico, bypassing American workers and sending more jobs to Mexico. There are 1,500 workers who lost their jobs on the same day General Motors announced they were building a plant in Mexico. How stupid do we have to be to think there is not a connection there? That decision was no coincidence.

The tax bill this Congress passed and this President signed, which almost every single Republican voted for and every single Democrat voted against, provides a 50-percent-off coupon off of the taxes for every company that moves overseas.

For instance, the Chevy Cruze is made in Youngstown, OH. General Motors pays a 21-percent corporate tax rate. Another kind of Chevy Cruze made by General Motors in Mexico pays a 10.5-percent tax rate. So if you work in the United States, you pay 21 percent in taxes. If you go overseas, you get a 50-percent coupon off on your taxes. Do you know why? Because this Congress and President Trump signed a bill that will do nothing but outsource jobs. It didn't have to be that way.

The Patriot Corporation Act, which I handed to the President in the President's Cabinet Room a year and a half ago, would have simply said this: If you pay your workers well, if you provide healthcare and retirement for your workers, and if you make your product in the United States of America, you get a lower tax rate. I handed a copy of that bill to the President. He said he liked it. Do you know what happened then? Instead, that bill—which could have been the Patriot Corporation Act, which could have been the taxpayers' bill of rights, which could have been the corporate freeloader fee, where, when companies abuse their workers, they pay a fee—made its way down to the majority leader's office. And do you know what happened? The special interests went to work.

Do you know what happened then, when the special interests went to work? They created this 50-percent-off coupon for their taxes so those companies that moved to Mexico or moved to France or moved to Bangladesh or anywhere else get a 50-percent tax cut. Who suffers the consequences? It is the American workers.

We need to stand up for the people whom we serve, and we need to fix this.

After GM ended the second shift at Lordstown, I met with GM's CEO, Mary Barra, and demanded answers. She said that retooling the plant to go from the Cruze to the SUV Chevy Blazer would simply cost too much. It was too expensive. So we came up with a plan. First of all, they had just taken their huge tax cut, which they could have invested in workers, but instead they invested it in corporate buybacks, executive buybacks, so that executives make 300 times what the average well-paid worker at GM makes.

I came up with a plan to fix this. If they are not going to reinvest that money, we could level the playing field. We call it the American Cars, American Jobs Act.

There are two simple parts. First, customers who buy cars that are made in the United States get \$3,500 off at the dealership—real dollars, real money at the dealership. Under our definition of "Made in America," the discount would apply to nearly 100 cars, trucks, and SUVs, including all passenger vehicles, including the Jeep Cherokee, which is made in Toledo, and all passenger vehicles assembled in Ohio.

Second, the companies that cut the number of American jobs they had on the day the GOP tax bill passed and added those jobs overseas lose their tax break. We take away that 50 percent off coupon on their taxes. If you choose to send jobs overseas, you lose that coupon. If you keep jobs in the United States, you keep your discounted rate.

Remember back in July, I believe, of 2017? Donald Trump, the President of the United States, was in Youngstown. He said to the people of Youngstown: "We never again will sacrifice Ohio jobs and those in other states to enrich other countries." He then said: Don't sell your homes. We are going to bring all of these jobs back into these old plants, or we are going to knock down these old plants and build new plants. We are going to bring back all of these jobs.

But when he said that we will never again sacrifice all of these jobs—that is what his tax bill did. His tax bill provided that 50-percent-off coupon.

People trusted him in Mahoning Valley. He won areas that Democrats used to win. They put their faith in him. What did Trump do? He gave these corporations a huge tax break that will cause more jobs to go overseas.

It is all part of this President's phony populism. He pits one group against another to distract from the fact that this White House looks like a retreat for Wall Street executives, except for the days it looks like a retreat for pharmaceutical executives, except for the days it looks like a retreat for gun lobby executives. He campaigns across States like Ohio, saying he is for working people, and then he passes tax cuts for companies that are sending their jobs overseas.

While campaigning in Ohio in 2016, he said:

If I am elected, you won't lose one plant, you'll have plants coming into this country. . . . I promise you that.

If the President of the United States meant what he said—if he said you are not going to lose plants, if he said the companies that have moved overseas are going to come back to Lordstown, come back to Mansfield, come back to Toledo, and come back to Dayton, then, Mr. President, what you need to do is support the American Cars, American Jobs Act. Let's end this tax break, this incentive for companies to shut down production in Xenia, OH, and move overseas. Let's end this tax cut for corporations that shut down these American plants and move American jobs overseas. If you love this country, you fight for the people to make it work. Mr. President, let's do that and pass the American Cars, American Jobs Act.

The PRESIDING OFFICER. The Senator from Connecticut.

YEMEN

Mr. BLUMENTHAL. Mr. President, I want to express my strong support for the bipartisan resolution—54—that is before us today. The strong, bipartisan support we are seeing on the floor—most recently from my colleague Senator LEE of Utah—shows how necessary and important this resolution is to end the complicity of the United States in the murderous war waged by Saudi Arabia in Yemen.

The United States is complicit because we are providing fuel, intelligence, and other support that is only increasing the barbaric power of the Saudis in that civil war—murderous activities that are taking a toll on civilians. The blood will be on our hands if we continue to support the Saudis in this brutal effort.

The resolution before us is carefully crafted to preserve our national security and our national interests while at the same time removing our involvement from the Saudi war crimes. There seems to be no other word for what we are seeing the Saudis do. The arguments made by the administration for our support and participation carry no weight. We should never compromise our national value for the sake of arms sales. In fact, the arms contracts are a pittance or a fraction of what the administration claims. So I am proud to support this measure. It will do too little and too late what should have been done long ago: Renounce our moral and legal responsibility, as well as our practical involvement for the murderous and brutal Saudi attacks on civilians and others in Yemen.

NOMINATION OF THOMAS FARR

Mr. President, I rise today to speak out on a less bipartisan issue against the concerted campaign by the administration and its allies to dramatically reshape our judiciary—to fill the courts with partisans and ideologues.

President Trump has made no secret of his frustration at judges nominated by both Republicans and Democrats who choose to uphold the rule of law

and, as Chief Justice Roberts has said, “do equal right to those appearing before them.” He is wrong to talk about Obama judges or Bush judges. In fact, the Chief Justice is absolutely right that when a person puts on the robe, they are no longer a judge nominated by any President; they are a judge doing the right thing, hopefully, from the bench in a completely bipartisan, nonpartisan way.

Yet this administration has repeatedly put forward extreme nominees who will seek to undo decades of critically important progress in recognizing and protecting reproductive rights, LGBTQ rights, voting rights, workers' rights, environmental protections, and more.

In fact, we are scheduled to vote on a nominee for the Eastern District of North Carolina, Thomas Farr, who exemplifies this administration's efforts to remake the judiciary. He has been nominated for a judgeship that has been open for years. In fact, it is the longest open judicial vacancy in the country.

In 2013, President Obama nominated Assistant U.S. Attorney Jennifer May-Parker to fill the seat. Senator Hagan returned a blue slip, but Senator BURR—despite formally recommending May-Parker to the White House for the position—declined to return his blue slip. At that time, the Senate still adhered to its longstanding practice of respecting blue slips and referring to home State Senators, so the nomination was never considered. To accommodate Senator BURR's obstruction, Senator Obama nominated North Carolina Supreme Court Justice Patricia Timmons-Goodson to fill the vacancy on the district court in 2016. Neither Senators Burr nor Tillis returned blue slips on her nomination.

Senator BURR had the right—and I may have misspoken when I referred to obstruction—when he declined to return that blue slip. Would that that right were still observed in this body. He had that right. He exercised it. But now President Trump has nominated Thomas Farr, an attorney whose career is defined by efforts to dilute African-American votes and suppress them through redistricting and to make it more difficult for African Americans to vote in the first place.

Mr. Farr has worked to suppress minority votes since at least the early 1990s. The Department of Justice under George H.W. Bush alleged that Farr engaged in acts of voter intimidation during the 1990 election. In fact, during that election, Farr served as legal counsel to Senator Jesse Helms. The Department of Justice alleged that Senator Helms' campaign sent out to Black communities tens of thousands of postcards that falsely told voters they could be found ineligible to vote based on various conditions. President Bush's Justice Department described this mail campaign as “intended to intimidate thousands of African-American residents and discourage them from voting in a 1990 Senate election.”

Since then, Farr has become an attorney of choice for North Carolina's Republican politicians when they have sought to gerrymander and suppress voter efforts. Notably and most recently, he successfully represented the North Carolina legislature in *Cooper v. Harris*. That case involved two districts that were redrawn after the 2010 census as majority Black districts by removing African-American voters from other predominantly White districts. The redrawn districts effectively diluted the voting power of African Americans by concentrating the Black population in a smaller number of districts that already elected candidates who received strong support from African-American voters.

The Supreme Court rejected Farr's defense of the redrawn districts and found that the legislature had engaged in unconstitutional racial gerrymandering. That ruling was remarkable—absolutely exceptional in Supreme Court jurisdiction—indicating the blatant and flagrant disregard for constitutional law in that gerrymandering.

Farr also defended the North Carolina legislature in a challenge to its restrictive voter ID law. The day after the Supreme Court decision in *Shelby County v. Holder* struck down the preclearance requirements of section 5 in the Voting Rights Act, the Republicans in the North Carolina legislature requested data regarding the racial breakdown of the usage of various voting access tools.

The Fourth Circuit Court of Appeals found that the law discriminated against African-American voters “with almost surgical precision.”

The court said: “This sequence of events—the General Assembly's eagerness to, at the historic moment of Shelby County's issuance, rush through the legislative process the most restrictive voting law North Carolina has seen since the era of Jim Crow—speaks a certain purpose.”

Thomas Farr argued in favor of those legislative districts that restricted representation of African-American voters in their State and Federal Government.

President Trump has chosen this man to serve as a judge. I cannot vote for him. I hope my colleagues will join me in rejecting this nominee. His nomination alone speaks volumes about the intentions and predilections of this administration. This nominee is not suited to the vital task that judges—particularly Federal district court judges—are empowered to carry out.

This nominee is not fit for this job. I will vote no. I urge my colleagues to do the same.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to strongly oppose the nomination of Thomas Farr to the Federal bench, and I urge my colleagues to join me in voting against him.

The right to vote is sacred and a precious human right, but it has been under attack, and that is unconscionable and wrong.

This nominee represents yet another threat to the basic premise of one person, one vote because, throughout his career, he has worked to make it harder for Black Americans to vote. That is not who we are as a country, and this nominee does not deserve the privilege of a lifetime appointment on the Federal bench.

Over and over again, on the most serious and consequential questions related to our sacred right to vote, Mr. Farr has been on the wrong side of the issue.

Listen to his record: Mr. Farr defended in court a gerrymandered congressional map that was so blatantly racist that our Federal Court of Appeals judge ordered it to be redrawn. Mr. Farr defended in court State laws that were so obviously designed to suppress the Black vote that a Federal Court of Appeals ordered them to be struck down. He wasn't just a cheerleader for these discriminatory laws; he was the actual architect. He was their defender in court. He did everything he could to keep them in place.

That is why millions of Americans all over the country, including so many men and women of color, the NAACP, and the Congressional Black Caucus, are so outraged by this nomination. They are right to be so because this nomination is an insult.

This seat is the longest judicial vacancy in the country, but it did not have to be that way. Just a few years ago, a highly qualified nominee was picked to fill the seat, but she didn't even have a hearing, let alone a vote. So then another highly qualified nominee was picked to fill the seat, and she didn't receive a hearing either—or a basic vote. Now we have another nominee for the same exact seat, but this time my colleagues are practically tripping over themselves to rush him through the Senate at full speed, to push him across the finish line before the end of the year, and to hand him a lifetime appointment to the Court.

I urge my colleagues to reject this bad choice. Let's find someone better, who isn't so obviously biased on questions related to race. If his record of discrimination and bias alone isn't enough to convince you, then think about this: We cannot ignore the fact that this nomination is coming at a moment when so many Black Americans are still experiencing blatant and racist disenfranchisement every time they try to exercise their constitutional right to vote. Just look at the voter suppression that happened in Florida and in Georgia this month in their elections for Governor.

We have already seen terrible decisions from the Federal bench that have rolled back voting rights, such as when the Supreme Court gutted the Voting Rights Act. This body has done nothing to address this egregious decision, and

we should not be complicit in further eroding this precious right.

Now we want to confirm another man to the Federal judiciary who has spent his entire legal career fighting to make it harder for Black Americans to vote. What kind of awful message are we sending to our country?

We must reject this nominee. We must stand up to discrimination and racism in all its forms, not reinforce them, not encourage them.

I urge my colleagues to do the right thing and vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UKRAINE

Mr. MENENDEZ. Mr. President, I rise today, as I have many times before, to stand up for a free and independent Ukraine.

I come to the floor to unambiguously call out and condemn the Russian Government's escalation of aggression and the increasingly dangerous situation in Ukraine.

Over the weekend, Russian forces sharply escalated their campaign in Ukraine by attacking and seizing 3 Ukrainian vessels with 23 crew members and temporarily shutting down commercial shipping through the Kerch Strait. Ukrainian sailors were injured and required medical attention.

This was an outrageous violation of Ukraine's sovereignty, so I want to say this clearly and unequivocally: The Kremlin must immediately return the vessels and sailors to Ukraine. The Kremlin must not obstruct the free passage of shipping through the Kerch Strait moving forward.

We here in the United States must take the Kremlin's actions seriously in word and in deed, for the Russian Government's actions on Sunday marked a sharp escalation in Putin's ongoing assault on the international rules-based order, this time on the freedom of navigation in the high seas. Indeed, this was an act of war, and Sunday's attack comes in the context of ongoing Russian aggression in eastern Ukraine for the past 4 years.

For the past 4 years, Ukrainian forces have endured an unrelenting assault, rendering the Donbas economically shattered and ungovernable.

For the past 4 years, 1.5 million displaced people have lived lives of uncertainty, not sure when and if they will ever be able to return home.

For the past 4 years, Ukraine has struggled to rebuild its economy and reform its institutions while fighting a hot war and suffering regular casualties.

For the past 4 years, Ukraine has been on the frontlines of a struggle against the Kremlin's vision of a world that is not guided by Democratic values, not buttressed by fundamental freedoms, not governed by a rules-based international order but, instead, ruled by Mr. Putin and a corrupt cabal of oligarch insiders.

Despite years of aggression, Putin's latest escalation marks an even more

insidious turn. Apparently, the Kremlin no longer seeks to hide behind lies of little green men or Russian-backed separatists. The Russian Government, with no pretense or obfuscation, fully admitted to directly firing on Ukrainian forces and seizing their ships.

Beyond the military component, this attack tells us that Putin is ramping up an economic war on Ukraine. Since the spring, Russian vessels have blocked Ukrainian commercial ships from sailing through the Kerch Strait, costing Ukraine millions in lost revenue from exports and blocking imports critical to the Ukrainian economy. This weekend, Moscow opened up a new front in the war, one that could ultimately do the most damage to Ukraine's viability as a state.

Russia's actions show that its leaders are emboldened, unchastened, and on the march. Clearly our response to Russian efforts to undermine our security, our fundamental democratic values, our institutions, and the rules-based international order has thus far been inadequate.

Certainly the State and Defense Departments have taken some steps to counter Russian aggression. Ambassador Kurt Volker, who has led efforts to fully implement the Minsk agreements, has shown clear-eyed leadership in calling out the Kremlin and holding Putin to account. Our Assistant Secretary of State for Europe, Wess Mitchell, has done much of the same. Secretary Jim Mattis has consistently supported a strong military presence in Europe to counter Russian aggression. Nikki Haley, our U.S. Ambassador, issued the first statement from the administration following Sunday's attack and was appropriately firm. Come to think of it, I can't think of any player within the Trump administration who is soft on Russia—except one, of course: the President himself.

Just yesterday, when asked by reporters about Russia's escalation in Ukraine, President Trump said: "We don't like what is happening either way." In other words, he once again fell back on the same old both sides excuse he keeps in his back pocket whenever asked about Russia's bad behavior. This is not the kind of clear and unequivocal denouncement the people of Ukraine or the world needs to hear from an American President at a moment in which the international democratic order is under attack, but unfortunately it is what we have come to expect from President Trump, who repeatedly subverts his own administration's positions and efforts on Russia.

The work of Mattis, Volker, Mitchell, Haley, and countless others has been repeatedly undermined by a President who has abandoned America's interests and betrayed our core principles time and time again, from the fiasco in Helsinki to an exchange in Paris just weeks ago where he greeted Putin with a giant smile on his face.

The President has had many opportunities to restore confidence to the

American people and reclaim America's global leadership on Russia policy. While he has repeatedly failed to do so, yet another opportunity lies before him this week at the G20 summit in Buenos Aires, where he is scheduled to meet with Putin. If ever there were a time for this President to defend our country, our principles, and those of our allies, this would be it. If ever there were an opportunity for American leadership, this would be it. If there were ever a time for President Trump to find his spine on Russia, this would be it.

In the meantime, President Trump must use this week's opportunity in Buenos Aires to send a clear message to Putin that we will not tolerate its increasingly aggressive behavior in Ukraine. Here is what I believe the President must do:

First, the United States needs to increase assistance to our friends in Ukraine in the face of continued aggression in Donbass and now in the Kerch Strait. The Trump administration must immediately increase security assistance to Ukraine, including the provision of lethal maritime equipment and weapons. In addition, we must bolster intelligence-sharing with Kiev and assist Ukraine's efforts to improve its maritime domain awareness.

Second, NATO has a critical role and should consider increasing exercises and its presence in the Black Sea. The United States has maintained an active presence in the South China Sea to protect shipping lanes. NATO should move quickly to establish such a presence in the Black Sea.

Third, the United States should increase sanctions pressure on Russia immediately. This is long overdue. The President is required to impose sanctions on Russia under the CAATSA law. Several mandatory provisions of the law remain ignored. I would offer that now would be a good time to follow the law. But imposing sanctions alone does not constitute a real strategy.

Fourth, Sunday's events present an important opportunity for American engagement with like-minded allies across Europe. Now is the time for serious diplomacy and coalition-building in the face of this threat. Our European friends spoke out in full opposition to Russia's attack on Sunday. Now let's see if we can work together to turn words into action and deter such Kremlin attacks in the future.

Finally, as the situation in Ukraine grows more perilous, we in the Senate must also live up to our national security responsibilities. Following the President's failures in Helsinki, Senator GRAHAM and I, along with others, introduced the Defending American Security from Kremlin Aggression Act, known as DASKAA. This legislation is more than another sanctions bill; it charts a comprehensive way forward for how the United States can better defend its interests and those of our close allies against Putin's unrelenting

assault on our values, security, economic interests, and the rules-based international order.

After months of Senate hearings on the legislation, we have nothing to show for it, as both the Senate Foreign Relations and Banking Committees have refused to mark up new legislation to respond to the Kremlin threat. What are we waiting for? What are we waiting for? The alarm bells are ringing. Yet the Senate Republican leadership is sound asleep. They are asleep as Trump concedes more ground to the Kremlin in Ukraine and cyber space; asleep while Russian ships ram Ukrainian vessels in international waters and injure brave Ukrainian sailors; asleep while Vladimir Putin pounds away at our points of vulnerability.

The American people deserve a vote on DASKAA before we leave for the holidays. Anything less would be a mark of shameful abdication of our responsibility to protect and defend our national interests.

I hope this Chamber will wake up to this growing threat. Perhaps Sunday's attack will be a ringing alarm clock that compels this body and the international community to act.

Finally, the American people cannot afford a weak performance by President Trump at the G20 summit, like we saw in Helsinki—cannot afford such a performance.

President Trump, this is your opportunity to finally show American leadership in defense of our principles and our close allies across Europe.

The time is now. It is critical. We are waiting to see that in fact the President can rise to the moment.

#### RUSSIA INVESTIGATION

Finally, on another matter, I want to address breaking news of the day on a related matter. Yesterday, we learned from an exclusive report in the Guardian that former Trump campaign chairman Paul Manafort repeatedly held secret talks with WikiLeaks founder Julian Assange within the Ecuadorian Embassy in London. These revelations reported publicly in the Guardian, if true, raise serious, new questions about the Trump campaign's possible relationship with WikiLeaks, including the timed release of hacked emails orchestrated to inflict maximum damage on Hillary Clinton's 2016 Presidential campaign.

According to the published report, Manafort visited in 2015 and then again in the spring of 2016—just in time for Trump to name him the RNC convention manager. Sources in Ecuador say Manafort's meetings with Assange may have been purposefully kept off the Embassy's official visitor log. It is essential that Ecuador's current government publicly and swiftly confirm whether former Ecuadorian President Rafael Correa and his administration allowed these meetings to take place.

Given that Secretary Pompeo met with Ecuadorian Foreign Minister Valencia yesterday morning—the day before this report came out—the State

Department and the intelligence community must immediately brief the Senate Foreign Relations Committee on Mr. Manafort's interaction with Mr. Assange, as well as the Ecuadorian Government's role in any meetings. This is critical for us to know, and I hope it won't take other actions to get clarity.

I am already concerned that tomorrow we are having an all-Members briefing on what happened with Saudi Arabia and the murder of Mr. Khashoggi, and there won't be anybody from the intelligence community there. Where is Gina Haspel, the head of the CIA? She went and listened to the tapes. Her Agency is reported to have come up with conclusions that said, yes, the Crown Prince knew and was involved, yet we are going to have a briefing without anybody from the intelligence community. It is an affront to the Senate, which has responsibilities—oversight and otherwise—to understand what is the appropriate action of this body as it relates to U.S. foreign policy and this particular ally. But we are not going to have anybody from the intelligence community. To me, that is the ultimate coverup.

So I want to know what happened and whether this Guardian report is true. I want to know from the intelligence community what their determination is. I don't want to hear it characterized by someone else; I want to hear it directly from them. Only then can we actually act in a way that is both concerted and with the knowledge necessary to make informed decisions on critical U.S. foreign policy.

Mr. President, 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. MCCONNELL. 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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### WITHDRAWAL OF NOMINATION HOLDS

Mr. HATCH. Mr. President, the Finance Committee has worked with the Treasury Department to ensure proper responsiveness to committee inquiries. We are continuing to review these matters to determine what further oversight is required.



Mr. WYDEN. I thank the chairman for his willingness to work with me on this important matter. I know we believe that further oversight needs to be done; however, at this point, the Treasury Department has been sufficiently cooperative. Accordingly, I am lifting my hold on Treasury Department nominees.

#### CONFIRMATION OF STEPHEN ALEXANDER VADEN

Mr. VAN HOLLEN. Mr. President, President Trump nominated Stephen Vaden to be General Counsel for the Department of Agriculture. In that role, Mr. Vaden will oversee all of the legal services for all operations and programs of the Department and 250 attorneys nationwide.

Most of Mr. Vaden's experience is not in agriculture or natural resources issues. Much of his work at the law firm Jones Day focused on election law, and during the 2016 election cycle, he coauthored amicus briefs in States where State legislatures had enacted discriminatory voting laws designed to suppress minority votes following the Supreme Court ruling in *Shelby County v. Holder* which gutted the Voting Rights Act of 1965. State legislatures in North Carolina, Ohio, and Virginia took full advantage of the *Shelby County* ruling that removed previous preclearance requirements.

In North Carolina, the legislature passed a law changing various State voting procedures. The legislature utilized racial data on voting practices in drafting the law, and where they saw voting practices that were predominately utilized by African American voters, they changed those voting practices.

Mr. Vaden was one of three attorneys who submitted an amicus brief in support of the State of North Carolina, for Senators Tillis, Graham, Cruz, Lee, and the Judicial Education Project. The Jones Day amicus brief argued that "North Carolina's race-neutral regulations of the time, place, and manner of its elections do not violate Section 2 [Of the Voting Rights Act]." They further wrote, "Quite to the contrary, North Carolina allows all citizens to vote. Although members of minority races may disproportionately choose, for socio-economic or other reasons, not to take advantage of this equal opportunity, North Carolina's practices are not the proximate cause of this phenomenon."

In its published opinion, the U.S. Court of Appeals strongly disagreed with that argument and found that the North Carolina State election law "targeted African Americans with almost surgical precision." The court further stated, "We cannot ignore the evidence that, because of race, the legislature enacted one of the largest restrictions of the franchise in modern North Carolina history," and "Faced with this record, we can only conclude that the North Carolina General Assembly en-

acted the challenged provisions with discriminatory intent."

At the November 9, 2017, Committee on Agriculture, Nutrition, and Forestry hearing to consider Mr. Vaden's nomination, I questioned him about his role in the amicus brief in the North Carolina voting rights case. I am a firm believer in the right to vote and deeply troubled by the U.S. Circuit Court of Appeals findings that the North Carolina case involved voter discrimination.

I did not find Mr. Vaden's answers to my questions to be sufficient. When I asked him if the Judicial Education Project paid Jones Day in full for their work on the North Carolina case, he simply said, "As an associate I did not have access, nor did I participate in the billing function of the firm." I find this answer insufficient.

Also, I noted in my questions to Mr. Vaden that, in my experience as having been an associate at a law firm, if an associate indicated to a partner that they did not want to participate in a case, the firm would certainly defer to their wishes. When I asked Mr. Vaden if he expressed any concern with participating in the voting rights cases to his partners at Jones Day, he replied that he did not.

I also note Mr. Vaden's lack of experience in the area of agriculture. Prior to joining USDA last January, Mr. Vaden had no particular involvement in any agriculture-specific issues or any agriculture-specific clients during his tenure at Jones Day. His nomination is a significant departure by the Trump administration from the background and experience of previous USDA General Counsel nominees, Republican or Democrat. For example, during the Obama administration, Jeff Prieto was a longtime attorney at the Justice Department's Environment and Natural Resources Division before becoming USDA General Counsel. His predecessor, Ramona Romero, was an attorney with a major U.S. agribusiness company involved in a wide range of agricultural policy and legal issues. Going back to the administration of George W. Bush, Nancy Bryson was a long-time environment and natural resources attorney both at the Justice Department and in private practice.

I am also troubled to learn that the American Federation of Government Employees, AFGE, came out in opposition to Mr. Vaden's nomination, citing that one of Mr. Vaden's first official acts at USDA was to terminate the labor contract between the office and its staff of 250 lawyers and legal professionals nationwide. In their statement, the AFGE stated that, due to his lack of collaboration and partnership with Office of General Counsel workers, they believe he will "continue creating an agency culture that results in even more unprecedented levels of poor worker morale, with the potential to negatively impact the quality of services provided to virtually all Americans."

For these reasons, I opposed Stephen Vaden's nomination for General Counsel of the Department of Agriculture.

#### NOMINATION OF JUSTIN MUZINICH AND NOMINATION OF MICHAEL FAULKENDER

Mr. WYDEN. Mr. President, today I am lifting my holds on the nominations of Justin Muzinich, to be Deputy Secretary of the Treasury and Michael Faulkender to be Assistant Secretary of the Treasury for Economic Policy, both of which were reported favorably from the Finance Committee. I had placed holds on these nominations until the Treasury Department agreed to provide the Senate Finance Committee with certain information I had requested in connection with the committee's oversight of the Treasury Department.

Working with Chairman HATCH, I reached an agreement under which the Treasury Department has cooperated with the Finance Committee on a number of my requests.

For these reasons, I will no longer object to any unanimous consent request concerning the nominations of Mr. Muzinich and Mr. Faulkender.

#### COAST GUARD REAUTHORIZATION BILL

Mr. THUNE. Mr. President, this evening the House of Representatives concurred in the Senate amendment to the House amendment to S. 140, legislation known as the Frank LoBiondo Coast Guard Authorization Act of 2018. The House's action clears the way for this measure to reach the President's desk. As the Coast Guard works through hurricane season and continues drug interdiction and other critical efforts, House passage of this legislation is a critical step toward supporting the men and women in uniform who guard our Nation. Among this bill's provisions is a title that addresses the need for clear and enforceable standards of incidental water discharges from vessels. Senator CARPER and I reached a bipartisan agreement, included in this legislation, which places the Environmental Protection Agency in the lead role of establishing standards, which the Coast Guard will monitor and enforce. Clear, achievable rules will be the most effective way to address environmental concerns about the spread of invasive species through ballast water discharges. I am pleased to have reached this agreement, and I want to inform my colleagues that we will be submitting errata to the Committee Report on the Coast Guard Authorization Act of 2018 Senate Report 115-89, that reflects the agreement we reached. I ask the Senator from Delaware if the Senator agrees that the modifications we negotiated over the last few months have made a significant improvement to the legislation?

Mr. CARPER. I thank the Senator from South Dakota. I do agree. Today, we are one step closer to getting this

strong bipartisan compromise on vessel discharge legislation signed into law. This bill protects waters across our country from the environmental and economic risk of the spread of invasive species contained in ballast water, while also providing regulatory certainty for vessel owners and mariners. To reach this agreement, my colleagues and I did not settle for what was easy or what was expedient. These improvements in the VIDA title have taken a great deal of time and energy, and they were the right thing to do. Specifically, they will reduce the risks posed by ballast water discharges that enter our waterways, minimize the likelihood of introducing invasive species along our coasts and in the Great Lakes, while still ensuring these discharges are regulated under the Clean Water Act. I know the Senator from South Dakota shares my hope that the President signs this legislation expeditiously. He and I will make sure that the legislative history regarding this provision is clear.

#### TRIBUTE TO SHEL GROSS

Ms. BALDWIN. Mr. President, today I wish to honor Shel Gross, director of Public Policy for Mental Health America of Wisconsin, MHA, on his retirement. Throughout his career, Shel has helped everyday Wisconsinites in their battle with mental health issues and has been a powerful advocate, peer, mentor, and leader in elevating the voices of those struggling with mental illness.

Shel has been the director of Public for MHA of Wisconsin since April 2000. During his tenure, he has significantly expanded the array of community-based mental health services that support recovery and independence. Wisconsin owes Shel a debt of gratitude for raising awareness of both the tragedy and treatability of many serious mental health afflictions.

Shel's greatest accomplishment is his tremendous work in reducing the prevalence of suicide in Wisconsin. As project manager for MHA's statewide prevention/early intervention initiative in mental health, he focused on improving the quality of behavioral healthcare to help lower Wisconsin's suicide rate. According to the Wisconsin Department of Health Services, over 700 Wisconsin residents die each year by suicide. Another 5,500 Wisconsin residents are hospitalized due to intentional, self-inflicted injury. As project manager of a suicide prevention grant, Shel made it his life's work to reduce the number of people affected by suicide or suicide attempts, work that deserves the utmost praise and appreciation.

The Milwaukee Mental Health Task Force, MHTF, awarded Shel the Karen Avery Award in 2017, which honors those who have shown tremendous advocacy and leadership in advancing the rights of people with disabilities. Working hand-in-hand with the award's

namesake, Shel helped establish the Grassroots Empowerment Project, GEP, to create opportunities for people seeking mental health recovery and wellness to exercise power in their lives. Shel has been a prominent voice for recognizing and tapping the power of community to help heal the isolation of depression.

Shel will be deeply missed by his colleagues and all those who consider him a loyal friend and passionate advocate. I know Shel will continue to be a valuable voice on these important issues after retirement, but I congratulate him on this milestone and wish him the very best in this new chapter.

#### ADDITIONAL STATEMENTS

##### 150TH ANNIVERSARY OF WAYNE STATE UNIVERSITY

• Mr. PETERS. Mr. President, today I wish to recognize the 150th anniversary of Wayne State University. Located in the heart of Detroit, MI, Wayne State University provides world-class education and has made a tremendous impact on the community that surrounds it.

In 1868, just over 30 years after the State of Michigan joined the Union, the development of what would become Wayne State University began with the establishment of the Detroit Medical College by five physicians who were inspired to improve medical education after their service in the Civil War. Following shortly thereafter, the Detroit Normal Training School—the predecessor of the college of education—was founded.

At the turn of the 20th century, the school saw rapid transformation and development. A change in attitudes brought on by the progressive movement between 1890 and 1920 impacted institutions across America. In 1917, the Detroit College of Medicine and Surgery admitted its first female students, as the Detroit Normal Training School began admitting married women. These milestones in the school's history coincided with the culmination of women's suffrage in the United States. In 1934, the Wayne University name was adopted, eventually becoming Wayne State University in 1956, after the Michigan State Legislature approved public act 183.

Year after year, Wayne's footprint would grow to include more programs and opportunities for students to excel. Growth of that footprint included Detroit City Law School, which was founded in 1927 and later became part of Wayne University in 1933. Moreover, as veterans from World War II came home and acclimated into civilian life, Wayne University established the office of veteran affairs to help veterans continue their education, enter vocational training programs, and transition into the workforce. With the introduction of the GI bill, Wayne University's programs saw it well posi-

tioned to increase its veteran enrollment.

In 1950, the former central high school and main building of the College of the City of Detroit was renamed Old Main, becoming one of the City of Detroit's and Wayne University's most notable landmarks.

The 1960s proved to be a pivotal time in American history, with the civil rights movement and the Vietnam war serving as the backdrop of the public's conscience, ushering in a new era of barrier breaking civic engagement. Throughout the 1960s, Wayne State University continued to build on its rich tradition of progressivism by establishing the office of counseling for the handicapped, the center for urban studies, and covering pertinent social issues in the school newspaper.

Continuing to build on its record of success, Wayne State launched doctoral programs in the college of pharmacy and college of nursing, and established the college of urban, labor, and metropolitan affairs, and college of fine and performing arts. In 1994, Wayne State was recognized for its research and was classified as a Research I university by the Carnegie Foundation for the Advancement of Teaching.

Ever mindful of its position within the community as a bridge for stakeholders across all fields of endeavor, Wayne State has forged numerous partnerships to empower the community and its students to succeed in a rapidly changing world. In 2004, the first phase of TechTown was completed, which brought Wayne State together with the Henry Ford Health System and General Motors to support entrepreneurship and technological advancement. In 2013, Wayne State named M. Roy Wilson as president of the university, and he has continued this rich legacy of community partnerships.

Throughout its 150-year history, Wayne State University has fostered an environment of innovation, inclusion, and community. The university is deeply rooted in the city of Detroit and has been an indispensable partner in the city's development and renewal. I am proud to be a law school alumnus and am certain that Wayne State will continue to succeed in its mission to cultivate the Warrior Strong leaders of tomorrow. I ask my colleagues to join me in recognizing this important milestone in the history of Wayne State University as it celebrates its sesquicentennial.●

##### 50TH ANNIVERSARY OF PELHAM BATESVILLE FIRE DEPARTMENT—FIRE DISTRICT

• Mr. SCOTT. Mr. President, today it is my pleasure to honor the Pelham Batesville Fire Department, as the fire district celebrates its 50th anniversary. Since 1968, the district and fire department have dutifully provided fire and rescue services to a large area of upstate South Carolina, including parts of Greenville County, Spartanburg County, and Greer.

Time and again, the PBFD has remained vigilant and steadfast in their commitment to providing the best emergency services to the community. True dedication and generosity are characteristics frequently used to describe this department; once, PBFD firefighters pitched in to just to pay for gas to drive the trucks to the next emergency. Today, the future of the department looks bright, as it grows at an unprecedented rate and now includes four stations. I look forward to hearing of their continued success.

Congratulations on 50 years, Pelham Batesville Fire Department and district, and thank you for your continued services to the upstate.●

#### TRIBUTE TO LARRY COTTER

● Mr. SULLIVAN. Mr. President, today, on the occasion of his retirement, I would like to honor Lawrence P. “Larry” Cotter, a very special Alaskan who, for years, has given his heart and soul to our fishing industry, one of Alaska’s most vital cultural and economic industries.

Larry began working in Alaska’s commercial fishing industry in 1974, when he was a seafood processing worker in Juneau. He then spent 8 years as a labor organizer and representative for seafood processing workers and longshoremen. Additionally, Larry served on the advisory panel to the North Pacific Fishery Management Council for 6 years and then as a voting member of the council for an additional 6 years. The time of Larry’s service on the council was during the transition years when foreign fishing was being phased out, our U.S. domestic fishing and processing capabilities were stepping up to replace the foreign fleets, and allocation issues among U.S. fisheries interests were first coming to the forefront.

These were difficult, challenging, and exciting times in Alaska’s fishing industry, and Larry was on the frontlines for all of it, helping to shape the most sustainable, best managed fisheries in the world.

Until recently, Larry has served as founding CEO of the Community Development Quota—CDQ—Group, known as the Aleutian Pribilof Island Community Development Association, or APICDA, which has provided jobs and scholarships for thousands of Aleutian and Pribilof Island residents, and has helped develop the workforce and build infrastructure throughout the region.

Larry is my friend and a great Alaskan. His leadership in the seafood industry has helped make Alaska the “superpower of seafood.”

Thank you, Larry, for your tremendous contributions to our sustainable fisheries. Enjoy your retirement, and best of luck in your continuing endeavors.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to

the Senate by Ms. Ridgway, one of his secretaries.

#### PRESIDENTIAL MESSAGE

#### REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER DECLARING A NATIONAL EMERGENCY RELATED TO THE SITUATION IN NICARAGUA—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order declaring a national emergency to deal with the threat posed by the situation in Nicaragua, including the violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime’s systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua’s economy.

The Executive Order blocks all property and interests in property within United States jurisdiction of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following:

(A) serious human rights abuse in Nicaragua;

(B) actions or policies that undermine democratic processes or institutions in Nicaragua;

(C) actions or policies that threaten the peace, security, or stability of Nicaragua;

(D) any transaction or series of transactions involving deceptive practices or corruption by, on behalf of, or otherwise related to the Government of Nicaragua or a current or former official of the Government of Nicaragua, such as the misappropriation of public assets or expropriation of private assets for personal gain or political purposes, corruption related to government contracts, or bribery;

(ii) to be a leader or official of an entity that has, or whose members have, engaged in any activity described in section (i) or of an entity whose property and interests in property are

blocked pursuant to the Executive Order;

(iii) to be an official of the Government of Nicaragua or to have served as an official of the Government of Nicaragua at any time on or after January 10, 2007;

(iv) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of:

(A) any activities described in section (i); or

(B) any person whose property and interests in property are blocked pursuant to the Executive Order; or

(v) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Executive Order.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the Executive Order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued.

DONALD J. TRUMP.

THE WHITE HOUSE, November 27, 2018.

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3554. An act to extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans.

H.R. 5784. An act to designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the “Vel R. Phillips Post Office Building”.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

##### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 27, 2018, she had presented to the President of the United States the following enrolled bill:

S. 3554. An act to extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans.

##### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 793. A bill to prohibit sale of shark fins, and for other purposes (Rept. No. 115-388).

S. 3143. A bill to provide for a coordinated Federal program to accelerate quantum research and development for the economic and national security of the United States (Rept. No. 115-389).

S. 3367. A bill to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes (Rept. No. 115-390).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3279. A bill to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas (Rept. No. 115-391).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

Air Force nomination of Lt. Gen. John N. T. Shanahan, to be Lieutenant General.

Air Force nomination of Maj. Gen. Kevin B. Schneider, to be Lieutenant General.

Army nominations beginning with Brig. Gen. Stephen J. Hager and ending with Col. Nelson G. Rosen, which nominations were received by the Senate and appeared in the Congressional Record on October 5, 2018.

Army nomination of Brig. Gen. Laura L. Yeager, to be Major General.

Navy nomination of Vice Adm. Michael M. Gilday, to be Vice Admiral.

Air Force nominations beginning with Brigadier General Jeffrey W. Burkett and ending with Brigadier General Russ A. Walz, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nominations beginning with Colonel James R. Camp and ending with Colonel James G. Silvasy, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nominations beginning with Colonel Darrin K. Anderson and ending with Colonel John W. Pogorek, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nomination of Col. Thomas A. Dukes, Jr., to be Brigadier General.

Air Force nomination of Col. Christopher L. Montanaro, to be Brigadier General.

Air Force nominations beginning with Brigadier General Vito E. Addabbo and ending with Brigadier General Boyd C. L. Parker IV, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nominations beginning with Colonel Elizabeth E. Arledge and ending with Colonel Roger P. Suro, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nomination of Maj. Gen. Sami D. Said, to be Lieutenant General.

Air Force nomination of Maj. Gen. David W. Allvin, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Brent W. Scott, to be Rear Admiral.

Air Force nominations beginning with Col. John J. Bartrum and ending with Col. Anita

L. Fligge, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Lisa M. Bader and ending with Ilaina M. Wingler, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2018.

Air Force nomination of Sung-Yul Lee, to be Major.

Air Force nominations beginning with Francisca A. Alaka Lampton and ending with Michael D. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nominations beginning with Christopher Gene Adams and ending with Benjamin Paul Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Air Force nominations beginning with Steven D. Sikora and ending with Anita Sargent, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2018.

Army nomination of Harold E. Turks, to be Colonel.

Army nominations beginning with Benjamin M. Lipari and ending with Gregory S. Soule, which nominations were received by the Senate and appeared in the Congressional Record on October 5, 2018.

Army nomination of Jennifer L. Wright, to be Major.

Army nomination of Christiaan D. Taylor, to be Major.

Army nomination of Shayne R. Estes, to be Major.

Army nomination of Michael W. Keebaugh, to be Major.

Army nomination of Heins V. Recheungel, to be Lieutenant Colonel.

Army nomination of John R. Schwab, to be Colonel.

Army nomination of Amanda L. Silvers, to be Major.

Army nomination of Ricky L. Warren, Jr., to be Major.

Army nomination of Eric R. Swenson, to be Colonel.

Army nominations beginning with Anthony C. Adolph and ending with Kay K. Wakatake, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

Army nominations beginning with Scott S. Brennehan and ending with Kevin V. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2018.

Army nomination of Richard S. Taylor, to be Colonel.

Army nomination of Daniel S. Marshall, to be Major.

Army nomination of Kindra C. New, to be Major.

Army nominations beginning with Sandra L. Ahinga and ending with D014887, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2018.

Army nomination of Rhonda C. Pugh, to be Colonel.

Marine Corps nomination of James D. Foley, to be Major.

Navy nominations beginning with Joshua C. Andres and ending with Travis R. Vosler, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2018.

By Ms. MURKOWSKI for the Committee on Energy and Natural Resources.

\*Raymond David Vela, of Texas, to be Director of the National Park Service.

\*Rita Baranwal, of Pennsylvania, to be an Assistant Secretary of Energy (Nuclear Energy).

\*Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

\*Gail S. Ennis, of Maryland, to be Inspector General, Social Security Administration.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WICKER:

S. 7. A bill to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. CASSIDY (for himself and Ms. MURKOWSKI):

S. 8. A bill to amend the Department of Energy Organization Act to address insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself and Mr. YOUNG):

S. 9. A bill to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Mr. WICKER):

S. 10. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain Federally-subsidized loan repayments for dental school faculty; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. HEINRICH, Mr. REED, and Ms. HARRIS):

S. 3658. A bill to require the Director of National Intelligence to submit to Congress a report on the death of Jamal Khashoggi, and for other purposes; to the Select Committee on Intelligence.

By Mr. TILLIS:

S. 3659. A bill to authorize the Secretary of the Interior to annually designate at least one city in the United States as an "American World War II Heritage City", and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself, Ms. DUCKWORTH, Mr. CARDIN, Ms. HARRIS, Mr. BOOKER, Mr. MERKLEY, Mr. KAINE, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mr. BROWN):

S. 3660. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. REED, Mr. ROUNDS, Ms. DUCKWORTH, Mr. HELLER, and Mr. PETERS):

S. 3661. A bill to provide for a program of the Department of Defense to commemorate the 75th anniversary of World War II; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL (for himself, Mr. HOEVEN, Ms. MURKOWSKI, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. HARRIS, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHUMER, Ms. SMITH, Mr. TESTER, Ms. WARREN, Mr. WYDEN, and Mr. SANDERS):

S. Res. 707. A resolution commemorating the 40th Anniversary of the Indian Child Welfare Act of 1978; to the Committee on Indian Affairs.

By Mr. MERKLEY (for himself, Mr. MARKEY, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. UDALL, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BOOKER, Ms. HIRONO, Ms. SMITH, Ms. KLOBUCHAR, Mr. WYDEN, Ms. BALDWIN, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Mrs. SHAHEEN, Mr. REED, Mrs. GILLIBRAND, Ms. CANTWELL, Ms. HARRIS, Ms. DUCKWORTH, Ms. HASSAN, and Mr. BENNET):

S. Res. 708. A resolution expressing the need for bold climate action in response to the release of the United Nations report entitled "Global Warming of 1.5 C, an IPCC special report on the impacts of global warming of 1.5 C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty" and the Fourth National Climate Assessment report entitled "Volume II: Impacts, Risks, and Adaptation in the United States" by the United States Global Change Research Program; to the Committee on Environment and Public Works.

By Mr. JOHNSON (for himself, Mr. MURPHY, Mr. BARRASSO, Mrs. SHAHEEN, Mr. PORTMAN, Mr. RUBIO, Mr. MARKEY, Mr. COTTON, and Mr. MORAN):

S. Res. 709. A resolution condemning Russia's provocative actions in the Kerch Strait against the Ukrainian navy; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 281

At the request of Mr. LEE, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 281, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical

limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 352

At the request of Mr. CORKER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II.

S. 379

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 783

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 783, a bill to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

S. 802

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 802, a bill to award a Congressional Gold Medal in honor of Lawrence Eugene "Larry" Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 1503

At the request of Ms. WARREN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1742

At the request of Ms. STABENOW, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1742, a bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare.

S. 1933

At the request of Mr. DURBIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1933, a bill to focus limited Federal resources on the most serious offenders.

S. 2038

At the request of Mr. MORAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presump-

tion of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2227

At the request of Mr. PORTMAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2227, a bill to reauthorize the Money Follows the Person Demonstration Program.

S. 2358

At the request of Mr. RUBIO, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 2358, a bill to require a study on women and lung cancer, and for other purposes.

S. 2637

At the request of Ms. STABENOW, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 2637, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 3137

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3137, a bill to provide for reforming agencies of the Federal Government to improve efficiency and effectiveness.

S. 3166

At the request of Mrs. ERNST, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3166, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

S. 3238

At the request of Mr. SCHATZ, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3238, a bill to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

S. 3401

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3401, a bill to provide minimum standards for transactions secured by a dwelling, and for other purposes.

S. 3482

At the request of Mr. CASEY, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 3482, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program.

S. 3530

At the request of Mr. REED, the names of the Senator from Minnesota

(Ms. SMITH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3530, a bill to reauthorize the Museum and Library Services Act.

S. 3600

At the request of Mr. DONNELLY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 3600, a bill to amend the Internal Revenue Code of 1986 to provide that floor plan financing includes the financing of certain trailers and campers.

S. 3645

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3645, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 3649

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Hawaii (Ms. HIRONO), the Senator from Maine (Mr. KING) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 3649, a bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

S. 3655

At the request of Mr. THUNE, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 3655, a bill to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

S. 3657

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3657, a bill to reauthorize the Traumatic Brain Injury program.

S. RES. 703

At the request of Mr. YOUNG, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 703, a resolution expressing support for the goals of Stomach Cancer Awareness Month.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. HEINRICH, Mr. REED, and Ms. HARRIS):

S. 3658. A bill to require the Director of National Intelligence to submit to Congress a report on the death of Jamal Khashoggi, and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today I am introducing legislation to require the Director of National Intelligence to provide the Congress and the public an assessment of who carried out, participated in, ordered, or was otherwise complicit in, or responsible for, the murder of Jamal Khashoggi.

This question is of enormous importance to the Congress and the American people. Jamal Khashoggi was a

journalist. He wrote for the Washington Post, and he resided in the United States. He visited the Saudi Consulate in Istanbul, Turkey, only because he was seeking documents to get married. But he never came out. The Saudis killed him, and they covered it up.

Naturally, the American people want to know what happened and who ordered this assassination. In an interview on November 18, Donald Trump was asked whether the Crown Prince of Saudi Arabia, Muhammad bin Salman, lied to him when he denied knowing about Khashoggi's murder. But Trump's response was simply "Will anybody really know?"

Those kinds of judgments are what we have an Intelligence Community for. So I called for CIA Director Gina Haspel and Director of National Intelligence Dan Coats to come forward and provide a public assessment of who was responsible for the killing of Jamal Khashoggi. Unfortunately, that did not happen, and Donald Trump only doubled down. Last Tuesday, he put out a sickening statement in which he made it clear that he did not care who may have ordered the murder. In a display of cowardice and weakness, Donald Trump let it be known that his blind devotion to the Saudis will lead him to abandon American values, as well as our moral standing in the world.

The reasons behind Donald Trump's embrace of the Saudi dictators at the expense of American interests, like his affection for President Putin, are not fully known. In both cases, there are financial entanglements that demand aggressive and thorough investigation.

And, in both cases, Donald Trump has attempted to muddy the waters by casting doubts on U.S. intelligence. That is why, in his statement last Tuesday, he continued to insist that the murder of Jamal Khashoggi was an unsolvable mystery. This is what he said: "Our intelligence agencies continue to assess all information, but it could very well be that the Crown Prince had knowledge of this tragic event—maybe he did and maybe he didn't!"

Donald Trump no doubt hopes that will be the last word. But Congress can make sure that it isn't. My legislation requires the Intelligence Community to provide an unclassified, public assessment about the killing of Jamal Khashoggi. That assessment, not the predictable obfuscations of Donald Trump, will then provide the basis on which the Congress and the American people can move forward after this atrocity.

This intelligence assessment is critical to the debate currently going on in the Congress about U.S. policy toward Saudi Arabia. The Kingdom's human rights abuses go well beyond the murder of Jamal Khashoggi. A report last week about the torture of women's rights activists is just the latest of many years of accounts of abuses carried out by this autocratic and brutal

regime. Many Members of Congress, including myself, are also deeply concerned about Saudi Arabia's role in the war in Yemen, which has created almost unimaginable suffering.

The importance of a public Intelligence Community assessment about the Khashoggi murder extends beyond Saudi Arabia. If the world's dictators know that they can kill journalists and American residents, and Donald Trump will stand in the way of a public accounting, the door may be open to future murders. Congress must not allow this to happen. Congress must draw the line. That start with letting the Intelligence Community speak for itself and allowing the Nation, and the world, to know what the Intelligence Community assesses actually happened.

Finally, Mr. President, let me address the argument that the assessments of the Intelligence Community must remain secret. In many cases, I agree. But, as I've just explained, the questions about this brutal murder are far too important for Congress and the American people to accept the cloud of Donald Trump's willful ignorance. In addition, it is simply unacceptable for Donald Trump to purport to speak about intelligence matters and for the leaders of the Intelligence Community to just hide under their desks. The American taxpayer pays the Intelligence Community over \$80 billion a year to uncover the truth and arrive at objective assessments. If all the American people get is Donald Trump telling them that everything is unknowable, then what is the point? This problem has come up in other contexts, especially with regard to election interference. Unfortunately, it is not going away. So it is the job of Congress to insist that the Intelligence Community tell us what they really think. And, if they won't, then Congress must require it.

By Mr. INHOFE (for himself, Mr. REED, Mr. ROUNDS, Ms. DUCKWORTH, Mr. HELLER, and Mr. PETERS):

S. 3661. A bill to provide for a program of the Department of Defense to commemorate the 75th anniversary of World War II; considered and passed.

S. 3661

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "75th Anniversary of World War II Commemoration Act".

#### SEC. 2. PROGRAM TO COMMEMORATE 75TH ANNIVERSARY OF WORLD WAR II.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense shall conduct a program to commemorate the 75th anniversary of World War II. In conducting the commemorative program, the Secretary shall support and facilitate other programs and activities of the Federal Government, State and local governments, and not-for-profit organizations in commemoration of the 75th anniversary of World War II. The Secretary shall conduct the commemorative



program in accordance with applicable Department of Defense policy and using resources available to the Secretary, including amounts in the Fund under subsection (d).

(b) **COMMEMORATIVE ACTIVITIES AND OBJECTIVES.**—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of World War II, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To educate the public about the history of World War II and highlight the service of the Armed Forces during World War II and the contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during World War II.

(4) To recognize the contributions and sacrifices made by the allies of the United States during World War II.

(5) To remember the Holocaust, the annihilation of 6,000,000 Jews by the Nazi regime, and to pay tribute to the Allied troops who liberated Nazi concentration camps during World War II.

(c) **NAMES AND SYMBOLS.**—The Secretary of Defense shall have the sole and exclusive right to use the name “The United States of America 75th Anniversary of World War II Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(d) **COMMEMORATIVE FUND.**—

(1) **ESTABLISHMENT AND ADMINISTRATION.**—Upon the Secretary establishing the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “Department of Defense World War II Commemoration Fund” (in this section referred to as the “Fund”). The Fund shall be administered by the Secretary of Defense.

(2) **USE OF FUND.**—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and providing grants to State and local governments and not-for-profit organizations for commemorative activities, and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) **DEPOSITS.**—The following shall be deposited into the Fund:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the Secretary's use of the exclusive rights described in subsection (c).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2019 and subsequent years for the Department of Defense.

(4) **AVAILABILITY.**—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(5) **BUDGET REQUEST.**—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(e) **ACCEPTANCE OF VOLUNTARY SERVICES.**—

(1) **AUTHORITY TO ACCEPT SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) **REIMBURSEMENT OF INCIDENTAL EXPENSES.**—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(f) **CONSULTATION WITH DIRECTOR OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM.**—In designing the commemorative program conducted under this section, the Secretary of Defense shall consult with the Director of the United States Holocaust Memorial Museum.

(g) **FINAL REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 60 days after the end of the commemorative program established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) **TREATMENT OF UNOBLIGATED FUNDS.**—Unobligated amounts remaining in the Fund as of the end of the commemorative period shall be held in the Fund until transferred by law.

(h) **LIMITATION ON EXPENDITURES.**—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed \$5,000,000 for fiscal year 2019 or for any subsequent fiscal year to carry out the commemorative program.

(i) **SUNSET.**—

(1) **COMMEMORATIVE PROGRAM.**—The commemorative program shall terminate on December 31, 2021.

(2) **FUND.**—The Fund shall terminate 60 days after the termination of the commemorative program.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 707—COMMEMORATING THE 40TH ANNIVERSARY OF THE INDIAN CHILD WELFARE ACT OF 1978

Mr. UDALL (for himself, Mr. HOEVEN, Ms. MURKOWSKI, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. HARRIS, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. Kaine, Mr. KING, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHUMER, Ms. SMITH, Mr. TESTER, Ms. WARREN, Mr. WYDEN,

and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 707

Whereas the United States and Indian Tribes have a unique government-to-government relationship set out in the Constitution, treaties, and statutes and affirmed through centuries of court precedent;

Whereas it is the duty of the Federal Government—

(1) to uphold that unique relationship; and  
(2) to protect American Indian or Alaska Native (AIAN) children, to whom the United States owes a trust responsibility;

Whereas research shows that family, culture, and community provide all children, including American Indian and Alaska Native youth, with the tools needed to grow into healthy, resilient adults;

Whereas research conducted in the 1970s showed that—

(1) 1 out of every 3 AIAN children was removed from their families and placed in foster care or adoptive homes;

(2) 85 percent of these foster care placements and 90 percent of these adoptions resulted in AIAN children being placed in non-Indian homes; and

(3) most of these removals were not related to the threat of abuse or neglect, but rather to—

(A) a lack of understanding of tribal child-rearing and cultural practices; and

(B) the bias of those involved in making key decisions in the child welfare process;

Whereas, to address this unwarranted, disproportionate removal of AIAN children from their homes, Congress wrote the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) to carefully balance—

(1) the unique Federal responsibility for the welfare of AIANs, including AIAN children;

(2) the historical role of the States in formulating and executing child welfare policy; and

(3) the inherent and continuing sovereign authority of Indian Tribes to be involved in important child welfare decisions;

Whereas Congress unanimously passed the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) on October 14, 1978, and President Carter signed the Act into law on November 8, 1978;

Whereas the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.)—

(1) adheres to the principles of tribal sovereignty;

(2) promotes the best interests of AIAN children; and

(3) ensures child welfare systems follow best practices and treat AIAN children fairly;

Whereas a coalition of leading national child welfare organizations has declared the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) to be the “gold standard” in child welfare system practices;

Whereas, over the 40 years since its enactment, the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) has served as a model for multiple States that have enacted similar or identical provisions in their own statutes, regulations, and procedures;

Whereas, Indian Tribes are united in their support for the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) and have worked collaboratively with States and local governments to support compliance with the Act; and

Whereas, despite progress made by the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), the need for its protections remains: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 40th anniversary of the enactment of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.);

(2) reaffirms that the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.)—

(A) protects the best interests of Indian children;

(B) promotes the stability and security of Indian Tribes and families; and

(C) respects the sovereign authority of both the States and Indian Tribes; and

(3) calls on the Federal Government to continue working with Indian Tribes and States to fully uphold and implement the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

**SENATE RESOLUTION 708—EXPRESSING THE NEED FOR BOLD CLIMATE ACTION IN RESPONSE TO THE RELEASE OF THE UNITED NATIONS REPORT ENTITLED “GLOBAL WARMING OF 1.5 °C, AN IPCC SPECIAL REPORT ON THE IMPACTS OF GLOBAL WARMING OF 1.5 °C ABOVE PRE-INDUSTRIAL LEVELS AND RELATED GLOBAL GREENHOUSE GAS EMISSION PATHWAYS, IN THE CONTEXT OF STRENGTHENING THE GLOBAL RESPONSE TO THE THREAT OF CLIMATE CHANGE, SUSTAINABLE DEVELOPMENT, AND EFFORTS TO ERADICATE POVERTY” AND THE FOURTH NATIONAL CLIMATE ASSESSMENT REPORT ENTITLED “VOLUME II: IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES” BY THE UNITED STATES GLOBAL CHANGE RESEARCH PROGRAM**

Mr. MERKLEY (for himself, Mr. MARKEY, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. UDALL, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BOOKER, Ms. HIRONO, Ms. SMITH, Ms. KLOBUCHAR, Mr. WYDEN, Ms. BALDWIN, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Mrs. SHAHEEN, Mr. REED, Mrs. GILLIBRAND, Ms. CANTWELL, Ms. HARRIS, Ms. DUCKWORTH, Ms. HASSAN, and Mr. BENNET) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 708

Whereas, on October 8, 2018, the Intergovernmental Panel on Climate Change released a report entitled “Global Warming of 1.5 °C, an IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty” (referred to in this preamble as the “IPCC report”) in response to an invitation from the United Nations Framework Convention on Climate Change;

Whereas the IPCC report was written by 91 authors and review editors from 40 countries, including the United States, and was reviewed by thousands of expert and government reviewers from around the world;

Whereas, on November 23, 2018, the United States Global Change Research Program delivered its congressionally mandated Fourth Annual Climate Assessment report entitled “Volume II: Impacts, Risks, and Adaptation

in the United States” (referred to in this preamble as the “NCA report”);

Whereas the NCA report represents the findings of over 300 Federal and non-Federal experts and was reviewed by the 13 Federal agencies that comprise the United States Global Change Research Program;

Whereas the IPCC report found that—

(1) increases in global temperature above pre-industrial levels are overwhelmingly the result of anthropogenic sources of atmospheric carbon and other greenhouse gases;

(2) the last 50-year period in the Northern Hemisphere had the warmest average temperature of any 50-year period in the last 500 years;

(3) Earth is already experiencing the consequences of 1 degree Celsius warming above pre-industrial levels in the form of extreme weather, rising sea levels, longer and more severe droughts, diminishing Arctic sea ice, and diminished glacial and snow cover, among other impacts;

(4) as the global temperature continues to rise, the impacts of a warming atmosphere increase in severity;

(5) the difference between warming of 1.5 degrees Celsius and 2 degrees Celsius is substantial, and limiting warming to 1.5 degrees Celsius is affordable, feasible, and necessary to protect people from the worst impacts of climate change, including extreme heat, drought, floods, and increased poverty and instability;

(6) compared to warming of 1.5 degrees Celsius, warming at or above 2 degrees Celsius could—

(A) result in a global sea level rise of an additional 10 centimeters and substantially more summers without Arctic sea ice;

(B) worsen impacts to terrestrial, freshwater, coastal, and marine ecosystems; and

(C) increase the risk of species loss and extinctions;

(7) warming at or above 2 degrees Celsius could also lead to—

(A) a loss of greater than 99 percent of all coral reefs on Earth; and

(B) mass migration from regions most affected by atmospheric changes;

(8) at a rise in temperature of 1.5 degrees Celsius, the global population exposed to water stress could be 50 percent lower than if the global temperature rises by 2 degrees Celsius;

(9) the number of people exposed to extreme heat waves would rise substantially with an increase in global temperature of 2 degrees Celsius rather than 1.5 degrees Celsius;

(10) at current rates of greenhouse gas emissions, Earth will warm by 1.5 degrees Celsius above pre-industrial levels by 2040; and

(11) to avoid the effects of a rise in global temperature of 1.5 degrees Celsius by 2040, net global greenhouse gas emissions must be reduced by 45 percent below 2010 levels by 2030 and 100 percent below 2010 levels by 2050;

Whereas the NCA report found that, in the United States—

(1) rising sea levels caused by a changing climate already threaten infrastructure and ecosystems; and

(2) warming at or above 2 degrees Celsius will cause—

(A) over \$500,000,000,000 annually in lost economic output from crop failure, lost labor, and damages related to extreme weather;

(B) crop yields of corn and soybeans to fall an average of 15 percent;

(C) wildfires to burn at least twice as much forest area annually;

(D) an additional 2,000 premature deaths annually from higher temperatures in the Midwest; and

(E) sea levels to continue to rise, threatening public infrastructure and coastal real estate valued at \$1,000,000,000,000;

Whereas the United States is—

(1) a global leader;

(2) a member of the global community and is affected by climate impacts such as those outlined in the IPCC report; and

(3) already suffering from the impacts of climate change;

Whereas it is possible and economically beneficial to transition to a low-carbon emission economy that would not contribute to global climate change and would result in sustainable economic growth; and

Whereas the Government of the United States has failed to enact policies to effectively transition to a low-carbon emission economy or to reduce greenhouse gas emissions in line with scientific recommendations to reduce global temperature changes: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and accepts the findings of the Intergovernmental Panel on Climate Change in the report of October 8, 2018, entitled “Global Warming of 1.5 °C, an IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty”;

(2) recognizes and accepts the findings of the Fourth National Climate Assessment report entitled “Volume II: Impacts, Risks, and Adaptation in the United States” by the United States Global Change Research Program; and

(3) expresses that it is the sense of the Senate that—

(A) reducing greenhouse gas emissions in line with the recommendations of the Intergovernmental Panel on Climate Change and the United States Global Change Research Program would help avoid the most devastating climate change impacts and would be good for all people of the United States; and

(B) immediate action by Congress and the executive branch is needed to help reduce global greenhouse gas emissions by 45 percent below 2010 levels by 2030 and 100 percent below 2010 levels by 2050.

Mr. MERKLEY. Mr. President, the most important words of our Constitution are the first three: “We the People.” These words were written in supersized font so that anyone standing across the room would know exactly what the vision of our Constitution is all about: government of, by, and for the people, as Abraham Lincoln put it—not a nation by and for the privileged, not a nation by and for the powerful, but for the people.

Unfortunately, we see too much today of our government being taken over by the powerful. We see the use of gerrymandering, which has totally corrupted the distribution of power in the House of Representatives just down that hallway. We see the use of voter suppression in State after State. My colleague from Illinois just pointed out that a man nominated to be a judge here in the United States of America was a key advocate, a key participant, a key architect of voter suppression. That should deeply trouble every Member of this body because if you believe in the vision of our Constitution, you

would be a full-on advocate for voter empowerment, not voter suppression.

We see this played out in all kinds of different policies. We saw it played out in 2017 when the powerful drove through this body a \$1.5 trillion theft of Federal resources and distributed it to the richest Americans. That is what happens in corrupt countries far overseas. But it happened right here, right in this Chamber—a theft of \$1.5 trillion out of our Treasury, distributed through that tax bill to the richest Americans. I can tell my colleagues after having done 360 townhalls in my home state, 220 of them in very red counties, no one has ever come up to me—not from the left or the right or the center—and said: I have a great idea. Let's raid the Federal Treasury and distribute it to the richest people among us. Yet that is what we see with government by and for the powerful, as demonstrated right now, here in this U.S. Senate and the House of Representatives down the hall.

I will tell you where else we see it. We see it in the neglect of our responsibility to care for our beautiful blue-green planet. All across the land, we are seeing the devastating consequences of carbon pollution and the heat that it is trapping and the consequences that is driving. Yet here in this Chamber, on this most important responsibility, we do absolutely nothing. In fact, we make it worse, with the majority serving simply as the implementers of whatever version of fossil fuel special favor, special interest, powerful interest policy they can possibly think up—more and more for fossil fuels, more and more damage to our country.

This, certainly, is a situation we are in where we are seeing our land pilaged and polluted. That is a battle we have been waging for many years, but this last week we had a powerful reminder of just how much trouble we are in. Just last week—last Friday—the Trump administration released the “Fourth National Climate Assessment,” and what it has to say is frightening. It is shocking. Realize that this is not some environmental group; this is not some leftwing think tank; this is the Trump administration releasing this report.

This is what it has to say. It says that our climate is changing, that its impacts are being felt all around us because of human activity and the carbon pollution being released into the atmosphere from the burning of fossil fuels. This report was written by 13 Federal agencies, and it reiterates this point time and again, and it has the following sentence: “Earth's climate is now changing faster than at any point in the history of modern civilization, primarily as a result of human activities.”

This is the statement from the Trump administration's 13 agencies that came together to alert us to exactly where we stand.

What does this mean in real terms? Well, it means we are going to see

many more extremely hot days and far fewer cold days. We are going to see more extreme weather events, like the recordbreaking heat waves, like the extensive wildfires out West, like the intensified and deadly hurricanes that have been crashing on our shores.

We are also going to see the impact in our economy. The report estimates that within our children's lifetime, climate chaos will cost our Nation upward of one-half trillion dollars each year in crop damage, in lost labor, and in extreme weather damage to public infrastructure and that we will lose another \$1 trillion each year in lost wealth and real estate along our coasts because of rising sea levels and because of more powerful hurricanes—hurricanes that remind us of Michael, Harvey, Irma, and Maria over the last 2 years.

We will also see an impact on winter tourism because of lower snowpack in the mountains, which means less skiing, snowboarding, and snowmobiling.

Back home in Oregon, when the snow level drops, we see a dramatic drop in snow tourism. We don't just think of it as tourism; we also think of it as our joy of being able to participate in these activities in our beautiful Cascade Mountains. Of course, that smaller snowpack means warmer, smaller streams—not too good for fishing—and it certainly means less water for irrigation.

The report—again, the Trump administration report—estimates that in parts of the Midwest, farmers will be able to produce less than 75 percent of the corn they produce today, with a similar impact on soybean yield, and corn and soybeans make up the vast majority of the 127 million acres of the Midwest's agricultural production. That area, in fact, is one of the most intense areas of agricultural production in the world, responsible for \$76 billion per year in economic activity. So when it takes a big hit, the economy of the Midwest takes a big hit. That means a lot of farmers losing their farms.

Then we have the health impacts that are laid out in this report—again, the Trump administration report. It lays out that there will be an estimated 2,000 additional premature deaths per year from extreme temperatures and unsafe breathing conditions. Within our child's lifetime, the report says, Chicago could resemble Phoenix, with up to 2 months of over-100-degree days, and scorching temperatures could make Phoenix practically uninhabitable for up to 5 months of the year.

Human health will also be affected with an expansion of mosquito-borne and tick-borne illnesses and water-borne disease, as well as ailments related to air contamination from wildfire smoke. This isn't just some future challenge; it is a challenge we have today. In both of the last two summers, a good portion of my State was covered by smoke from wildfires, and the result was that a lot of people had breathing

difficulties and more intensified breathing difficulties, and a good number ended up in the hospital. A lot of asthma was triggered by that smoke. A lot of people cancelled their outdoor activities during the time of year when we most value the opportunity to be on the beach, in the mountains, on the hiking trails, and at the lakes.

Certainly, we saw economic consequences. Many of our outdoor concerts and venues, including festivals, had to cancel performances. I talked to the owner of a furniture store who said that even he was impacted because of the taint from the smoke smell. Certainly, our wine producers were concerned about what that might do to the taste of Oregon's fantastic pinot noir—the world's best, the best on the planet—pinot noir wine.

So who will bear the brunt of these health emergencies? Is it the powerful and privileged, who are driving the policies to keep burning as much fossil fuels as they possibly can to turn their multimillionaires into multibillionaires? No. The powerful and privileged, living in their gated communities, with their air-filtered and air-conditioned mansions, will protect themselves. They will move to where the impacts are the least. Who will bear the brunt? The young and the old, whose immune systems are more susceptible to health problems; low-income and middle-income Americans, who can't afford to move to where there are fewer consequences, whose jobs are most likely to be impacted by the economic consequences of climate chaos.

I know President Trump wanted to ignore his own report and put it out on Black Friday because he figured that the day after Thanksgiving is the day when the fewest Americans would pay attention. That is why I am on the floor right now to draw attention to this report, the Trump report, on the devastating consequences of continuing to burn fossil fuels.

Everything we saw laid out in this “National Climate Assessment” from the Trump administration was echoed by the international report from the Intergovernmental Panel on Climate Change that was released last month. That report summarized that within the next 12 years—we are not talking 12 centuries or 12 decades but 12 years—we are going to start feeling intensified effects of climate chaos on top of what we have already experienced. The Intergovernmental Panel on Climate Change report was put together by 91 researchers in 41 countries. They summarized that we have already passed the 1-degree centigrade warming mark, which is almost 2 degrees Fahrenheit. They said we are well on our way to the 2-degree mark, which means catastrophic climate chaos.

If you were in the middle of the fires in Oregon, if you were in the middle of the fire in Paradise, CA, if you were in the path of Hurricanes Irma, Maria, or Michael, you might already say we have catastrophic climate chaos, but

they are using the term to describe a significant amplification from what we are seeing right now. They are ringing a five-alarm fire bell to say: This is the moment to wake up.

Wake up, America. You are a democratic republic. You are supposed to be able to respond to the challenges that come before us. And we have a massive challenge: devastating consequences of carbon pollution. You must stop burning carbon. Find a path to change how we operate in transportation, how we operate in generating electricity. Address this issue. Hold every hearing, summon every scientist, ring every bell, and get to work. That is what these two reports are saying to us.

So, colleagues, if you are sitting here asleep at the switch, you are not doing your job. If you are sitting here advocating for the fossil fuel industry, you are worse than not doing your job—you are helping to damage the land across this great Nation for all Americans. So wake up and get to work.

This isn't a Democratic issue or a Republican issue, a blue county or red county. In fact, the biggest impacts are felt in our red counties, where the foundation of the economy is farming, fishing, and forestry, and every one of those is being impacted by this effect. So we, as representatives in our democratic Republic, with our "We the People" Constitution—it is our job to operate for the people, not for the powerful, not for the privileged.

I will be introducing a resolution that recognizes and accepts the findings of these reports, acknowledges the expertise from 91 scientists in 41 countries and 300 scientists in 13 Federal agencies, the combined efforts of these two reports that say that we are in trouble and we must act, and we must act in partnership with the world.

We need to act here. We need to say to Trudeau of Canada: You want to be a climate leader. You claim you are a climate leader. Why are you tripling the size of the pipeline that serves the tar sands?

We need to say to the leadership of Australia: Your outback is on fire during your winter. Your coral reefs are dying. The Great Barrier Reef has died in the last 10 years. Why are you doubling down on coal?

We need to say to Japan: Don't base your energy future on liquefied natural gas, which is simply another fossil fuel strategy.

We need to say to Germany: Why do you want this gas pipeline from Russia as a foundation for your energy future?

Let's all be in this together because if any nation acts by itself, we can't change the course—the big course, the big picture—of the damage carbon pollution is doing. We have to work together. That means we now pivot and say: Let's recognize that renewable energy is now the cheapest energy. It is less expensive to generate a kilowatt hour of electricity from renewable energy, from solar wind, than it is from fossil fuels. Let's not just realize that

carbon is doing all this damage; let's also recognize that the strongest economy will be built on the cheapest energy, which is renewable energy. So we have every reason to act.

Let's remember that we were founded as a "we the people" vision, and let's honor that vision.

#### SENATE RESOLUTION 709—CONDEMNING RUSSIA'S PROVOCATIVE ACTIONS IN THE KERCH STRAIT AGAINST THE UKRAINIAN NAVY

Mr. JOHNSON (for himself, Mr. MURPHY, Mr. BARRASSO, Mrs. SHAHEEN, Mr. PORTMAN, Mr. RUBIO, Mr. MARKEY, Mr. COTTON, and Mr. MORAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 709

Whereas, on November 24, 2018, Ukraine commemorated the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, in which millions of Ukrainians perished under Soviet policies designed to break Ukrainian resistance to Soviet communist rule and forced collectivization;

Whereas, on November 25, 2018, Russian Federation military forces fired on three Ukrainian Navy vessels attempting to transit the Kerch Strait between the Black Sea and the Sea of Azov;

Whereas the three Ukrainian ships were seized by Russian Federation forces, and Ukrainian government officials stated that at least six of the 24 captured Ukrainian sailors were wounded in the incident;

Whereas the Russian Federation's seizure of the Ukrainian vessels is a blatant violation of its commitments under international law and a 2003 Agreement between the Russian Federation and Ukraine on cooperation in the use of the sea of Azov and the strait of Kerch;

Whereas, on May 15, 2018, the Government of the Russian Federation completed construction of a road and rail bridge over the Kerch Strait, connecting Russia with Crimea in Ukraine, and has systematically harassed Ukrainian and international shipping transiting between the Black Sea and the Sea of Azov;

Whereas, in March 2014, Russian Federation forces invaded and occupied Ukraine's Crimean peninsula, in full contravention of the Russian Federation's commitments under the United Nations Charter and the Helsinki Final Act condemning the threat or use of force as means of altering international borders;

Whereas the Government of the Russian Federation has increased considerably its military presence in occupied Crimea since 2014, including increasing military personnel to an estimated 28,000–29,000, adding six new submarines and three frigates to the Black Sea Fleet, and deploying S-400 long-range air defense battalions;

Whereas the Government of the Russian Federation continues its efforts to destabilize eastern Ukraine, bears responsibility for the ongoing conflict that has cost the lives of over 10,000 Ukrainians, and recently orchestrated illegitimate leadership elections in the Luhansk and Donetsk regions;

Whereas section 1234 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1659) authorizes the Secretary of Defense, in coordination with the Secretary of State, to provide appropriate security assistance to the Ukrainian Armed Forces; and

Whereas, on July 25, 2018, Secretary of State Michael Pompeo issued the Crimea Declaration, cementing United States non-recognition of Russian sovereignty over Crimea and calling upon Russia to uphold its commitments under international law regarding the territorial integrity of other states: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly condemns the provocative actions of the Government of the Russian Federation in the Kerch Strait against the Ukrainian navy;

(2) calls upon the Government of Russia to immediately release all Ukrainian crew members and vessels and to cease its harassment of Ukrainian and international shipping transiting the Kerch Strait;

(3) stresses that the behavior of the Government of the Russian Federation is destabilizing for the entire region and invites further escalations;

(4) urges members of the international community to unite in opposition to the actions of the Government of the Russian Federation in the Kerch Strait, as they infringe upon fundamental principles of international law affecting all nations;

(5) welcomes and affirms Secretary of State Pompeo's Crimea Declaration announcing United States policy to never recognize Russia's attempted annexation of Crimea;

(6) reaffirms the unwavering support of the people and the Government of the United States for the people of Ukraine and Ukraine's territorial integrity; and

(7) calls upon the President and the entire Administration to implement an all-of-government approach to forcefully express opposition to the Russian Federation's November 25, 2018, attack on Ukrainian forces at every opportunity.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4063. Mr. MCCONNELL (for Mr. ISAKSON) proposed an amendment to the bill H.R. 3946, to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic.

SA 4064. Mr. MCCONNELL (for Mr. ISAKSON) proposed an amendment to the bill H.R. 3946, *supra*.

SA 4065. Mr. MCCONNELL (for Ms. BALDWIN) proposed an amendment to the resolution S. Res. 424, honoring the 25th anniversary of the National Guard Youth Challenge Program.

SA 4066. Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the bill H.R. 1918, to oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes.

#### TEXT OF AMENDMENTS

SA 4063. Mr. MCCONNELL (for Mr. ISAKSON) proposed an amendment to the bill H.R. 3946, to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, STATESBORO, GEORGIA.**

The Department of Veterans Affairs community-based outpatient clinic in

Statesboro, Georgia, shall after the date of the enactment of this Act be known and designated as the "Ray Hendrix Department of Veterans Affairs Clinic" or the "Ray Hendrix VA Clinic". Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ray Hendrix Department of Veterans Affairs Clinic.

**SA 4064.** Mr. MCCONNELL (for Mr. ISAKSON) proposed an amendment to the bill H.R. 3946, to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic; as follows:

Amend the title so as to read: "An Act to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic."

**SA 4065.** Mr. MCCONNELL (for Ms. BALDWIN) proposed an amendment to the resolution S. Res. 424, honoring the 25th anniversary of the National Guard Youth Challenge Program; as follows:

In the seventh whereas clause of the preamble, strike "10,000" and insert "11,000".

In the eighth whereas clause of the preamble, strike "40" and insert "39".

In the ninth whereas clause of the preamble, strike "160,000" and insert "165,000".

In the tenth whereas clause of the preamble, strike "110,000" and insert "116,000".

**SA 4066.** Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the bill H.R. 1918, to oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Nicaragua Human Rights and Anticorruption Act of 2018".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress on advancing a negotiated solution to Nicaragua's crisis.
- Sec. 3. Statement of policy.
- Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
- Sec. 5. Imposition of targeted sanctions with respect to Nicaragua.
- Sec. 6. Annual certification and waiver.
- Sec. 7. Report on human rights violations and corruption in Nicaragua.
- Sec. 8. Civil society engagement strategy.
- Sec. 9. Reform of Western Hemisphere Drug Policy Commission.
- Sec. 10. Termination.
- Sec. 11. Definitions.

#### **SEC. 2. SENSE OF CONGRESS ON ADVANCING A NEGOTIATED SOLUTION TO NICARAGUA'S CRISIS.**

It is the sense of Congress that—

(1) credible negotiations between the Government of Nicaragua and representatives of Nicaragua's civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, represent the best opportunity to reach a peaceful solution to the current political crisis that includes—

(A) a commitment to hold early elections that meet democratic standards and permit credible international electoral observation;

(B) the cessation of the violence perpetrated against civilians by the National Police of Nicaragua and by armed groups supported by the Government of Nicaragua; and

(C) independent investigations into the killings of protesters; and

(2) negotiations between the Government of Nicaragua and representatives of Nicaragua's civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, have not resulted in an agreement as of the date of the enactment of this Act because the Government of Nicaragua has failed to credibly participate in the process.

#### **SEC. 3. STATEMENT OF POLICY.**

It is the policy of the United States to support—

(1) the rule of law and an independent judiciary and electoral council in Nicaragua;

(2) democratic governance in Nicaragua;

(3) free and fair elections overseen by credible domestic and international observers in Nicaragua; and

(4) anti-corruption and transparency efforts in Nicaragua.

#### **SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL INSTITUTIONS RELATING TO NICARAGUA.**

(a) **RESTRICTIONS.**—The Secretary of the Treasury shall—

(1) instruct the United States Executive Director at each international financial institution of the World Bank Group to use the voice, vote, and influence of the United States to oppose the extension by the International Finance Corporation of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua;

(2) instruct the United States Executive Director of the Inter-American Development Bank to use the voice, vote, and influence of the United States to oppose the extension by the Bank of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua; and

(3) instruct the United States Executive Director of each other international financial institution, including the International Monetary Fund, to work with other key donor countries to develop a coherent policy approach to future engagements with and lending to the Government of Nicaragua, in a manner that will advance human rights, including the full restoration of the rights guaranteed to the people of Nicaragua through the commitments made by the Government of Nicaragua as a signatory of the International Covenant on Civil and Political Rights.

(b) **EXCEPTIONS FOR BASIC HUMAN NEEDS AND DEMOCRACY PROMOTION.**—The restrictions under paragraphs (1) and (2) of subsection (a) shall not apply with respect to any loan or financial or technical assistance provided to address basic human needs or to promote democracy in Nicaragua.

(c) **BRIEFING BY THE SECRETARY OF THE TREASURY.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall brief the appropriate congressional committees on the effectiveness of international financial institutions in enforcing applicable program safeguards in Nicaragua.

#### **SEC. 5. IMPOSITION OF TARGETED SANCTIONS WITH RESPECT TO NICARAGUA.**

(a) **IN GENERAL.**—The President shall impose the sanctions described in subsection (c) with respect to any foreign person, including any current or former official of the Government of Nicaragua or any person acting on

behalf of that Government, that the President determines—

(1) to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have knowingly participated in, directly or indirectly, any activity described in subsection (b);

(2) to be a leader of—

(A) an entity that has, or whose members have, engaged in any activity described in subsection (b); or

(B) an entity whose property and interests in property are blocked under subsection (c)(1)(A) as a result of activities related to the tenure of the leader;

(3) to have knowingly materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of—

(A) an activity described in subsection (b); or

(B) a person whose property and interests in property are blocked under subsection (c)(1)(A); or

(4) to be owned or controlled by, or to have knowingly acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked under subsection (c)(1)(A).

(b) **ACTIVITIES DESCRIBED.**—An activity described in this subsection is any of the following in or in relation to Nicaragua on or after April 18, 2018:

(1) Significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018.

(2) Significant actions or policies that undermine democratic processes or institutions.

(3) Acts of significant corruption by or on behalf of the Government of Nicaragua or a current or former official of the Government of Nicaragua, including—

(A) the expropriation of private or public assets for personal gain or political purposes;

(B) corruption related to government contracts;

(C) bribery; or

(D) the facilitation or transfer of the proceeds of corruption.

(4) The arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press.

(c) **SANCTIONS DESCRIBED.**—

(1) **IN GENERAL.**—The sanctions described in this subsection are the following:

(A) **ASSET BLOCKING.**—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.**—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of a measure imposed pursuant to paragraph (1)(A) or any regulation,

license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) **EXCEPTION RELATING TO IMPORTATION OF GOODS.**—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(4) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) **IMPLEMENTATION; REGULATORY AUTHORITY.**—

(1) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) **REGULATORY AUTHORITY.**—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

#### SEC. 6. ANNUAL CERTIFICATION AND WAIVER.

(a) **CERTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Nicaragua is taking effective steps—

(1) to strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council;

(2) to combat corruption, including by investigating and prosecuting cases of public corruption;

(3) to protect civil and political rights, including the rights of freedom of the press, speech, and association, for all people of Nicaragua, including political opposition parties, journalists, trade unionists, human rights defenders, indigenous peoples, and other civil society activists;

(4) to investigate and hold accountable officials of the Government of Nicaragua and other persons responsible for the killings of individuals associated with the protests in Nicaragua that began on April 18, 2018; and

(5) to hold free and fair elections overseen by credible domestic and international observers

(b) **WAIVER.**—

(1) **TEMPORARY GENERAL WAIVER.**—If the Secretary certifies to the appropriate congressional committees under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection, the President may waive the application of the restrictions under section 4 and sanctions under section 5 for a period of not more than one year beginning on the date of the certification.

(2) **NATIONAL INTEREST WAIVER.**—The President may waive the application of the restrictions under section 4 and sanctions under section 5 if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a notice of and justification for the waiver.

(3) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should exercise the waiver authority provided under paragraph (1) if the Secretary of State certifies under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection.

(c) **CONSULTATION.**—In preparing a certification required by subsection (a), the Secretary shall consult with the appropriate congressional committees.

(d) **ANNUAL BRIEFING.**—The Secretary shall annually brief the appropriate congressional committees on whether the Government of Nicaragua is taking effective steps as described in subsection (a).

#### SEC. 7. REPORT ON HUMAN RIGHTS VIOLATIONS AND CORRUPTION IN NICARAGUA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Secretary of the Treasury and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on—

(1) the involvement of senior officials of the Government of Nicaragua, including members of the Supreme Electoral Council, the National Assembly, and the judicial system, in human rights violations, acts of significant corruption, and money laundering; and

(2) persons that transfer, or facilitate the transfer of, goods or technologies for use in or with respect to Nicaragua, that are used by the Government of Nicaragua to commit serious human rights violations against the people of Nicaragua.

(b) **FORM.**—The report required by subsection (a) may be classified.

#### SEC. 8. CIVIL SOCIETY ENGAGEMENT STRATEGY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on a strategy—

(1) for engaging relevant elements of civil society in Nicaragua, including independent media, human rights, and anti-corruption organizations, to strengthen rule of law and increase accountability for human rights abuses and corruption in Nicaragua; and

(2) setting forth measures to support the protection of human rights and anti-corruption advocates in Nicaragua.

#### SEC. 9. REFORM OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

Section 603(f)(1) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1938) is amended by striking “Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement” and inserting “At the initial meeting of the Commission, the Commission shall develop and implement”.

#### SEC. 10. TERMINATION.

The provisions of this Act (other than section 9) shall terminate on December 31, 2023.

#### SEC. 11. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) **GOOD.**—The term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) **PERSON.**—The term “person” means an individual or entity.

(4) **UNITED STATES PERSON.**—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity), or any person in the United States.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 10 a.m., to conduct a hearing on the following nominations: Rita Baranwal, of Pennsylvania, to be an Assistant Secretary of Energy (Nuclear Energy), Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission, and Raymond David Vela, of Texas, to be Director of the National Park Service, Department of the Interior.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 2:30 p.m., to conduct a closed hearing.

##### SUBCOMMITTEE ON SEAPOW

The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 2:30 p.m., to conduct a hearing.

##### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Subcommittee on Communication, Technology, Innovation, and The Internet of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 2:30 p.m., to conduct a hearing entitled “Oversight of the Federal Trade Commission.”

##### SUBCOMMITTEE ON MULTILATERAL, INTERNATIONAL DEVELOPMENT, MULTILATERAL INSTITUTIONS, AND INTERNATIONAL ECONOMIC, ENERGY, AND ENVIRONMENTAL POLICY

The Subcommittee on Multilateral, International Development, Multilateral Institutions, and International Economic, Energy, and Environmental



Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 27, 2018, at 2:30 p.m., to conduct a hearing entitled "Multilateral Economic Institutions and U.S. Foreign Policy."

#### ESTABLISHING A PROCEDURE FOR THE CONVEYANCE OF CERTAIN FEDERAL PROPERTY AROUND THE JAMESTOWN RESERVOIR IN THE STATE OF NORTH DAKOTA

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2074.

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

*Resolved*, That the bill from the Senate (S. 2074) entitled "An Act to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes," do pass with an amendment.

#### MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment and ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

#### ESTABLISHING A PROCEDURE FOR THE CONVEYANCE OF CERTAIN FEDERAL PROPERTY AROUND THE DICKINSON RESERVOIR IN THE STATE OF NORTH DAKOTA

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 440.

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

*Resolved*, That the bill from the Senate (S. 440) entitled "An Act to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota," do pass with an amendment.

#### MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment and ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

#### REPEALING SECTION 2141 OF THE REVISED STATUTES TO REMOVE THE PROHIBITION ON CERTAIN ALCOHOL MANUFACTURING ON INDIAN LANDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 650, H.R. 5317.

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

The legislative clerk read as follows:

A bill (H.R. 5317) to repeal section 2141 of the Revised Statutes to remove the prohibi-

tion on certain alcohol manufacturing on Indian lands.

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

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

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

The bill (H.R. 5317) was ordered to a third reading, was read the third time, and passed.

#### REPEALING THE ACT ENTITLED "AN ACT TO CONFER JURISDICTION ON THE STATE OF IOWA OVER OFFENSES COMMITTED BY OR AGAINST INDIANS ON THE SAC AND FOX INDIAN RESERVATION"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged and the Senate proceed to immediate consideration of H.R. 1074.

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

The legislative clerk read as follows:

A bill (H.R. 1074) to repeal the Act entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation."

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1074) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### RAY HENDRIX VETERANS CLINIC

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 3946, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3946) to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Isakson amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; that the title amendment at the desk be agreed to; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 4063) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, STATESBORO, GEORGIA.

The Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, shall after the date of the enactment of this Act be known and designated as the "Ray Hendrix Department of Veterans Affairs Clinic" or the "Ray Hendrix VA Clinic". Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ray Hendrix Department of Veterans Affairs Clinic.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3946), as amended, was passed.

The amendment (No. 4064) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "An Act to name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic."

#### NATIONAL PRINCIPALS MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 674 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 674) recognizing the month of October 2018 as "National Principals Month."

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 674) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 11, 2018, under "Submitted Resolutions.")

# HONORING THE 25TH ANNIVERSARY OF THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 424 and the Senate proceed to its immediate consideration.

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

The bill clerk read as follows:

A resolution (S. Res. 424) honoring the 25th anniversary of the National Guard Youth Challenge Program.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, that the Baldwin amendment to the preamble be considered and agreed to, that the preamble, as amended, be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 424) was agreed to.

The amendment (No. 4065) was agreed to, as follows:

(Purpose: To amend the preamble)

In the seventh whereas clause of the preamble, strike "10,000" and insert "11,000".

In the eighth whereas clause of the preamble, strike "40" and insert "39".

In the ninth whereas clause of the preamble, strike "160,000" and insert "165,000".

In the tenth whereas clause of the preamble, strike "110,000" and insert "116,000".

The preamble, as amended, was agreed to.

The Resolution, with its preamble, as amended as follows:

## S. RES. 424

Whereas the National Guard Youth Challenge Program (referred to in this preamble as the "Youth Challenge Program") is celebrating 25 years of providing successful and free alternative education and structured discipline to at-risk youth between the ages of 16 and 18;

Whereas the Youth Challenge Program was born from the visionary concept of using a "whole person" intervention model to combat the effects of gangs, violence, high rates of school dropout, and drug abuse on a generation of youth;

Whereas the Youth Challenge Program is a federally and State-funded program that offers a unique opportunity for at-risk youth to change course at a critical time in life;

Whereas the multiphased Youth Challenge Program uses quasi-military discipline and training, coupled with educational instruction, learning, and mentorship, to promote the character development and resilience of at-risk youth;

Whereas one phase of the Youth Challenge Program is a 5-month residential program that focuses on the following 8 core components: life-coping skills, leadership and followership, service to community, job skills, academic excellence, responsible citizenship, health and hygiene, and physical fitness;

Whereas another phase of the Youth Challenge Program is a 12-month mentoring

phase that builds on the 8 core components to help shape youth into productive citizens ready for societal success;

Whereas the Youth Challenge Program offers more than 11,000 cadets annually an opportunity to succeed outside of a traditional high school environment;

Whereas there are currently 39 Youth Challenge programs operating in 28 States, Puerto Rico, and the District of Columbia;

Whereas more than 165,000 cadets have graduated from the Youth Challenge Program;

Whereas more than 116,000 academic credentials have been awarded under the Youth Challenge Program; and

Whereas graduates of the Youth Challenge Program have improved physically and mentally and are poised to become assets to the communities of the graduates and to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that the National Guard Youth Challenge Program has been successfully helping at-risk youth for 25 years;

(2) commends the accomplishments of all of the graduates of the National Guard Youth Challenge Program; and

(3) reaffirms the commitment of the Senate to support—

(A) the National Guard Youth Challenge Program; and

(B) the critical mission of the National Guard Youth Challenge Program to help and develop the character of at-risk youth in the United States.

## 75TH ANNIVERSARY OF WORLD WAR II COMMEMORATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3661, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 3661) to provide for a program of the Department of Defense to commemorate the 75th anniversary of World War II.

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

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

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

The bill (S. 3661) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

## S. 3661

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "75th Anniversary of World War II Commemoration Act".

## SEC. 2. PROGRAM TO COMMEMORATE 75TH ANNIVERSARY OF WORLD WAR II.

(a) **COMMEMORATIVE PROGRAM AUTHORIZED.**—The Secretary of Defense shall conduct a program to commemorate the 75th anniversary of World War II. In conducting the commemorative program, the Secretary shall support and facilitate other programs and activities of the Federal Government, State and local governments, and not-for-profit organizations in commemoration of the 75th anniversary of World War II. The

Secretary shall conduct the commemorative program in accordance with applicable Department of Defense policy and using resources available to the Secretary, including amounts in the Fund under subsection (d).

(b) **COMMEMORATIVE ACTIVITIES AND OBJECTIVES.**—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of World War II, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To educate the public about the history of World War II and highlight the service of the Armed Forces during World War II and the contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during World War II.

(4) To recognize the contributions and sacrifices made by the allies of the United States during World War II.

(5) To remember the Holocaust, the annihilation of 6,000,000 Jews by the Nazi regime, and to pay tribute to the Allied troops who liberated Nazi concentration camps during World War II.

(c) **NAMES AND SYMBOLS.**—The Secretary of Defense shall have the sole and exclusive right to use the name "The United States of America 75th Anniversary of World War II Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(d) **COMMEMORATIVE FUND.**—

(1) **ESTABLISHMENT AND ADMINISTRATION.**—Upon the Secretary establishing the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the "Department of Defense World War II Commemoration Fund" (in this section referred to as the "Fund"). The Fund shall be administered by the Secretary of Defense.

(2) **USE OF FUND.**—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and providing grants to State and local governments and not-for-profit organizations for commemorative activities, and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) **DEPOSITS.**—The following shall be deposited into the Fund:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the Secretary's use of the exclusive rights described in subsection (c).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2019 and subsequent years for the Department of Defense.

(4) **AVAILABILITY.**—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(5) **BUDGET REQUEST.**—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(e) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(f) CONSULTATION WITH DIRECTOR OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In designing the commemorative program conducted under this section, the Secretary of Defense shall consult with the Director of the United States Holocaust Memorial Museum.

(g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative program established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period shall be held in the Fund until transferred by law.

(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed \$5,000,000 for fiscal year 2019 or for any subsequent fiscal year to carry out the commemorative program.

(i) SUNSET.—

(1) COMMEMORATIVE PROGRAM.—The commemorative program shall terminate on December 31, 2021.

(2) FUND.—The Fund shall terminate 60 days after the termination of the commemorative program.

## NICARAGUAN INVESTMENT CONDITIONALITY ACT (NICA) OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 1918 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 1918) to oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the Menendez substitute amendment at the desk be agreed to and that the bill, as amended, be read a third time.

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

The amendment (No. 4066) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Nicaragua Human Rights and Anticorruption Act of 2018”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Sense of Congress on advancing a negotiated solution to Nicaragua’s crisis.

Sec. 3. Statement of policy.

Sec. 4. Restrictions on international financial institutions relating to Nicaragua.

Sec. 5. Imposition of targeted sanctions with respect to Nicaragua.

Sec. 6. Annual certification and waiver.

Sec. 7. Report on human rights violations and corruption in Nicaragua.

Sec. 8. Civil society engagement strategy.

Sec. 9. Reform of Western Hemisphere Drug Policy Commission.

Sec. 10. Termination.

Sec. 11. Definitions.

### SEC. 2. SENSE OF CONGRESS ON ADVANCING A NEGOTIATED SOLUTION TO NICARAGUA’S CRISIS.

It is the sense of Congress that—

(1) credible negotiations between the Government of Nicaragua and representatives of Nicaragua’s civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, represent the best opportunity to reach a peaceful solution to the current political crisis that includes—

(A) a commitment to hold early elections that meet democratic standards and permit credible international electoral observation;

(B) the cessation of the violence perpetrated against civilians by the National Police of Nicaragua and by armed groups supported by the Government of Nicaragua; and

(C) independent investigations into the killings of protesters; and

(2) negotiations between the Government of Nicaragua and representatives of Nicaragua’s civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, have not resulted in an agreement as of the date of the enactment of this Act because the Government of Nicaragua has failed to credibly participate in the process.

### SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to support—

(1) the rule of law and an independent judiciary and electoral council in Nicaragua;

(2) democratic governance in Nicaragua;

(3) free and fair elections overseen by credible domestic and international observers in Nicaragua; and

(4) anti-corruption and transparency efforts in Nicaragua.

### SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL INSTITUTIONS RELATING TO NICARAGUA.

(a) RESTRICTIONS.—The Secretary of the Treasury shall—

(1) instruct the United States Executive Director at each international financial institution of the World Bank Group to use the voice, vote, and influence of the United States to oppose the extension by the International Finance Corporation of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua;

(2) instruct the United States Executive Director of the Inter-American Development Bank to use the voice, vote, and influence of the United States to oppose the extension by the Bank of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua; and

(3) instruct the United States Executive Director of each other international financial institution, including the International Monetary Fund, to work with other key donor countries to develop a coherent policy approach to future engagements with and lending to the Government of Nicaragua, in a manner that will advance human rights, including the full restoration of the rights guaranteed to the people of Nicaragua through the commitments made by the Government of Nicaragua as a signatory of the International Covenant on Civil and Political Rights.

(b) EXCEPTIONS FOR BASIC HUMAN NEEDS AND DEMOCRACY PROMOTION.—The restrictions under paragraphs (1) and (2) of subsection (a) shall not apply with respect to any loan or financial or technical assistance provided to address basic human needs or to promote democracy in Nicaragua.

(c) BRIEFING BY THE SECRETARY OF THE TREASURY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall brief the appropriate congressional committees on the effectiveness of international financial institutions in enforcing applicable program safeguards in Nicaragua.

### SEC. 5. IMPOSITION OF TARGETED SANCTIONS WITH RESPECT TO NICARAGUA.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (c) with respect to any foreign person, including any current or former official of the Government of Nicaragua or any person acting on behalf of that Government, that the President determines—

(1) to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have knowingly participated in, directly or indirectly, any activity described in subsection (b);

(2) to be a leader of—

(A) an entity that has, or whose members have, engaged in any activity described in subsection (b); or

(B) an entity whose property and interests in property are blocked under subsection (c)(1)(A) as a result of activities related to the tenure of the leader;

(3) to have knowingly materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of—

(A) an activity described in subsection (b); or

(B) a person whose property and interests in property are blocked under subsection (c)(1)(A); or

(4) to be owned or controlled by, or to have knowingly acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked under subsection (c)(1)(A).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following in or in relation to Nicaragua on or after April 18, 2018:

(1) Significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated

with the protests in Nicaragua that began on April 18, 2018.

(2) Significant actions or policies that undermine democratic processes or institutions.

(3) Acts of significant corruption by or on behalf of the Government of Nicaragua or a current or former official of the Government of Nicaragua, including—

(A) the expropriation of private or public assets for personal gain or political purposes;

(B) corruption related to government contracts;

(C) bribery; or

(D) the facilitation or transfer of the proceeds of corruption.

(4) The arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press.

(C) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a measure imposed pursuant to paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) IMPLEMENTATION; REGULATORY AUTHORITY.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

## SEC. 6. ANNUAL CERTIFICATION AND WAIVER.

(a) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Nicaragua is taking effective steps—

(1) to strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council;

(2) to combat corruption, including by investigating and prosecuting cases of public corruption;

(3) to protect civil and political rights, including the rights of freedom of the press, speech, and association, for all people of Nicaragua, including political opposition parties, journalists, trade unionists, human rights defenders, indigenous peoples, and other civil society activists;

(4) to investigate and hold accountable officials of the Government of Nicaragua and other persons responsible for the killings of individuals associated with the protests in Nicaragua that began on April 18, 2018; and

(5) to hold free and fair elections overseen by credible domestic and international observers

(b) WAIVER.—

(1) TEMPORARY GENERAL WAIVER.—If the Secretary certifies to the appropriate congressional committees under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection, the President may waive the application of the restrictions under section 4 and sanctions under section 5 for a period of not more than one year beginning on the date of the certification.

(2) NATIONAL INTEREST WAIVER.—The President may waive the application of the restrictions under section 4 and sanctions under section 5 if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a notice of and justification for the waiver.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President should exercise the waiver authority provided under paragraph (1) if the Secretary of State certifies under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection.

(c) CONSULTATION.—In preparing a certification required by subsection (a), the Secretary shall consult with the appropriate congressional committees.

(d) ANNUAL BRIEFING.—The Secretary shall annually brief the appropriate congressional committees on whether the Government of Nicaragua is taking effective steps as described in subsection (a).

## SEC. 7. REPORT ON HUMAN RIGHTS VIOLATIONS AND CORRUPTION IN NICARAGUA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Secretary of the Treasury and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on—

(1) the involvement of senior officials of the Government of Nicaragua, including members of the Supreme Electoral Council, the National Assembly, and the judicial system, in human rights violations, acts of significant corruption, and money laundering; and

(2) persons that transfer, or facilitate the transfer of, goods or technologies for use in or with respect to Nicaragua, that are used by the Government of Nicaragua to commit

serious human rights violations against the people of Nicaragua.

(b) FORM.—The report required by subsection (a) may be classified.

## SEC. 8. CIVIL SOCIETY ENGAGEMENT STRATEGY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on a strategy—

(1) for engaging relevant elements of civil society in Nicaragua, including independent media, human rights, and anti-corruption organizations, to strengthen rule of law and increase accountability for human rights abuses and corruption in Nicaragua; and

(2) setting forth measures to support the protection of human rights and anti-corruption advocates in Nicaragua.

## SEC. 9. REFORM OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

Section 603(f)(1) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323; 130 Stat. 1938) is amended by striking “Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement” and inserting “At the initial meeting of the Commission, the Commission shall develop and implement”.

## SEC. 10. TERMINATION.

The provisions of this Act (other than section 9) shall terminate on December 31, 2023.

## SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) GOOD.—The term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) PERSON.—The term “person” means an individual or entity.

(4) UNITED STATES PERSON.—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity), or any person in the United States.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1918), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the postcloture

time on the Kelley nomination expire at 12:15 p.m. on Wednesday, November 28; further, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ORDERS FOR WEDNESDAY, NOVEMBER 28, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 28; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Kelley nomination, with the time until 11 a.m. equally divided between the two leaders or their designees; finally, that the Senate recess from 11 a.m. until noon tomorrow.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of Senator BOOKER.

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

The Senator from New Jersey.

#### NOMINATION OF THOMAS FARR

Mr. BOOKER. Mr. President, I rise to speak about the nomination of Thomas Farr to serve as a district judge for the Eastern District of the great State of North Carolina.

Over the past year, I have joined many of my colleagues in the Senate, my esteemed colleagues in the House, and really people from all across the country who have been speaking out about Mr. Farr's troubling record.

We see many district court judges come before the U.S. Senate, but I think none has triggered this kind of tumult, this kind of frustration, and this kind of outcry.

We have seen an outpouring of advocacy and activism that is now coming around this nomination, but this nomination—and the energy and advocacy of Americans speaking out against it—is, frankly, not about politics. It is not about partisanship. It is about something deeper than just left or right. This is about right or wrong.

We are a nation of people who I believe have so much more in common than we have apart. The lines that divide us are nowhere near as strong as the ties that bind us. What binds us?

We are bound together not because of many of the more obvious historically held things that hold people together. It is not our language or our religion or our race that holds this Nation and her people together. We are bound to one another because of the ideals we share. We say them in our anthem. We say them in our salute and in our pledge. We know we are a nation of principles and ideals.

Some of the most fundamental of those principles, the most sacrosanct of those ideals we share are about and surrounding that right to vote; that every American has the right to vote. When you enter that ballot box, whether you are the richest person in this country or a working-class person from New Jersey, you are equal in that ballot box. You all have that right to vote. That is what makes this a great republic. That is what makes us a great democracy; that your vote will be equally counted and treated equally under the law.

Throughout our history, greater Americans have fought to secure these fundamental rights for us. From Seneca Falls to the Edmund Pettus Bridge, Americans have stood and fought and marched and sweated and bled for this right to vote, for suffrage, for universal voting rights.

There have been debates on this floor advancing legislation that has secured those rights amongst men and women, further advancing that truth about our country that we will be a democracy where every vote will be counted, where every person will be treated equally in their right to vote.

Americans from all backgrounds—multiracial, multiethnic coalitions—struggled together for these rights and fought together to make them real, but this nomination now stands in direct contrast to that legacy of common sacrifice and common struggle, of that legacy to push for equality.

The facts in this nomination are clear, and they again have nothing to do with partisanship but do indicate a very clear pattern of time and again that Mr. Farr has worked to advance a very specific, very anti-democratic agenda, one that is aimed at turning back the clock, in eroding very critical voting rights.

We know for a fact that in 1984, Mr. Farr managed the so-called ballot security program for the reelection campaign of Senator Jesse Helms that targeted and attempted to suppress the votes of Black North Carolinians.

We know that in 1990, Mr. Farr participated in a so-called ballot security meeting just days before the Helms campaign infamously and notoriously sent tens of thousands of postcards targeting Black North Carolinian votes, suggesting that they were not only not eligible to vote but threatened criminal prosecution if they did. This is not left or right. Republicans and Democrats criticized, decried that method of voter suppression.

Mr. Farr has repeatedly claimed that he had no knowledge of the mailing

until he was contacted after the fact for legal advice, but I am deeply troubled that despite being given multiple opportunities, Mr. Farr has failed to be completely honest with the Senate about his record.

When Senator FEINSTEIN from California asked Mr. Farr: "Did you ever participate in any meetings in which the postcards were discussed before they were sent," he replied unequivocally and simply: "No." But according to a breaking story published by the Washington Post within the last hour, we know that "during the meeting, participants also reviewed the Helms campaign's 1984 ballot security effort Farr had coordinated 'with an eye toward the activities that should be undertaken in 1990.'"

The evidence that just came out from the Washington Post again casts a shadow over the truthfulness and the honesty of Mr. Farr about his participation in that meeting and the voter suppression efforts.

Again, Mr. Farr misrepresented the context of this meeting in his responses to me both in December of 2017 and January of this year.

Finally, we also know that in 2016, Mr. Farr lost one of his biggest cases, defending North Carolina's notorious and discriminatory voter ID law—a law that he helped write because the court found it would target Black North Carolinians "with almost surgical precision"—target those North Carolinians to be disenfranchised from their right to vote.

Time and again, Mr. Farr has worked to advance an agenda aimed at turning back the clock on our democratic advancements, on our common ideals, the commonsense fairness that in this country every vote counts, every person has the right to vote. Time and again, in this process, Mr. Farr has offered misleading and incomplete testimony regarding his record and his work.

This is a body that has shown, in its history, the capability to work together in a bipartisan way to protect the right to vote. This body is the one that passed one of the most important pieces of legislation in our history, the Voting Rights Act of 1965, but the weight of history isn't just on this body in this moment because it still weighs heavily on so many voters in North Carolina who remember receiving one of those postcards from Jesse Helms in 1984, at the direction of Mr. Farr and others, and who may have received another postcard from the Helms campaign in 1990, threatening Federal prosecution if they exercised their right to vote.

It is those people in the Eastern District right now who feel the weight, the pushback on historical advancements, who are watching this body now. Those voters who got those postcards didn't get them because the Helms campaign or Mr. Farr saw value in their vote; they received them because the Helms campaign and Mr. Farr were trying to

suppress it. That is anti-democratic. That is an affront to our history.

Confirming the person responsible for managing and defending those tactics, who was involved in them, who has misrepresented that fact pattern to this body, wouldn't just be a disservice to North Carolinians, wouldn't just be a disservice to those Americans who received those postcards, it would be a betrayal of the work of generations of Americans from all backgrounds, all races, all religions, a multitude of parties—all of those Americans who joined in that common pursuit in this country to stand up for the right to vote.

This is not right or left. This is about whether we move forward or back, and forward we have moved: countless generations, people from different backgrounds standing together, working together, sweating together, bleeding together, marching together, marching feet in the suffrage movement, march-

ing feet in the voting rights movement, marching feet across this country, from protestors like Alice Paul marching in front of the White House to protestors marching through the South, through Alabama, across the Edmund Pettus Bridge, every generation marching forward.

This nomination now represents a moment in history, not right or left, but will we continue to march forward? If this body confirms Mr. Farr, it will not be forward-marching. It will be a step backward in the wrong direction, against the historical tide and currents that have gotten us to this wonderful moment together.

Let us again stand together in a bipartisan way and say: We will not be turned around; that we will not go backward; that we believe, when it comes to the sacrosanct rights of the Nation, that we will always fight to make sure the right to vote is secure,

and we have the truth of this country and will go marching on.

I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:51 p.m., adjourned until Wednesday, November 28, 2018, at 9:30 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate November 27, 2018:

DEPARTMENT OF AGRICULTURE

STEPHEN ALEXANDER VADEN, OF TENNESSEE, TO BE  
GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.