

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMMIGRATION

Mr. SCHUMER. Madam President, today, the Supreme Court heard oral arguments in the case against the President's decision to cancel DACA, the program that grants legal status to over 600,000 Dreamers who were brought to this country through no fault of their own, who voluntarily came forward and registered with the government in exchange for protected status, who work in our factories and our hospitals, who teach and learn in our schools and serve in our military. Before the highest Court in the land, President Trump and his administration cruelly argued that these Dreamers do not belong in America and must be ripped away from their families and sent back to countries that many of them do not even remember.

The President once tweeted: "Does anybody really want to throw out good, educated and accomplished young people who have jobs, some serving in the military? Really!" Now the same President is saying some Dreamers are "very tough, hardened criminals," and his administration has argued they should be deported. Donald Trump's hypocrisy when it comes to Dreamers knows no bounds. After flip-flopping again and again on the issue and after failing to lead an effort to pass comprehensive immigration reform, it is abjectly shameful that President Trump is trying to get the Supreme Court to do his dirty work and put the Dreamers under threat of mass deportation.

When the DACA Program was established in 2012, under a long tradition of administrative discretion, it changed the lives of thousands and thousands of Dreamers for the better, and it made our country better. Yet, because of President Trump and his relentless scapegoating of immigrants—his cynical use of trying to tell too many of

the American people that the Dreamers are the reason they are not doing well, which is despicable—these hard-working and patriotic Americans are haunted by the possibility they could be forced to leave this country at any moment—be pulled away from their families, their jobs, their homes. It is cruel. It is counterproductive. It undermines American values and all that America stands for.

Thankfully, one of the first things the House Democrats did when they won the majority was to pass a permanent legislative solution for DACA recipients and TPS holders. It is legislation I wholeheartedly support. Now it is up to the Supreme Court to defend the program. It is up to Majority Leader McConnell to bring the Dream and Promise Act to the Senate floor.

My good friend Senator DURBIN, who has been a champion for Dreamers for as long as I can remember, will ask for the Senate's consent this evening to take up these bills. I thank him for his moral and continued strong leadership on this issue. I could not agree more with what he is trying to do. It is time to do the right thing for Dreamers and enshrine DACA into law.

We will see how my Republican friends respond. After all, the House has done its job. Where are the Senate Republicans who claim to stand with the Dreamers? We will see this evening.

From my home in Brooklyn, I can see the great lady in the harbor who welcomed my ancestors many years ago. If America is to remain the greatest Nation in the world and a beacon of hope and freedom for people everywhere—a light among nations—we must live up to our best values. That means we must stand totally and wholeheartedly with the Dreamers and all 11 million who now live in the shadows.

NOMINATIONS

Madam President, on nominations, we are here at the beginning of another week in the Senate. As is the norm under Leader McConnell, we will not be debating legislation like the Dream Act in order to improve the lives of average Americans. Instead, we will vote on another slate of controversial Trump administration nominees.

First up is the nomination of Chad Wolf to serve as an Under Secretary at the Department of Homeland Security. Mr. Wolf has had leadership roles within the DHS through much of Trump's Presidency and has troubling ties to President Trump's disastrous family separation policy, the Muslim ban, and the national emergency declaration at the southern border. Despite testifying that he was not involved in the family separation policy, Mr. Wolf reportedly suggested the policy in a memo he sent to then-Attorney General Sessions. He is ashamed to admit it. He knows it was wrong, but he did it anyway. This man does not deserve to be an Under Secretary at DHS.

The circumstances of Mr. Wolf's nomination are also very strange. Wolf

is not only already serving as an Under Secretary in an acting capacity, but President Trump has named him as the incoming Secretary of DHS in an acting capacity. President Trump never bothered to nominate a replacement for departing DHS Secretary McAleenan, who left yesterday. Yet the Senate is being asked to confirm someone to a job he is not even going to perform. Indeed, if Mr. Wolf is confirmed, we may never vote on who will be the actual Secretary of DHS, which is a major Cabinet-level department.

This is completely unacceptable. The administration is having trouble finding people to fill these jobs. They know the cruelty they will be asked to enforce, and they know that Donald Trump will treat them poorly. So he can't find anybody to take these positions. Hence, we have this awkward game of musical chairs. Rather than working with Congress to find a DHS Secretary whom we could support, the Trump administration is trying a legal end-around that subverts our constitutional duty to advise and consent.

Regardless of your ideology or views on immigration, my fellow Senators should oppose Wolf's nomination on constitutional grounds.

After the Senate considers Mr. Wolf, we will consider the nomination of Steven Menashi to serve on the Second Circuit Court of Appeals.

I have rarely met a nominee as low as Mr. Menashi. He has a troubling record on race, women's equality, LGBTQ rights, and the rights of immigrants. His conduct before the Committee on the Judiciary was insulting, and recent reports describe how, during his tenure while working at the Department of Education, he played a leading role in designing an illegal effort to deny debt relief to thousands of students who had been swindled by for-profit colleges. That is right. The Senate is going to be asked to confirm someone, Mr. Menashi, to be a judge who designed an illegal scheme to deny debt relief so as to defraud students. The man has no principles. The man has no conscience. The man has no morals. He should not be on the bench.

AGENT ORANGE

Madam President, finally, about our veterans and Agent Orange, yesterday, our Nation observed Veterans Day. It was a chance for all of us to say thank you to the millions of brave Americans who have served our country. It was a day not only to celebrate their achievements and express a deep and abiding gratitude for their service but also to recognize that for many veterans, sacrifices have come as a result of military service and that those sacrifices are not yet over. I want to shed light on one particular issue today.

There are now hundreds of thousands of veterans who suffer from diseases that have been linked to Agent Orange, which is a chemical that was used by our military during the Vietnam war. One's exposure to Agent Orange can lead to a host of complications—diabetes, leukemia, and more. The VA has

long provided benefits to veterans who suffer from these conditions. It has provided healthcare and compensation so as to help to defer the hardships veterans have faced from the wounds from which they still suffer after having been on the battlefield.

In response to more recent studies, in 2017, VA Secretary Shulkin decided to add bladder cancer, hypertension, Parkinson's-like symptoms, and hypothyroidism to the list of Agent Orange-related conditions that are eligible for benefits, which would have improved the lives of 83,000 vets. Shockingly, once again, within this cruel administration—it doesn't even care about our veterans—it was reported that OMB Director and White House Chief of Staff Mulvaney has decided to block benefits for these new conditions because he is worried about the cost. It is disgraceful.

Let me repeat.

Despite the recommendation of President Trump's VA Secretary and the recommendation of the National Academy of Medicine, Mulvaney has decided to block health benefits to sick veterans. Many of these veterans are retired, and many don't have a steady income. These benefits could make the difference between life and death, but Mick Mulvaney—the same Mick Mulvaney who thought \$1.5 trillion was an acceptable cost to give billionaires and corporations in a giant tax cut, which created a huge deficit—now believes that the cost of helping 83,000 sick veterans is just too high.

This is incomprehensibly cruel. When are the American people going to wake up and see what the Trump administration is doing? He gives tax breaks to billionaires but no benefits to veterans who are suffering from the result of Agent Orange exposure?

My home State of New York has 240,000 veterans from the Vietnam era. Many of them were exposed to Agent Orange without realizing it. Just yesterday, the Buffalo News profiled the life of Vietnam veteran Dick Gabel, who was drafted into the Army at age 19. In his approximately 2 years of service, he was shot in the leg. He recovered and was sent back to the war. He lost many of his closest friends along the way. After he came home, for decades, Dick worked with kids in his hometown to make Veterans Day an annual highlight, and he brought together hundreds of veterans to volunteer at local schools. Just last year, he was diagnosed with leukemia, possibly because of his exposure to Agent Orange.

There are likely thousands of veterans in New York who are like Dick—fighting illnesses that are directly linked to Agent Orange and their military service in Vietnam. Yet, because they got the wrong disease, the Trump administration is blocking their health benefits.

So today—a day after millions of Americans, myself included, marched in the parades across our country to

honor our vets—I demand that Chief of Staff Mulvaney reverse this cruel and unfair decision immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

TURKEY AND SYRIA

Mr. VAN HOLLEN. Madam President, I start by thanking the Democratic leader for his leadership in raising those important issues before the Senate this afternoon.

I bring another issue before the Senate, that being my strong opposition to President Trump's shameful decision to invite Turkish President Erdogan to the White House tomorrow. It is a decision that has alarmed our allies and comforted our adversaries. It is a decision that undermines our values and our national security interests, and it is a decision that sends a terrible message to the world about how to get invited to President Trump's White House.

In just the last 5 weeks, Turkish President Erdogan has taken the following actions: No. 1, he has launched an attack on a key ally of ours—in fact, the key ally—in our fight against ISIS terrorists, that being the Syrian Democratic Forces, led by the Syrian Kurds. No. 2, President Erdogan and his forces have killed over 200 in these attacks, displaced over 300,000, and enabled the release of over 100 ISIS prisoners. No. 3, Erdogan is using jihadi proxies that include a lot of al-Qaida elements, and they are committing gross human rights abuses, including what the Trump administration has acknowledged as being war crimes. There are also reports that the Turkish-backed proxy forces are using the chemical agent white phosphorus. No. 4, Erdogan and his forces have violated the so-called safe zone agreement that was reached by Vice President PENCE in Ankara a few weeks ago. After President Erdogan entered into that agreement with Vice President PENCE, which has been violated, he turned around and decided to cut a separate deal with Putin and Russia, thereby giving Russia even more leverage than it already had in Syria.

In addition, Erdogan boasted that he organized a hit squad to assassinate the top commander of our Syrian Kurdish allies, General Mazloum. President Erdogan did that even after President Trump acknowledged that our Syrian Kurdish allies had given us important information that had helped us to kill ISIS leader Baghdadi. In fact, Erdogan has compared the military leader of our Syrian Kurdish allies—those who bore the brunt of the fight against ISIS—with the ISIS leader whom we just killed, Baghdadi. President Erdogan did all of that in just the last 5 weeks.

What did President Trump do?

Instead of calling upon the House and the Senate to pass the economic sanctions bill that had been introduced, he rewarded Erdogan for all of those actions with a coveted White House meeting.

That is not the way we should be treating somebody who has just spent the last 5 weeks thumbing his nose at the United States, undermining our interests, endangering our allies, strengthening Russia, Assad, and Iran, and increasing threats to our ally Israel.

It sends a terrible message to the world: Go ahead and undermine the national security interests of the United States, and the President of the United States will invite you over for dinner.

I have teamed up with Senator GRAHAM and others on a bipartisan basis, and I want to thank the Presiding Officer for her support on that sanctions legislation to hold Turkey accountable.

Here is what Senator GRAHAM said about President Erdogan just 3 weeks ago: "If you want to get Erdogan's attention, you have to treat him like the thug he is." That is Senator GRAHAM speaking. Yet Erdogan, time and again over the last 5 weeks and before, has essentially spit in the eye of the United States, and now he is coming to Washington for a White House meeting. This is very difficult to explain. I am not sure any of us has the answer as to why President Trump is doing this.

The Washington Post had an article on October 17 headlined "In Turkey's President, Trump seems to have found a soul mate." If you read through the article, you can see that President Trump does seem to have an affinity for President Erdogan of Turkey, and clearly President Erdogan likes to get on the phone with President Trump because whenever he does, President Erdogan seems to get his way.

Now he will come for a face-to-face meeting, and I am sure President Erdogan expects to get his way again. Why would he think that? Well, because the last time they talked, President Erdogan clearly took away from the conversation that it was just fine with President Trump if Turkey attacked our Syrian Kurdish allies. President Erdogan clearly believed he had the green light. In fact, after they hung up from that phone call, President Erdogan sent his forces and used proxy forces to attack our Syrian Kurdish allies, and President Trump tweeted that we were withdrawing some of our Special Forces from the area—Special Forces that had helped deter Turkish aggression against our Syrian Kurdish allies.

It is very rare for retired senior military leaders in the United States to criticize a sitting Commander in Chief, but the betrayal of our Syrian Kurdish allies and the terrible message that sent around the world about the unreliability of the United States compelled many of those former leaders to warn about the consequences. I think it is important for the Senate to hear some comments from people who are respected for what they have done for our country.

ADM William McRaven, former commander of the U.S. Special Operations Command, who worked with our Syrian

Kurdish allies in the fight against ISIS, said: “He’s”—referring to President Trump—“obviously left our allies the Kurds on the battlefield. . . . We feel like we’ve betrayed them. He’s undermined our NATO allies . . . the international community has lost faith in America.” That is from Admiral McRaven.

GEN Joseph Votel, former commander of U.S. Central Command and also somebody who has personal experience working alongside our Syrian Kurdish allies in the fight against ISIS, said: “This policy abandonment threatens to undo five years’ worth of fighting against ISIS and will severely damage American credibility and reliability in any future fights where we need strong allies.”

General Petraeus, former commander of U.S. Central Command and former commander of NATO’s mission in Afghanistan and in Iraq, said: “Well, I think we have abandoned our Syrian Kurdish partners. They took over 10,000 losses as the defeat of the Islamic State was carried out.”

Secretary James Mattis, Secretary of Defense under President Trump and former commander of U.S. Central Command, said: “In this case, if we don’t keep the pressure on, then ISIS will resurge.”

Secretary Mattis made it clear that by abandoning our Syrian Kurdish allies, we gave more oxygen to ISIS. In fact, we learned over the weekend that ISIS was claiming responsibility for the murder of an Armenian Catholic priest and his son. Their funeral services are today.

Another former high-level U.S. military commander who has spoken is ADM James Stavridis. He is the former commander of U.S. European Command and NATO Supreme Allied Commander in Europe. Here is what he had to say: “This is heart-rending for anybody who has shed blood, who has deployed forward. . . . I’m getting so many inputs from all around the military . . . they know how this hurts at a very personal level. . . . It’s not only the betrayal of the Kurds, it is the way it is going to allow those embers on the floor of the forest fire that we thought were out to kind of re-flash.” He is saying, in other words, giving more oxygen to the ISIS embers that we were working toward extinguishing.

Gen. John Allen, former commander of NATO International Security Assistance Force and U.S. Forces—Afghanistan, was even blunter: “There is blood on Trump’s hands for abandoning our Kurdish allies.”

Those are from former top U.S. military leaders, patriots who fought with our Syrian Kurdish allies in the fight against ISIS.

There is also a statement from Brett McGurk. So who is Brett McGurk? Brett McGurk was the Presidential Envoy for the Global Coalition to Counter ISIS. He had that position under the previous President and for President Trump for a time. Here is

what Brett McGurk had to say: “I’ve worked for three presidents and participated in a number of foreign leader calls. I cannot recall a President that seems to believe—and then parrots—whatever a foreign leader tells him on the phone. Such information is often false, intended to influence more than inform.” Yet what we saw was that when President Trump hung up on that phone call with President Erdogan, he essentially green-lighted that operation. That is why President Erdogan likes to get President Trump on the phone directly or talk to him directly, which he is going to get a chance to do tomorrow.

Probably the most damning of all the comments I have heard—and this was not unique, but it was unique in the way it was characterized—came from the mother of a cadet at the Naval Academy. What was interesting is that she has been a loyal supporter of President Trump. She supported him, she voted for him, and she stuck with him, but after the betrayal of our Syrian Kurdish allies, she said that she no longer could trust him and that she worried that her son at the Naval Academy would essentially be left to the whims of a Commander in Chief whom she could no longer trust. That was all before President Trump invited President Erdogan to the White House.

What we should be doing is passing tough economic sanctions. What we should be doing is holding Turkey and President Erdogan accountable for undermining our security and helping to give new oxygen to ISIS. That is why the House of Representatives passed a bipartisan sanctions bill by a whopping veto-proof vote of 403 to 16. That is why Senator GRAHAM and I have introduced bipartisan sanctions legislation in the U.S. Senate, which has more than 14 bipartisan cosponsors and growing. I do want to thank the Presiding Officer for her efforts to hold President Erdogan accountable with this legislation. There is also other legislation introduced by Senator MENENDEZ and Senator RISCH.

Here is what I know: The most important thing is that this body, the Senate, should act right now. We have the House bill sitting at the desk. We have the bill introduced by Senator GRAHAM and me sitting at the desk. Right now we should just pass those sanctions bills and send a message to President Erdogan that while he may be going to the White House tomorrow, he does not have support in the Congress.

I have talked about Erdogan’s actions for the last 5 weeks. I would like to take us back 5 years from the period we are in right now. In the fall of that year, mid-September 2014, ISIS terrorist forces were encircling the Syrian Kurdish town of Kobani. Kobani is a town on the Syrian side of the Turkey-Syria border. ISIS was laying siege to that town. They had already taken a lot of the surrounding villages, and they were closing in on this last Syrian Kurdish stronghold.

The Syrian Kurds were totally outnumbered by ISIS, and the Syrian Kurds asked the United States for help. It took us a little longer than it should have—took us weeks, not days—but we agreed to help supply our Syrian Kurdish allies with weapons and equipment in the fight against ISIS.

We asked Turkey if they would help us supply weapons to the Syrian Kurds because Kobani is right there on the Syria-Turkey border. Turkey refused. President Erdogan said no. So the United States, at greater risk to our own forces, had to airdrop weapons and supplies into Iraq from U.S. aircraft, and with that help, our Syrian Kurdish forces were able to stop ISIS from taking over Kobani and began to push them out and, again with our help, primarily from the air, pushed them out. In that fight over the last 5 years, the Syrian Kurds have lost over 11,000 men and women, soldiers and others. That is what they have lost in the fight with us against ISIS.

Turkey, on the other hand, not only did not lift a finger in that fight, but for the past 5 years and even more the years before, they turned a blind eye to ISIS fighters transiting through Turkey, so ISIS was growing stronger as a result of their negligence.

I want to close by responding to those who say: Well, you know what, Turkey is a NATO ally, and so we should invite President Erdogan over to the White House.

I see on the floor my friend and colleague, Senator DURBIN from Illinois, and he, along with myself and others, has made this point repeatedly. We would like Turkey to be a strong NATO ally. Over the years of NATO alliance, they have in the past been a good partner, but under President Erdogan’s leadership, they have taken Turkey in a very different direction.

The issue is not whether the United States wants Turkey to be a member of NATO; the question is, Does Turkey really want to stay in the alliance? Because everything they have done shows they are violating the values and principles of our alliance.

President Erdogan decided to purchase the Russian-made S-400 anti-aircraft system against our strong objection. This is a system that would have put our F-35 pilots at risk and undermined NATO security. President Erdogan said he didn’t care. He went ahead with the S-400 purchase, and those S-400s are sitting in Turkey right now.

He was willing to work with Russia, Iran, Assad to undermine our interests in the area. We have talked today about how he attacked our Syrian Kurdish allies. He has repeatedly threatened the European Parliament, European Union, with releasing refugees if they do not cooperate with him and don’t turn a blind eye to the fact that he has locked up more journalists than any other country on earth, including Iran, Egypt, North Korea, and Saudi Arabia.

So, Madam President, the fact that the President of the United States has invited Erdogan to the White House, after everything Erdogan has done to undermine our values and security, is a shame on the United States. It will undermine our national security interests. It has already alarmed our allies and heartened our adversaries.

It is important that all of us—all of us in this House and Senate—on a bipartisan basis, speak out—as we have been doing—against the shameful chapter in our American foreign policy and national security.

Madam President, I yield the floor.

Mr. GRASSLEY. Madam President.

The PRESIDING OFFICER. The gentleman from Iowa is recognized.

COUNTERFEITERS

Mr. GRASSLEY. Today I am here to discuss the critical need to protect American businesses and consumers from the dangers of counterfeits, particularly counterfeit goods sold online.

Counterfeits do incredible damage to our country's economic competitiveness. They harm intellectual property right holders and the reputation of online marketplaces, undermine the integrity of our supply chains, and even threaten the health and safety of consumers. So it is Congress's responsibility to use its oversight and legislative authority to identify ways to prevent these illicit goods from entering our borders.

Over the past year, I have worked with the Finance Committee Ranking Member WYDEN to investigate how counterfeiters use e-commerce to sell their phony goods to consumers. Last week, we concluded our investigation and issued a report detailing our findings.

Based on the information presented to Senator WYDEN and this Senator by right holders, trade associations, e-commerce platforms, and common carriers, we made five findings in this report, and we identified two legislative recommendations for Congress in this report. I believe these recommendations will enhance existing efforts within the Federal Government to prevent the sale of counterfeits online.

I will talk briefly about our findings today, and I look forward to working with my colleagues—both Republican and Democrat—to identify additional areas for congressional action.

As chairman of the Senate Finance Committee, I recognize the value of intellectual property rights and their impacts on society and the economy. Intellectual property rights allow businesses to generate new ideas and develop creative solutions to everyday problems that can make our lives healthier, safer, and more productive. I also understand businesses and innovators rely on those rights to help drive and recoup their investments.

In my own State of Iowa, intellectual property represents more than \$14.4 billion in annual exports for the State, more than 94,000 jobs, and supports more than 2,000 small businesses with

less than 500 employees. However, counterfeits are increasingly threatening these achievements and the hard work of the people that innovate. It has been estimated that international trade for counterfeit goods in 2016 accounted for \$509 billion of world trade.

Counterfeits are found in both physical and online marketplaces, and almost every industry is affected. Scam artists target electronics, automotive parts, and even children's toys, to rip-off consumers and to make a profit. Counterfeits can also harm consumers. Many consumers do not know that counterfeits can be dangerous and that some have been found to contain lead, excessive small parts, and even unsafe chemicals.

In 2018, the Government Accountability Office—or GAO, as we know it around Washington—examined how e-commerce marketplaces are further enabling the sale of counterfeits. GAO found that counterfeiters use online marketplaces to sell fakes to consumers because they can hide their identity by using false or incomplete names. Counterfeiters also post legitimate photos or fake reviews for their products, which makes it harder for consumers to determine whether they are buying a legitimate or fake good.

The Grassley-Wyden investigation showed that the breadth and variety of goods sold online makes it nearly impossible to prevent the sale of all counterfeits. Right holders also told us that their enforcement efforts are hindered in part because the U.S. Customs and Border Protection shares very limited—and often heavily redacted—importation information with these right holders. But right holders need importation information to identify counterfeit sellers and report suspected counterfeit listings.

Counterfeits also pose a threat to e-commerce and to common carriers. Counterfeits smear the reputation of e-commerce and threaten the integrity of the common carrier supply chain network. As such, these parties are critical partners in the fight against the sale of counterfeit goods. However, Customs and Border Protection does not have the authority to share importation information with these parties when it identifies a counterfeit at our border.

During our investigation, these parties told us that this information would give them the ability to better protect our country's intellectual property and allow them to remove more counterfeit listings and block counterfeit sellers. We must look at this problem holistically and with the understanding that right holders, e-commerce platforms, and common carriers are critical partners in the fight against the sale of counterfeit goods and those counterfeit goods being sold online. By sharing more importation information, these parties can better protect the intellectual property rights of our innovators, as well as the health and safety of e-commerce consumers.

Our investigation is but a first step. I will continue to use my oversight authority to look for innovative solutions to protect intellectual property right holders and consumers from the negative effects of counterfeits.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Illinois.

IMMIGRATION

Mr. DURBIN. Mr. President, I was honored today to attend the second hearing I have attended in the Supreme Court of the United States. If you stand right here on the floor of the Senate and look east through these glass doors, you can almost see the Supreme Court buildings directly across the street. The Supreme Court is, many times, the last stop when it comes to human rights and civil rights. After all the work that has been done by the Congress, by the President, many times, it is the Supreme Court that has the last word.

In the case of *Plessy v. Ferguson*, when the Supreme Court held that segregation was constitutional, that last word was a disappointment. And *Korematsu v. The United States*, when the Supreme Court upheld the internment of Japanese Americans during World War II, that was another disappointment.

But other times, the Supreme Court has risen to the challenge: The famous case of *Brown vs. Board of Education*, which finally struck down the concept of separate but equal; *Obergefell vs. Hodges*, where the Supreme Court recognized the right to marriage equality.

Well, today, the Supreme Court faces another human rights issue involving another group. Just a few hours ago, the street between the Capitol and the Supreme Court was literally filled with thousands and thousands of demonstrators. The issue before the Court today was the fate of DACA, the Deferred Action for Childhood Arrivals.

This measure, DACA, is one that I have worked on for many years—many years. Nineteen years ago, I introduced the DREAM Act. Before that, the term “Dreamer” was hardly ever applied in the conversation about immigration, but now, it has become standard and really defines this group of Americans, people living in America.

In their case, they came to the United States, brought here by their parents, when they were children. They may have had legal entry into the United States, but at some point in their lives, they no longer were legal. They became undocumented, in the words of the law. Most of these young people never knew that status until they reached their teenage years and their parents finally told them the truth of their legal condition.

They had no control over the decision of their parents to come to this country or file the necessary papers. Frankly, many of them were shocked to learn that they were undocumented. They went to school with our kids. They grew up in our communities.

They played on the sports teams. They probably attended the same churches and temples and synagogues as our own kids. They were just part of the group. But they knew—they privately knew they were not. They knew that they were one knock on the door away from being deported from the United States.

It was because of one of these young people that I decided to introduce that DREAM Act legislation 19 years ago. Her name is Tereza Lee, brought to the United States at the age of 2 from Korea by her parents to Chicago. She grew up in a family that struggled to make ends meet. Her father wanted to be a minister, but never quite put that church together. Her mother worked in a dry-cleaning establishment to feed the family. She went to public schools, and as luck would have it, there was a program at one of these schools called the Merit Music program that gave her a chance to learn how to play the piano.

She started playing, and she followed her father around to these churches. Then she took it seriously, and she became an amazing pianist to the point where, when she finished the public high school, she was offered an opportunity to go on for music education at the Manhattan Conservatory of Music. When she filled out her application and reached the point where they asked her nationality and citizenship, she asked her mom: What am I supposed to put on here? Her mom said: I am not sure. We better call Senator DURBIN's office.

They did, and we checked the law, and the law is very harsh. For Tereza Lee—who had lived 15 or 16 years in the United States, beat the odds by finishing high school and developing this great talent at the piano—the law told her that she had to leave the United States for 10 years and apply to return. That is the law.

It seemed unfair to me that a young woman, brought here at the age of 2, should face that as her only legal choice, so I introduced the DREAM Act. It said, if you were brought here as a child, raised in the United States, went to school, and had no criminal record of significance, that you should be given a chance—the chance to make it in the United States to earn your way to legal status and citizenship.

That is what the DREAM Act was all about. We passed it in the House and in the Senate, but never in the same Congress, so it is still not the law of the land. It was 8 years ago when I appealed to my former colleague in the Senate, Barack Obama, as President, to try to help, and he did.

By Executive action, he created DACA, which said that young people like Tereza Lee could apply, go through a criminal background check, fill out the necessary forms, pay the filing fee, and be allowed to stay in the United States for 2 years at a time, renewable, not to be deported, and be able to legally work.

After President Obama came up with DACA, over 780,000 young people came

forward and became protected by DACA. It really changed their lives. For the first time in their lives, they had some government-recognized status. They were no longer just undocumented. Then amazing things happened. They went on and pursued an education, a career, a life, a future. They started realizing their dreams. It was a good and positive thing all around.

Then, President Trump came into office. Initially, he was very complimentary of Dreamers, saying positive things about them, but, unfortunately, over a period of time he changed his attitude about this issue. On September 5, 2017, President Trump announced he was going to end the DACA Program, and the protection for these young people.

It was a sad day and a challenge for us to decide what to do, to try to pass legislation in the Congress that would protect these young people, and we rolled up our sleeves and put together several bipartisan measures in the Senate. President Trump rejected every single one of them. He wasn't going to have it. He was opposed to our enacting legislation that dealt with it.

That repeal of DACA has created uncertainty for hundreds of thousands. A lawsuit was filed in an effort to try to protect them, and the courts said their protection would continue while the case was being argued. The case worked its way through the courts and ended up, this morning, at the U.S. Supreme Court across the street.

I was proud to lead 172 current and former Members of Congress on a bipartisan amicus brief in support of DACA. Now it is clearly up to the Justices in the Supreme Court to follow the law and to reject what I consider to be President Trump's illegal repeal of DACA, but only Congress can provide a permanent solution for Dreamers.

The U.S. House of Representatives has responded to President Trump's cruel decision to repeal DACA by passing the Dream and Promise Act on a strong bipartisan vote of 237 to 187. This legislation is based on the DREAM Act I originally introduced 19 years ago. This bipartisan legislation would give Dreamers a chance to earn their citizenship. The bill passed the House. It is here. It is now up to Senator MITCH MCCONNELL of Kentucky, the Republican leader, to call the Dream and Promise Act for a vote in the U.S. Senate.

Mr. President, I want to make a unanimous consent request in relation to that measure and ask for a consent after we debate my UC request to complete my remarks. I see a Senator on the floor who I believe is here to object. I want to be courteous to her because she has been in the Chair for a while. Can I have a unanimous consent to return to the debate after I make my unanimous consent request?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 6

Mr. DURBIN. Mr. President, for clarity, I ask unanimous consent to bring to the floor the Dream and Promise Act for a vote in the Senate—a measure which would address the very issue that is before the Supreme Court today. I am making this on behalf of Senator SCHUMER, Senator LEAHY, Senator ROSEN, Senator TIM KAINE, Senator MENENDEZ, and Senator CARDIN.

As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 112, H.R. 6; further, that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. BLACKBURN. Mr. President, I am reserving the right to object, and I will object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I would like to articulate the reason for the objection to the legislation that is brought forward by my friend the Senator from Illinois.

Once again, I found it necessary for the good of the order to object to a unanimous consent request brought by our friends in the minority. Once again, they are attempting to bypass the Senate's rules on behalf of a piece of legislation this body has not had time to debate, to deliberate, or to consider in committee.

The American Dream and Promise Act passed the House of Representatives by a near party-line vote; unsurprising, considering the bill addresses the contentious issue of immigration law. This bill, supported by the Senator from Illinois, would offer temporary legal status to 2½ million undocumented immigrants.

Those affected immigrants have tried to remain in the United States under the Deferred Action for Childhood Arrivals, or the DACA Program—a backstop made possible by nothing more than an Executive memo signed by former President Barack Obama.

I think this is important for us to realize that it was an Executive memo that put this program in place. It is not a Federal law. President Trump ended the DACA Program in 2017, arguing the Obama administration's attempt to subvert immigration law on such a massive scale was unlawful and possibly unconstitutional. Soon after, President Trump offered a path to legalization for DACA recipients, but our friends in the minority refused to take him up on that offer.

We have to remember this: There was a path to legalization for DACA recipients that was offered by President Donald Trump. Our friends in the minority said: No; no, we do not want that.

They continued with the issue. I will tell you, every Dreamer in the country should be outraged by the minority's

refusal to come to the table and negotiate on an offer that was on the table. I encourage my friends on the other side of the aisle to remember that the Supreme Court affirmed a lower court decision to maintain an injunction on the nationwide DACA Program—a scheme similar to DACA but aimed at parents, as opposed to children.

Although that decision set no legal precedent, it did open up an opportunity for the new administration—and for each and every one of us in the Senate—to rebuild various fixes in our immigration system without running afoul of existing legal barriers.

As my friend the Senator from Illinois likes to point out, Senators from both sides of the aisle have been working on this issue—it has been with us for years—and it is imperative we find a consensus solution.

If the minority wishes to offer peace of mind and a path forward to Dreamers, they should do it in such a way that allows the American people to hold each and every one of us accountable for repercussions. We should do this through regular order. I reiterate my objection to the minority whip's motion.

I yield the floor.

The PRESIDING OFFICER. Does the Senator object?

Mrs. BLACKBURN. Mr. President, yes, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, for the record, how many pieces of legislation did we consider in the Senate last week? None. The week before? None. How many months has this measure been sitting in the Senate, the Republican-controlled Senate? Five months, and for five months the Republican leader has not considered it worthy to even bring it before the Senate for debate.

I don't control the agenda. Senator MCCONNELL does. He has decided this measure is not worth debating on the floor of the U.S. Senate.

When I come and make a unanimous consent request to bring this measure to the floor, it isn't as if we are taking away an option, which the Republican leader is using. He is not. When we look back to the debate or at least the effort to find a compromise with President Trump on this issue, it is next to impossible. He is surrounded by people who are completely against DACA and Dreamers. Stephen Miller is a good illustration of one. It used to be Jeff Sessions. He is no longer with the administration. Every time the President starts to lean toward DACA and the Dreamers, these people intervene and stop him, and negotiations come to an end.

It is time for us in the Senate not to wait for a permission slip from President Trump to pass legislation. I am prepared to bring this matter to the floor and to accept the decision on the amendments on the floor. We are in the minority. We will lose some of these

amendments. So be it. Let's let the Senate be the Senate and deliberate these measures. To argue that I shouldn't be asking to bring it to the floor because it has to go through regular order, the obvious question is: When is Senator MCCONNELL going to pursue regular order on a measure that has been sitting here for 5 months?

Let me say a word, if I can, while we are on the subject, about the people who are involved. We can talk about Senate procedure and law all we wish, but what we should do is discuss the real people who are involved.

In 1,000 days in office, this President has issued 11,000 tweets. No surprise, is it? There are 5, 6, 7, 8, 9, 10 a day. He issued one this morning about the young people who are in question here. I would like to read President Donald Trump's tweet from this morning, as the case was headed to the Supreme Court. Here is what he tweeted:

Many of the people in DACA, no longer very young, are far from "angels." Some are very tough, hardened criminals. President Obama said he had no legal right to sign order, but would anyway. If Supreme Court remedies with overturn, a deal will be made with Dems for them to stay!

May I address one particular aspect of the tweet of the President of the United States on this subject affecting the fate of 780,000 young people living in the United States? Probably the best thing is not to do it generically but to talk about specifics.

Let me tell you a story about two DACA recipients, both attending Loyola University in Chicago—the city I am honored to represent. They both came to Washington, DC, today, and sat in the Supreme Court during the argument. I am going to leave it up to my Members and colleagues in the Senate, as well as those who are following this debate, to reach their own conclusion about these two whom I am about to tell the story of. You decide whether this man is a tough and hardened criminal. His name is Cesar Montelongo. He grew up in the State of New Mexico. He was a pretty good student. In fact, he was an excellent student. He graduated from high school with a grade point average of 4.0 and ranked third in his class. He went on to New Mexico State University, where he was a triple major in biology, microbiology, and Spanish, as well as two minors in chemistry and biochemistry. Cesar graduated with a 3.9 GPA.

This hardened criminal then went on to earn a master's degree in biology, with a minor in molecular biology, while working as a teaching assistant. Then DACA came along. For the first time in his life, he had a chance to apply for medical school. He never thought that could happen. He applied and was accepted at Loyola University's Chicago Stritch School of Medicine. It is quite an achievement.

The Presiding Officer, who is also a medical doctor, I am sure understands that, but he did one better. He enrolled in the M.D.-Ph.D. program at Loyola

University. He was just in my office upstairs, and he told me that in a matter of 2 or 3 years, he will have completed his Ph.D. in microbiology, and then he can go on to complete his medical degree and his residency.

This tough, hardened criminal—according to the President—has designs on becoming a medical researcher in the United States of America. When he completes this highly competitive program, he will have a medical degree and a doctorate degree in science.

He is one of dozens of DACA recipients at the Stritch School. My hat is off to Loyola University. They have admitted more DACA students to their medical school than any other medical school in the United States. They are amazing students. I have met them. Many, if not all of them, have promised to come back to my State of Illinois, having had this chance to go to medical school in Chicago, and serve in underserved areas after they have become practicing doctors. Loyola doesn't give them any special treatment in the selection process. They are not eligible for any Federal financial assistance.

I just want to thank them and say to the President of the United States: Before you put out a tweet calling Cesar Montelongo or people like him hardened criminals, Mr. President, take a minute and meet these young people.

While you are at it, meet this young lady too. She was just in my office. Her name is Fernanda Herrera Vera. When she was 2 years old, her family brought her from Mexico to the United States. When she was 7, her family was forced to leave Guntersville, AL, when her father lost his job due to his immigration status. The family settled in Gadsden, AL, where Fernanda attended a private Catholic school on a scholarship.

When she was 10, her parents opened a restaurant. Every day after school, she went to the restaurant to wait tables and help run the restaurant, doing her homework in her spare time. During Fernanda's junior year of high school, Alabama passed the harshest anti-immigration law in the country, which forced her family to close down their restaurant.

Alabama barred Dreamers from attending even public colleges, but thanks to DACA, Fernanda was able to attend a private school, Samford University in Birmingham, AL. Her parents worked hard to pay tuition. She qualified for no Federal financial assistance. Her dad worked 80 hours a week at a chicken plant so that she could go to college. She graduated from Samford in 2017, and her experience has driven her to become an immigration activist. She worked at the Alabama Coalition for Immigrant Justice.

After President Trump repealed DACA in 2017, Fernanda came to Washington for a 4-day hunger fast with other DACA recipients on the Capitol lawn.

Last year, Fernanda was admitted to the Loyola University Chicago School

of Law. But this spring, her mother was pulled over in Georgia for driving with a broken taillight. Her mother is now in deportation proceedings.

It is tough enough to go to school without Federal financial help. It is tough enough to work your way through it. It is tough enough not to know how the Supreme Court is going to rule tomorrow or the day after and whether it will change your fate. It is tough enough to know that any knock at the door could mean deportation for members of your family. Yet she has persevered.

A hardened criminal, Mr. President?

Fernanda's dream is to become an immigration lawyer. She wants to help people just like her mom.

Without DACA, Cesar Montelongo will not become a doctor. Fernanda Herrera Vera will not become an attorney. Will America be a better country if they are forced to leave, if they are deported? I don't think so.

Cesar, Fernanda, and hundreds of thousands of other Dreamers are counting on the Supreme Court to do the right thing and reject President Trump's repeal of DACA. They are also counting on those of us who serve in the Senate to stop making excuses and solve this crisis.

A bill has passed the House. I tried to bring it to the floor of the Senate, and there was an objection today. It isn't because we are overwhelmed with work. As you can see, we spend a lot of time making speeches.

Since Senator MCCONNELL refuses to take any action to address the plight of the Dreamers, I am going to continue to make this unanimous consent request. Next week, I don't want the excuse to be that we are not following regular order, but in the meantime, I hope the Senate Judiciary Committee will take up this measure, as they have so many times over the last 15 years or so, and bring it to the floor of the Senate.

Once and for all, could we be the U.S. Senate for a week? Could we actually consider a piece of legislation here that addresses an issue that is critically important to hundreds of thousands of people living in the United States of America?

What a relief it would be to see this Senate actually as a Senate, to see Members on the floor debating issues. I am not going to win every debate. Every amendment I want is not going to pass, but I am prepared to accept the outcome. Let's do what the Senate was elected to do.

I am sorry there was an objection today. As long as I am a U.S. Senator, I am going to continue to come to the floor of the Senate to advocate for Cesar, Fernanda and all of the Dreamers. It would be an American tragedy to deport these two promising young people.

Now it is in the hands of Senator MITCH MCCONNELL, the Republican majority leader, to give the Dream and Promise Act a vote and to say to those

780,000 who do not know what their future will be just days or weeks from now that there is an answer: We want you to be part of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I know my friend from Illinois, Senator DURBIN, is sincere in his desire to get some relief for the DACA recipients, whose case is now pending before the U.S. Supreme Court. I share a desire to give them some certainty. That is why I supported what President Trump offered in February of 2018, which was a pathway to citizenship not only for the individuals who had applied for and received deferred action under President Obama's administration but for all those who were eligible but did not apply.

What continues to confuse me is how our Democratic colleagues will routinely vote against that offer, which was incredibly generous. I don't think any other President in my lifetime would have had the boldness and the courage to offer a pathway to citizenship for 1.8 million DACA-eligible young people, but President Trump did, and our Democratic colleagues turned it down. That leads me to wonder about their sincerity. Do they like this political issue more than they have a desire to find a solution to the problem?

I agree that these young people, who through no fault of their own came to the United States because their parents brought them here, are the most sympathetic and deserving cohort of immigrants in the country. I wish we could work together to come up with a solution. But at some point you have to wonder whether our Democratic colleagues prefer not to solve the problem but would rather try to portray this as a political football for partisan advantage in the runup to the next election.

That is tragic—toying with the lives of these young people, stoking their insecurity, telling them you are on their side but on the other hand voting against an offer to provide them a pathway toward citizenship. I don't know how you reconcile those two positions.

PRESCRIPTION DRUG COSTS

Mr. President, on another matter, I introduced a bill with our colleague from Connecticut, Senator BLUMENTHAL, to address the rising costs at the pharmacy counter. Senator BLUMENTHAL is a Democrat. I am a Republican. He is from Connecticut. I am from Texas. But we both heard the same thing from our constituents: Prescription drugs—particularly the out-of-pocket costs to consumers—are too high, especially with the huge deductibles and the huge copays under the Affordable Care Act.

Over the last several months, we have dug into the reasons behind those high costs, and it is safe to say there is a lot that concerns us.

One of the most egregious forms of abuse we have seen deals with the pat-

ent system. Under the patent system, if you come up with a new lifesaving drug, then you are guaranteed the exclusive right to make and to sell that drug, and you are protected from any competition for a period of time. But after that period of time expires, what is supposed to happen is that generic alternatives are supposed to be available to compete and bring down the price for consumers. That is the case for 90 percent of the drugs we take.

Our country offers the most robust protection in the world for intellectual property. We know companies are unlikely to pour extensive time, money, and resources into developing these new cures unless, at the end of it, there is some reward. I get that, and I support that.

But the patent system is designed to provide a limited time period during which the manufacturer can be the sole seller on the market before generic alternatives can become available and before competitors can enter the market. What is happening is that some companies are abusing that system and extending that period of exclusivity by filing tens—sometimes in excess of 100 patents.

In one case involving a drug called HUMIRA, which is one of the best selling drugs in the world, there are four approved competitors in Europe. In the United States, HUMIRA has in excess of 120 separate patents designed to crowd out and prevent any competition while maintaining their exclusivity in the marketplace.

That is what is called the patent thicketing. It involves using intricate webs of patents to keep competition at bay for as long as possible, meaning that your profits and your exclusive rights to sell this drug are high.

There is also something called product hopping, which occurs when a company develops a reformulation of an existing drug about to lose its exclusivity and then pulls the original product off the market. This is done not because the new formula is more effective necessarily but because pulling the original drug off the market before it loses its exclusivity prevents generic competitors. That is called product hopping.

The bill Senator BLUMENTHAL and I introduced aims to stop these anti-competitive behaviors, allow competitors to come to market sooner, and bring down prices for consumers. The Affordable Prescriptions for Patients Act streamlines the litigation process by limiting the number of patents companies can use when they are litigating their patent rights. Ultimately, we believe—and I believe it is borne out by the Congressional Budget Office scoring—this would allow competitors to resolve patent issues faster and bring those generic drugs to market sooner. This is how we improve competition and lower prices without getting in the way of lifesaving innovation.

The added benefit to this bill is the Federal savings it would provide for

taxpayers. The Congressional Budget Office says that this bill would lower Federal spending by more than half a billion dollars over 10 years. That is not a panacea, but it is a good start. This is just savings to the Federal Government for Medicare and Medicaid. There would undoubtedly be more savings for consumers who get their health coverage through private health insurance.

It checks every box. It checks innovation, increases competition, lowers prices for patients, and saves money for taxpayers. On top of that, this bill has a raft of bipartisan cosponsors. This is not a partisan bill; this is a bipartisan bill. In addition to Senator BLUMENTHAL, five other Democrats have endorsed the bill, including both the Democratic whip and the assistant Democratic leader.

I am sure it comes as no surprise that this bill sailed through the Judiciary Committee without a single Senator voting against it. It was unanimous. During simpler times, it would have quickly passed the full Senate and moved on to the House for their consideration and then gone on to the President for his signature. But we all know things aren't quite that easy these days, and even bipartisan bills get caught up in the political crosshairs.

According to a report in *POLITICO*, the minority leader from New York, Senator SCHUMER, is blocking this bill from passing in the Senate. He is blocking one of his own Member's bills—and one to lower prescription drug prices, of all things. While the American people suffer from the crush of high costs at the pharmacy, he stonewalls, and it is to the detriment of just about everybody—except one group.

I know there are some drug manufacturers that must be thrilled with his blocking the bill that would reduce their compensation and increase competition. You see, the army of special interests who have been fighting my bill since day one when it was introduced is ecstatic that the Democratic leader is blocking this bill, but I am not, and I don't think the rest of the Senate is either because this is a non-controversial, bipartisan bill. The only thing that Democrats are doing by continuing to hold up this bill is to carry water for one of Washington's most prominent special interest groups. As long as they do, it will be to the detriment of the American people.

I know this frustration is bipartisan because my friend Senator BLUMENTHAL is just as frustrated by this ridiculous holdup as I am. We have tried to reason with the minority leader. We have tried to negotiate. We have tried to get him to allow the bill to come to the floor, but we have had no luck so far.

Last week, I came to the Senate floor to ask unanimous consent to pass this bill, and what happened next felt like a scene from a bad made-for-TV political drama. The minority leader, who was

unwilling to come to the floor and block the bill himself, tried to have one of the cosponsors of my bill do it for him, the Senator from Illinois. He would rather force his own member to block a popular bipartisan bill, which happens to have my name on it, than allow it to pass on its own.

Well, as you can imagine, that didn't go very well. So then it was on to plan B. They wanted to link the fate of our bill, which passed unanimously in the Judiciary Committee, with another bill that hasn't even passed out of committee.

The other bill was introduced by our friends, Senators Grassley and Durbin, and aims to provide greater transparency on drug prices, something that is definitely needed, and I don't object to it. But these bills are in very different places in the legislative process, and some Members on our side have concerns about a bill coming to the floor that hasn't even been through the committee of jurisdiction.

Now, to the minority leader this is just another creative way to stop passage of a noncontroversial bill and attach a free rider onto the bill, which, in essence, is a poison pill. The result is the same. Nothing passes.

As I said, the bill Senator BLUMENTHAL and I have introduced is bipartisan. It is not controversial. It went through regular order. Every member of the Judiciary Committee had a chance to vote on it, and no one voted against it. We checked on our side, and there is no objection. We have run a hotline on the Democratic side, only to find that the Democratic leader is the one himself who is blocking it.

Well, unfortunately, politics, once again, has overwhelmed our collective good judgment and good sense. I know the Democratic leader doesn't want any bills to pass that Republicans can use to tell their constituents that they are listening to their concerns and acting on those concerns in the run up to the next election. He doesn't really care about the merits of the legislation or that it would, in fact, help New Yorkers. It is politically inconvenient, and that, clearly, is his top priority.

The American people deserve better. With the House working day and night to remove the President from office and the next election less than a year away, the opportunities for us to pass any sort of bipartisan legislation are getting slimmer and slimmer.

I plan to return to the floor later this week with my colleague from Connecticut to ask unanimous consent that this bill be passed. If the Democratic leader is going to block the bill, I want it to be clear to the American people and the people who would benefit from the passage of the bill being signed into law. I want them to see him do it and to hold him accountable for his misguided politics.

I hope the minority leader will rethink his decision to block this bill so that we can all work together to deliver bipartisan results for our constituents.

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.

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

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

The Senator from Nevada.

NOMINATION OF CHAD F. WOLF

Ms. ROSEN. Mr. President, I rise today in opposition to this administration's nomination of Chad Wolf to be Under Secretary for Strategy, Policy, and Plans at the Department of Homeland Security. I stand here today opposed not only to Mr. Wolf's nomination but also to the way in which this administration is circumventing the constitutional requirement of advice and consent to make Mr. Wolf the head of the third largest Department in the Federal Government.

By the President's own admission, Mr. Wolf is slated to immediately be appointed to serve indefinitely in the position of Acting Secretary of Homeland Security. Thus, our votes tonight and tomorrow are effectively to confirm Chad Wolf to be Acting Secretary of the entire Department of Homeland Security, despite limited vetting, no committee vote, and no confirmation hearing for this position.

But this is about more than just an egregious attempt to bypass the Senate's role of advice and consent for Cabinet nominees. Rather, this evening's vote will advance a nominee who played an integral role in this administration's cruel family separation policy, and tonight's vote is about the refusal of this administration to address its treatment of detained children.

That is why I was so disappointed to see cloture filed on Chad Wolf's nomination. I placed a hold on Mr. Wolf's nomination to be Under Secretary as a result of the ongoing humanitarian crisis at the southern border, which began and grew during Mr. Wolf's tenure as chief of staff to DHS Secretary Nielsen.

Between July 2017 and June 2018, while Mr. Wolf held the position of chief of staff, 2,800 migrant children were separated from their parents and held in DHS custody under this administration's cruel, so-called "zero tolerance" immigration policy.

Even today, we don't know the extent of the damage. Just last week, reports identified 1,500 more children who were separated from their parents during that time. We do, however, know from emails that Chad Wolf played a leading role in developing, suggesting, and implementing this inhumane policy.

When I asked him if he had helped to develop the administration's family separation policy, he said: "No, ma'am." When I asked him if he had concerns with the policy of indefinitely separating children from their parents, Mr. Wolf said: "My job wasn't to determine if it was the right or wrong policy."

When I asked him how he became aware of the policy, he stated that he learned about it in April of 2018. Emails now show that Mr. Wolf had been participating in meetings discussing family separation as far back as December of 2017. The emails showed that Mr. Wolf provided then-Secretary Nielsen a list of 16 options to limit immigration, one of which was to separate families.

Even before these emails came to light, I found Mr. Wolf's failure to take responsibility for his direct involvement in the administration's cruel family separation policy to be both misleading and disingenuous, which is why I voted against his nomination in committee.

I also placed a hold on both Mr. Wolf's nomination and that of DHS CFO nominee Troy Edgar until the inhumane and substandard conditions for children at CBP processing and detention facilities improved significantly. Reports from journalists, attorneys, and advocates detailed ongoing horrific conditions, making it clear that DHS was not taking the actions needed to care for and treat migrant children at the southern border.

I witnessed these conditions firsthand. When I toured detention facilities at the border earlier this year, what I saw was entirely consistent with the news and DHS inspector general reports about the horrific and inhumane conditions there: children freezing, scared, and unsure of what would happen to them next. The children didn't know if they would ever see their parents again. Even the parents didn't know when their next meal would be, when their next shower would be, and how long they would be there. The anxiety and despair was palpable.

Amidst this crisis at the border, I placed a hold on Mr. Wolf. My requests of the Department were simple—that every child under the care of the United States of America be treated humanely. I requested that DHS hire more pediatricians for CBP facilities, that they bring on child welfare professionals to care for and provide services to the children in CBP custody, and that they increase NGO access to CBP facilities.

Regarding these specific requests, DHS has not adequately addressed the concerns. This is why I maintain my hold on Mr. Wolf's nomination and why my hold on Mr. Edgar will remain until these conditions improve.

With this in mind, we cannot allow a nominee like Mr. Wolf to move forward, especially when we know he is going to be moved right up to Acting Secretary, a position where the President can keep him indefinitely without a confirmation hearing and without the advice and consent of the Senate.

It is an end run around our constitutional role, one of the most important checks we have on the executive branch. It is also not the process we should accept for filling a Cabinet-level position in the third largest Depart-

ment in the Federal Government, one charged with the critical job of protecting our homeland.

I urge my colleagues on both sides of the aisle to vote against cloture on Mr. Wolf's nomination tonight and against his confirmation tomorrow, and I pledge to work with all of you and the administration to identify nominees to lead the Department whom we can all support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to ask the Senate to confirm Mr. Chad Wolf to be the Under Secretary of the Office of Strategy, Policy, and Plans at the Department of Homeland Security.

The Under Secretary of the Office of Strategy, Policy, and Plans leads an office of over 150 employees with an annual budget of over \$37 million to develop and implement DHS policy, long-term goals, and strategic plans. Chad Wolf has extensive experience in homeland security policy, starting in 2002 working as the chief of staff helping to stand up the new Transportation Security Administration after 9/11 and then as the Assistant Administrator for that agency.

He left government and spent over a decade working on homeland security policy issues as a consultant in the private sector. Mr. Wolf returned to public service and the Department of Homeland Security in 2017, serving as chief of staff at TSA, chief of staff to the Secretary, and now as the Assistant Secretary of Strategy, Plans, Analysis & Risk. Since February of this year, he has been the senior official performing the duties of the Under Secretary of the Office of Strategy, Policy, and Plans, the office for which we are now considering his nomination.

The Senate Committee on Homeland Security and Governmental Affairs approved his nomination on a bipartisan basis on July 24. As we all know, the Department has a number of Senate-confirmed leadership positions vacant. Currently, 7 of the 18 DHS offices requiring Senate confirmation are vacant. Three of those vacant positions have nominees that have been languishing on the Senate floor for months after being approved by my committee with bipartisan support.

Mr. Wolf's nomination has been pending in the Senate for almost 9 months. Troy Edgar, the nominee to be the Department's Chief Financial Officer, has been pending in the Senate for 8 months, and William Bryan, the nominee to be Under Secretary for Science and Technology, has been pending for over 4 months. All three nominees were approved by my committee with bipartisan support. We are holding a hearing to consider Mr. Peter Gaynor as the President's nominee to head FEMA this week.

Dedicated Americans serving at DHS in acting positions are doing admirable jobs under oftentimes difficult cir-

cumstances. I trust that Chad Wolf will do the same if he is asked to step aside from his role as Under Secretary to serve temporarily as Acting Secretary upon Kevin McAleenan's departure.

I fully expect and I call upon the President to nominate a permanent Secretary for the Department of Homeland Security. When he does, my committee will consider the nominee expeditiously. We need confirmed leadership at DHS to help direct the Department as it works to keep Americans safe.

We need confirmed leadership at DHS to help direct the Department as it works to keep Americans safe. I am grateful to Chad Wolf for his willingness to serve in this position, and I encourage my colleagues to support his confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

Mr. PETERS. Mr. President, today, I rise to oppose the nomination of Chad Wolf. Officially, we are considering Mr. Wolf's nomination to serve as Under Secretary for Strategy, Policy, and Plans at the Department of Homeland Security. In that role Mr. Wolf would lead the DHS policy office, an important but little-known part of the Department.

However, that is not the role that Mr. Wolf will actually have. We have recently learned that the President has much bigger plans for Mr. Wolf. The President plans to make Mr. Wolf the next Acting Secretary for the entire Department of Homeland Security. Instead of running the policy office, which has a staff of about 160 people and an annual budget of \$35 million, Mr. Wolf will lead all of DHS, the third largest executive agency, with a 240,000-person workforce and a budget of over \$75 billion.

Let's be clear, for all intents and purposes, we are essentially about to vote on the confirmation of a new Secretary of Homeland Security, a position responsible for protecting this Nation from a vast and evolving array of threats. Despite the importance of this position and this vote, we have not been given a full opportunity to meaningfully examine Mr. Wolf's ability to take on this profoundly important and challenging role.

Based on my evaluation of his qualifications to serve as Under Secretary, I do not believe Mr. Wolf has the experience needed to lead this critical Cabinet Department.

I would like to recognize that Mr. Wolf does have several years of Homeland Security policy experience. In his

current role within the Department's policy office, Mr. Wolf has engaged in productive dialogue with the Homeland Security Committee. In particular, I have personally appreciated his willingness to recognize the growing threat of domestic terrorism and White supremacist violence and the need for the Department to do more to keep our communities safe.

However, Mr. Wolf's tenure as chief of staff to former DHS Secretary Nielsen raises serious concerns about his judgment and, in particular, his involvement in some of this administration's most misguided and harmful policies. As part of the Senate's constitutional responsibility to provide advice and consent, I have repeatedly asked DHS to provide documents directly related to Mr. Wolf's time as Secretary Nielsen's top adviser. However, the Department has failed to comply, leaving Congress without the information needed to fully and fairly evaluate Mr. Wolf's qualifications to serve as Under Secretary, let alone run the entire Department of Homeland Security.

Unfortunately, this disregard for Congress's constitutional role as a check on the executive branch is not an isolated occurrence. Instead, it appears to be a defining feature of this administration.

The Constitution requires that the President's nominees to hold key positions receive the advice and consent of the Senate. The Framers knew this arrangement was necessary to ensure that those who hold the most powerful and influential positions in government are accountable not solely to the President but to Congress and, most importantly, to the American people.

However, this President has shown a willingness to abandon the foundational principle of advice and consent and to test the limits of his legal authority to unilaterally install acting officials of his choosing. This has resulted in far too many critical positions going unfilled.

At the Department of Homeland Security, all three top positions—Secretary, Deputy Secretary, and Under Secretary for Management have been vacant for more than 7 months, and the President has yet to name a nominee for any of those roles. Other key DHS components have seen temporary leaders come and go for months—even years—without a nominee for the Senate to consider. This President has declared that he prefers “acting” officials because it “gives [him] more flexibility.”

Leadership turnover and acting officials are a part of every administration, but widespread and deliberate reliance on temporary leaders defies the constitutional principle of advice and consent, harms the Department's critical national security missions, and puts the American people at risk. The dedicated men and women at DHS who are working tirelessly to keep our country safe deserve much better. The American people deserve much better.

To his credit, I believe Mr. Wolf recognizes the untenable situation caused by the President's refusal to submit nominees to the Department's highest offices. When asked about the impact of vacancies across the top ranks of DHS, he stated “I believe having Senate-confirmed leaders in the senior levels of any cabinet agency is a benefit to the morale of the workforce and the success of the agency.”

I continue to urge the President to nominate qualified, principled leaders to lead the Department of Homeland Security. I remain committed to working with my colleagues on both sides of the aisle to carry out our constitutional duty to provide advice and consent by promptly, fairly, and thoroughly vetting the President's nominees. I am also committed to working across the aisle in Congress to ensure that the Department of Homeland Security has the resources and authorities it needs to keep Americans safe and to provide oversight—robust oversight—of the Department's actions and use of taxpayer dollars.

I have sought to fully and carefully weigh Mr. Wolf's qualifications for Policy Under Secretary. Unfortunately, due to the lack of transparency in Mr. Wolf's involvement in very troubling Department decisions, I cannot support his current nomination, much less his elevation to Acting Secretary.

If he is confirmed, I will do my part to support Mr. Wolf and help him be successful in an incredibly important job while also working to hold him accountable. But today, I will be voting no on his confirmation, and I urge my colleagues to do the same.

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

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

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 legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position).

Mitch McConnell, Roger F. Wicker, Mike Rounds, Rick Scott, John Barrasso, Kevin Cramer, Richard Burr, Steve Daines, James E. Risch, John Cornyn, John Boozman, John Hoeven, James Lankford, Todd Young, David Perdue, John Thune, Lamar Alexander.

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 Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

(Ms. ERNST assumed the Chair.)

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Rhode Island (Mr. REED), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 40, as follows:

[Rollcall Vote No. 353 Ex.]

YEAS—54

| | | |
|-----------|------------|------------|
| Alexander | Fischer | Paul |
| Barrasso | Gardner | Perdue |
| Blackburn | Graham | Portman |
| Blunt | Grassley | Risch |
| Boozman | Hawley | Roberts |
| Braun | Hoeven | Romney |
| Burr | Hyde-Smith | Rubio |
| Capito | Inhofe | Sasse |
| Cassidy | Isakson | Scott (FL) |
| Collins | Johnson | Scott (SC) |
| Cornyn | Kennedy | Shelby |
| Cotton | Lankford | Sinema |
| Cramer | Lee | Sullivan |
| Crapo | Manchin | Thune |
| Cruz | McConnell | Tillis |
| Daines | McSally | Toomey |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | Young |

NAYS—40

| | | |
|--------------|-----------|------------|
| Baldwin | Hassan | Rosen |
| Bennet | Heinrich | Schatz |
| Blumenthal | Hirono | Schumer |
| Brown | Jones | Shaheen |
| Cantwell | Kaine | Smith |
| Cardin | King | Stabenow |
| Carper | Klobuchar | Tester |
| Casey | Leahy | Udall |
| Coons | Markey | Van Hollen |
| Cortez Masto | Menendez | Warner |
| Duckworth | Merkley | Whitehouse |
| Durbin | Murphy | Wyden |
| Feinstein | Murray | |
| Gillibrand | Peters | |

NOT VOTING—6

| | | |
|--------|--------|---------|
| Booker | Reed | Sanders |
| Harris | Rounds | Warren |

The PRESIDING OFFICER. On this vote, the yeas 54, the nays are 40.

The motion is agreed to.

JUDICIAL CONFIRMATIONS

Ms. BLACKBURN. Madam President, over the past few months, pro-democracy protestors in Hong Kong have captivated the American consciousness with one of the most stunning mass protests in recent memory. Hong Kong people are no strangers to suppression. They are used to the censorship, digital stalking, and persecution embraced by their overlords in Beijing, and they have seen firsthand the dangers of tyranny.

Watching these protests play out got me thinking about the core values that

we as the American people share with the Hong Kong people and with so many others around the globe. There is really an interesting dichotomy at play: You can turn on the TV right now and see an entire population fighting desperately on behalf of free speech, self-expression, and the right to question their leaders' decisions.

Meanwhile, just a few countries away, the loudest voices in the newsroom are begging for just the opposite. Here in the U.S., Americans are constantly being asked if freedom is really worth the fight. Is it worth the never-ending battle to maintain it? The answer is absolutely.

When Americans look at the protests in Hong Kong, they do not see a foreign policy gray area; they see scores of revolutionaries fighting an evil regime. They identify with the disrupters, and they cheer for the underdogs who do not pull their punches, which is why, in 2016, they sent a disrupter to the White House.

They watch the hysteria that is cable news commentary and get the sense that the people on the screen have completely missed the point. The fight is not and never will be about one person or one movement. It is about the decision to protect liberty or to let liberty die; to protect justice or to let it die. To dismiss this point is to disparage the most important feature of the collaborative American psyche. When asked if freedom is worth fighting for, the answer will always be yes.

The calculus flows into discussions on almost every aspect of American life. Most recently, at home and in this Chamber, debate has centered on the ideological makeup of the Federal judiciary. We have repeatedly asked ourselves: Will the judges we are confirming respect and protect the core values of the American people? The answer is yes, they absolutely will.

This is not the first time the American public has swung back around to consider our "first principles." We talked about them in the early 90s and again—perhaps more passionately—in the early 2000s. Last week, I was fortunate enough to attend an event at the White House celebrating our success in confirming well-qualified, constitutional judges to the Federal bench. We have filled 158 vacancies since 2017, and we are far from done.

I am sure, however, that my friends in the minority wish we would give it a rest, but we won't. After all, they have had to work overtime trying to convince the American people that our job is to impose by judicial decree policies that were rejected at the ballot box. They want to do this without the benefit of legislative debate or public comment, which means that confirming constitutional judges is far from being in their best interest.

So here they come, insisting that "constitutionalism" is a dog whistle for racism, sexism, homophobia, and holding regressive and extreme ideas.

What a ridiculous strategy. The bipartisan nominees this body has con-

firmed proved they are capable of resisting the urge to get creative with the law when it suits the loudest voices in the room. Instead, they apply the same foresight employed by the Founding Fathers. These judges know that permitting the government more powers to mold and manipulate society will give rise to a government that will never resist the temptation to overstep its bounds.

Our courts are not courts of public opinion, and my friends in the minority would do well to remember the cost of treating them as such. Constitutionalism is our legacy and our inheritance. I urge my colleagues to remember this because we are going to vote to confirm judges who have proven themselves committed to defending our core values and the rule of law in the United States of America.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized as in morning business for such time as I use.

The PRESIDING OFFICER. Without objection.

CHINA

Mr. INHOFE. Madam President, I am here today to talk about an important vote that I took 19 years ago, a vote about free trade from China. Now, you might say it is a little out of character, coming down to the floor and talking about free trade and China, because normally I am down here talking about how China is investing in their military at unprecedented rates or how they are passing us up in terms of our military, which we saw in the last administration.

The reality is that when it comes to China—which is entirely controlled by a tyrannical Communist party—you cannot separate their trade behavior from their military like you can in a democratic government. China asserts its power both economically and militarily to the detriment of the free world.

So 19 years ago, I came down to the Senate floor and took a stand against the tyrannical regime in China. The vote was on whether or not to allow the Chinese Government normalized trade relationships with the United States that would pave the way for China to join the World Trade Organization.

At that time, it was not popular—it was not popular for any Member of the Senate who stood in the way of free trade agreements, much less a Republican. But as I saw it then, the vote did much more than open up trade. It granted favors to an authoritarian regime, despite their openly predatory actions, without demanding concessions in return. My colleagues claimed that opening China to free trade would cause China to change their behavior. Clearly, that did not happen, but I will get to that in a minute.

Filled with the false hope and empty promises, the trade agreement sailed

through the Senate, 83 to 15, and was signed by then-President Clinton. Now, I am the only one of those 15 "no" votes still serving in the United States Senate. Today, 19 years later, we have seen the reality of what I thought would happen. At the time, I said—and I am quoting from my speech 19 years ago—"We cannot allow the pursuit of dollars to blind us to certain realities about the ruling communist regime in China, including"—keep in mind, I am going to read all eight of these that I had mentioned 19 years ago—"repeated threats against the United States and Taiwan"—still going on today; "massive military modernization and buildup"—still going on; "proliferation of dangerous weapons to rogue states. Theft of U.S. nuclear secrets"—still going on; "demonstrated strategy to exploit commercial relationships to acquire advanced military technology," that is still going on today; "attempts to corrupt the U.S. political system. Violation of international agreements. Brutal repression of dissidents." We know that is happening.

I continued: "To ignore these actions in the belief that they can be separated from what we do in our trading relationship is dangerously misguided. China's trade surpluses are helping to finance the regime's military buildup and aggressive foreign policy, while strengthening its hold on economic and political power."

I do not take any pride in being right, because the outcome has been devastating for the American workers. China has stolen our technology and personnel secrets and taken millions of U.S. jobs over the past two decades. The facts today show it.

Let's go through quickly a few of what we predicted two decades ago and see where we are today. First, the threats against the United States and Taiwan, that is pretty clear. Just look at China's reaction to the recent routine arms sale to Taiwan of tanks and Stinger missiles. Keep in mind, China has known since 1979 that we sell arms to Taiwan to aid in their self-defense. Everyone knows that.

They threatened that they were prepared to go to war to defend their "unity and territorial integrity"—over a routine arms sale. In the past year alone, Beijing has frequently threatened to use force against any who opposed the Communist Party's designs on Taiwan, so despite free trade, China has not stopped their threatening behavior toward the United States and Taiwan.

Secondly, massive military modernization and buildup. We know that is still going on. It is obvious to everyone that China has not changed their behavior on this because of free trade. It has emboldened them. China has become more aggressive as our free trade system has subsidized their economy.

Some key facts: Over the last decade, the Chinese Government has grown their military spending—look at the chart when I read this—has grown their

military spending by 83 percent. That is over the last decade. Meanwhile, during the last 5 years of the Obama administration, we decreased our military spending by 25 percent. We decreased our military spending while China had increased theirs by 83 percent.

That is why, today, China is able to build ships at a faster rate than we are and is on pace to surpass the number of vessels by 2030. That is why China is investing heavily in cyber capabilities, aviation, artillery, and hypersonic weapons—hypersonic weapons, the most sophisticated new weapons they have, the weapons that move at five times the speed of sound. Actually, before the Obama administration, we were ahead of both China and Russia. At the end of that administration, we are behind them, and we are catching up now. Each capability, if not superior to ours, has the potential to do us significant harm.

In 2018, I visited our allies in Southeast Asia, where I saw the Chinese military buildup in the South China Sea for myself.

You remember the islands they created. This is not taking over territory; it is creating territory because those islands weren't there. They have islands in the South China Sea. The Chinese, at last count, I believe, were at seven islands. When you go in and look at it, you become convinced they are preparing for a world war III.

China, prior to that time—this is only 3 years ago—had always done their military in their home territory. It has always been in China until they went in Djibouti—that is the northern part of Africa—and they started their own activity there. Now they are all the way down to Tanzania, in that part of the world.

The Department of Defense official expects the Chinese to open more bases, too, in the Middle East, in China, in Southeast Asia, and in the Pacific. They are all strategically important locations.

When I talked to our allies in the Pacific, they are concerned, and many are beginning to hedge their bets because they see what China is doing. We are talking about the South China Sea. We are talking about our own allies who have historically been our allies. All of a sudden, they are starting to have second thoughts. They are seeing what China is doing, but they don't see us doing anything. After 8 years of President Obama's weak leadership, it is getting more difficult for us to prove to them that we are actually interested in standing up to China's aggression.

Third, the theft of U.S. secrets—we know about that. There is an old saying: What China doesn't have, it steals. That is even more apparent today than it was in 2000. China is still actively pursuing and stealing some of our most valuable military secrets. Just last year, China hacked a Navy contractor and stole massive amounts of classified data. That practice isn't new, but it is

still having serious impacts on our ability to get ahead of China's militarily.

We are seeing an alarming rise in how China steals industrial secrets. They do it out in the open—for example, by forcing any American business that wants to operate in China to form a partnership with a Chinese business. They have been doing that for a long period of time, and we have been going along with it. Sadly, these partnerships are nothing more than a way for the Chinese Communist Party to access and steal proprietary ideas and technology.

They also do it in nefarious ways—through exploiting educational relationships on college campuses or stealing biomedical research during the peer-review process.

This is no small thing. One in five American companies has been a victim of Chinese intellectual property theft. That matters because nearly 80 percent of our economy is based on intangibles—the very things the Chinese are stealing.

It is safe to say that this is another area where the regime in Beijing has been emboldened by free trade at the expense of American innovation and economic growth.

China hasn't changed its position on exploiting commercial relationships either. For the past two decades, China has taken advantage of countries—weaponizing their debt and working to control ports, infrastructure, and other territory, posing a very real threat to U.S. interests. There is no place where this is more apparent than in Africa, where I keep hearing: "America will tell you what you need; China will build it for you." Of course, they don't follow through and talk about how they use all Chinese resources to do this. They use Chinese labor. But it is of no value to Africa.

I have been to Africa probably more than any other Member, as I have been very active in that area and have seen some of the threats that face us on that continent, and I have seen the Chinese debt trap hobble more promising governments.

But it goes far beyond the developing world and extends right into our own backyard. Just look at the recent issue with the NBA, where the general manager of the Houston Rockets tweeted a message in support of the Hong Kong protesters. The backlash was swift. China stopped airing Rockets games or streaming them online, and their online retailers pulled merchandise from online stores.

We have also seen U.S. hotels, aviation companies—even the Gap—being forced to edit and self-censor to remove any reference that even tangentially refers to Taiwan, Tibet, or Hong Kong not being a part of the People's Republic of China, all to appease the Communist Party. The jewelry company Tiffany was pressured to remove an advertisement of a woman covering her eye because images of a protester in

Hong Kong with a wounded eye got international attention.

We live in a democracy, and we don't dictate to private businesses what they should or should not do. This is not the case in China. Yet, if we continue down the road of self-censorship, the party's demands will escalate, and it will be harder and harder to exercise freedom of expression.

Fourth, lastly, brutal repression of dissidents—that was true 19 years ago, and it is true today. More than anything, I would like to say this was an area where free trade had forced the Chinese Communist Party to change its behavior. That is what we were all told would happen, but it didn't happen. We know it is not true.

We all know about the atrocities that are going on in Xinjiang Province, where the government is forcing a Muslim minority into concentration camps, although they call them reeducation centers. We all know what is going on in Hong Kong, where Beijing is repressing a democratic demonstration with brutal tactics. I remember being in Hong Kong at the time China reasserted what they call their leadership, their ownership, to Hong Kong. It has been on and off all these years. Right now, that effort—disagreement is still taking place.

Outside of the areas that, despite China's best efforts, have attracted international attention, we still know about the atrocities the Chinese Communist Party quietly inflicts on journalists and Christian minorities in house churches and in communities across China every day.

I have just painted a very bleak picture of U.S.-China relations and how unrestricted trade didn't force the ruling party in Beijing to change its behavior, but the good news is, help is finally on the way. After the trade deal was enacted—I am talking about President Trump's trade deal—I kept speaking out against the Chinese Communist Party, calling attention to their human rights abuses, their military buildup, their manipulative trade tactics, and their economic bullying. I pushed every President until now to stand up to the economic powerhouse before it was too late and they outmatched us. I tried that with Republicans and Democrats alike, and it didn't work.

Now we have the first President since 2000 to take China seriously. President Trump is clear-eyed about the regime in Beijing. He knows that our trade relations have been unfair and imbalanced, and he understands that we need real and permanent fixes in order to have any long-term stability. This is something that has been going on for a long period of time, and he is now changing this. He is getting criticized, obviously.

I have to say this: It hurts our farmers in the State of Oklahoma. However, I would say that they are very understanding that someone is finally willing to take on China.

LEGISLATIVE SESSION

MORNING BUSINESS

He has effectively applied tariffs, both to punish the Chinese Government for its manipulative trade practices and also to support critical industries in the United States.

The result: China's economy has slowed to its lowest point since 1992—and that is if you believe their official numbers. These are their numbers. It has slowed down their economy. That has not happened before.

The economic pressure brought them to the table, ready to make a real deal—one that is fair and accountable. So far, we have gotten phase 1—a preliminary first deal—and the outcome is good for farmers in Oklahoma and across the country. For the first time, China has agreed to purchase \$40 billion to \$50 billion worth of American agricultural goods. That would be the highest level since 2012. That is a good start.

The fight against China's economic manipulation and influence is not over. It can't just be limited to shrinking the trade deficit through greater purchases of American goods. Future parts of any agreement need to be sure to address the concerns that Presidents of both parties neglected for decades, including theft of intellectual property and industrial secrets, forced technology transfer, reciprocal access to markets, and subsidies to China's state-owned enterprises.

All of this needs to be placed into the proper context of the Communist Party's ambitions on the world stage: to rewrite the rules of the international system, to make the world safe for authorities to suppress democracy and abuse human rights, and to achieve global military superiority by midcentury.

President Trump's stand against China on trade has provoked a lot of discussion about our competition with China. We have to remember that this is not a competition against China but a competition for influence—the kind of influence that decides what kind of world our kids and grandkids are going to live in. Next week, my wife and I will be celebrating our 60th wedding anniversary. We have 20 kids and grandkids. They are the ones who will be living in that world I just described.

In this competition, we can't afford to be naive. The Chinese Communist Party has a very different version of the world it would like to create, so even as we keep talking about the tariffs, we have to remember that our values are still America's most precious commodity. It is our values—free people and truly free markets—that must guide us in the competition ahead.

Every part of this speech I gave on the Senate floor 19 years ago has become a reality, and President Trump knows this. Maybe we better listen to him.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I am going to yield the floor.

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

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

SMALL REFINERY WAIVERS AND ETHANOL

Mr. DURBIN. Madam President, on behalf of the corn and soybean farmers in my State, I object to "small refinery relief language" in the fiscal year 2020 Interior appropriations bill that suggests that the Environmental Protection Agency, EPA, disregard Department of Energy determinations on small refinery hardships. The provision encourages EPA to continue allowing refiners to stop blending biofuels with no transparency or evidence of hardship.

Fourteen years ago in this Chamber, I helped enact the renewable fuels standard, RFS, which required petroleum-based vehicle fuels to include a minimum volume of ethanol and biodiesel in them. Both fuels are produced from corn and soybeans, driving economic activity throughout Illinois and the Midwest.

The law has been a tremendous success. We have created new markets for corn and soybeans and helped supply motorists with affordable fuel. We have provided a greener alternative to MTBE and other additives. And now the United States is the world's largest producer of ethanol, generating commerce and creating jobs, both on and off the farm.

In fact, I can hardly think of a national policy in this generation that has achieved greater success for rural economic growth than biofuels. In the wake of the gasoline shortages of the 1970s, the farm financial crisis of the 1980s, the clean air discussions of the 1990s, the oil price spikes of the 2000s, and rural economic conditions of today, biofuels became part of the solution. For more than 40 years, farmers and policymakers built an industry unique to the heartland of this country.

Yet in just 2 years, President Trump has wrestled American biofuels to its knees. He singlehandedly has delivered one crippling blow after another. Each action he has taken contributes to the gradual dismantling of this enterprise. With his involvement, or outright neglect, ethanol prices, profits, and blending are the lowest in history, and thousands of rural jobs have been lost.

The President claims his support for ethanol and biodiesel is strong. I say: believe it when you see it. Because when this President issues declarations of victory on biofuels, facilities stay shuttered and the markets stay stalled.

Congressional frustration on this topic is bipartisan and growing, although some farm State lawmakers and interests still stare at their shoes while a President who shares their political affiliation burns this industry to the ground. Long after the alarm bells were ringing and klaxons were sounding, those who should have known better at the outset, whose earlier responses were accolades, now find themselves at path's end, hoodwinked.

As a member of the Senate Agriculture Committee, I pressed the EPA to approve E15, a 15 percent blend of ethanol in gasoline, for year-round sales as soon as possible. And I applauded that final decision in June. For Illinois, E15 could boost 14 ethanol facilities and 20,000 downstate jobs. For motorists, E15 could save up to 10 cents per gallon.

But pull back the curtain, and the President has allowed EPA to issue 85 secret waivers that allow oil refineries to stop blending biofuels into gasoline. Economists have confirmed that shatters demand for E15. Waivers mean that E15 is a fake victory by President Trump.

After increasing pressure and outcry, on October 4, President Trump publicized an agreement ostensibly designed to restore the lost ethanol demand caused by his waivers back to the 15 billion gallon floor—even 16 billion gallons, claimed the President. Ten days later, the Trump administration stunned observers by publishing details that watered down these numbers and slashed the ethanol deal by half, while stakeholders were coached that nothing has changed.

The language in the Interior appropriations bill suggests that EPA continue to thumb its nose at corn and soybean producers while issuing small oil refinery waivers. Meanwhile, Big Oil is doing just fine. In May, the Department of Energy reported that net income for top U.S. oil companies like Exxon and Chevron has totaled \$28 billion, the most profitable in five years. For farmers, however, net income has plummeted 50 percent from its record highs during the Obama administration.

For years, farmers and policymakers of multiple backgrounds and persuasions have come together, in good faith, to carefully build a new industry that benefits consumers, farmers, and rural residents. This pioneering innovation is rooted in the heritage of rural values, all in jeopardy of crumbling because the void between this President's words and acts.

I urge my colleagues to work to support rural America by ending EPA's efforts to issue these waivers without any concern for transparency or economic impact.

Ms. STABENOW. Mr. President, I support the sentiments of my colleague from Illinois in objecting to the "small refinery relief" language in the fiscal year 2020 Interior appropriations bill. In the past, this language has been invoked by the Trump administration's