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

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

Gracious and loving God, You continue to give us reasons for rejoicing in Your love and grace. We praise You for the beauty of the sunrise and the glory of the sunset.

Today, guide our lawmakers with Your wisdom and love, empowering them to strengthen men and women on life’s journey. Lord, help our Senators to remember that nothing is impossible for You, for Your grace and might hold the galaxies in place.

Lord, we are grateful for Your presence in this Chamber, our Nation, and our world. Use us all for Your glory and for the good of those in need. Continue to do in our lives exceedingly, abundantly, above all that we can ask or imagine.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Hatch).

The senior assistant legislative clerk read the following letter:

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The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Hatch).

The senior assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Cotton, a Senator from the State of Arkansas, to perform the duties of the Chair.

Orrin G. Hatch, President pro tempore.

Mr. Cotton thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore, the majority leader is recognized.

HEALTHCARE LEGISLATION
Mr. McConnel, Mr. President, a new report released last night from the Department of Health and Human Services reveals startling new numbers showing just how substantial premium increases have been under ObamaCare. According to that report, average annual ObamaCare premiums have increased by nearly $3,000 since 2013, the year that most of the healthcare law’s mandates and regulations actually went into effect. In other words, it is now clear that average ObamaCare plans on the exchanges more than doubled from 2013 until now. That is an increase of 105 percent, or nearly $3,000. These figures are based on the Obama administration’s own data, but these exorbitant costs are just one part of the problem, to say nothing of the shrinking choices of insurers offering plans on the ObamaCare exchanges across the country.

Last week, our colleague from Iowa, Chairman Grassley, came to the floor and shared with us the story of the Tacoma Narrows Bridge, a bridge in Washington State that was, as he put it, “set to fail from the very beginning.” He told us how the bridge was built on a “flawed design,” how it “self-destructed,” and how it eventually “collapsed.” Much like that bridge, he said, ObamaCare is becoming “its own bridge to nowhere with no insurance plan on its exchanges.” Boy, he is right about that.

As time goes on, more Americans are finding themselves with fewer ObamaCare insurance options to choose from on the exchanges. Take a look at the map behind me, and you will see what I mean. On this map: Fewer choices: Number of insurers on the ObamaCare exchanges in 2017. What does it reflect?

In more than 1,000 counties across 26 States, families have only 1—just 1—ObamaCare option to choose from in the marketplace. ObamaCare customers in five States have only one insurer left on the exchanges. As a recent article predicted, “insurer choice in the ACA marketplace could hit an all-time low” next year in 2018.

Let that sink in for a minute. Families across the country could experience “an all-time low” when it comes to their choices for ObamaCare plans next year. In other words, things are likely to only get worse. Still, despite all the news reports and the studies and the personal stories shared by constituents, some of our colleagues simply refuse to face the realities of this failed law.

Consider what we saw just yesterday, when a group of Democratic Senators held a press conference, essentially advocating for the ObamaCare status quo in rural America. But in case our friends missed it, I want to share a recent headline that reveals what ObamaCare’s status quo has actually meant for families in these regions of the country. Here is what it reads: “Rural Shoppers Face Slim Choices, Steep Premiums On Exchanges.”

The article went on to cite a study showing that ObamaCare customers living in less populous areas of the country in 2017 “frequently had just one insurer left on the exchanges.” ObamaCare’s status quo has actually built on a “flawed design,” how it “self-destructed,” and how it eventually “collapsed.” Much like that bridge, he said, ObamaCare is becoming “its own bridge to nowhere with no insurance plan on its exchanges.” Boy, he is right about that.

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Chairman GRASSLEY described,

one or two insurers from which to pick,

ObamaCare? The only way these fami-

dates that require people to buy plans

ObamaCare—a failing law with which

ties are in a similarly distressing situa-

tion, as they, too, are likely to have

choices. Take one Knoxville, TN,

ObamaCare exchanges next year.

These families deserve relief from

ObamaCare—a failing law with limited,

choice and insurance through the

ObamaCare exchanges next year.

These families deserve relief from

ObamaCare—a failing law with which

company will also exit the ObamaCare

marketplace, leaving her to find a new

plan. In 2016, she was forced to sign

up for an ObamaCare plan with another

insurer. Again, at the end of the year,

that company left the marketplace, as

well. Now in 2017, she signed up with

yet another ObamaCare plan with yet

another insurer, and—you guessed it—
at the end of this year, that insurance

company will also exit the ObamaCare

marketplace, leaving the Tennessee

mom to find an alternative option one

more time to purchase, her story is not unique. As insurers on the ex-

changes continue to propose premium

increases and announce their inten-
tions for participation next year, we
can expect even more troubling news
to roll in.

These families deserve relief from

ObamaCare—a failing law with limited,

even nonexistent, choices that con-
tinue to shrink on the collapsing mar-

These families deserve relief from

ObamaCare—a failing law with sky-

rocketing premiums that have risen by

double-digit rate increases all across

our country.

These families deserve relief from

ObamaCare—a failing law with which

which does the employee get to

the employee? 

Finally, I expect that the Senate

Intelligence Committee will continue its

bipartisan investigation into these

issues. I expect that Special Counsel

Mueller will help us all get to the bot-
tom of this. We must make sure he is

not interfered with. 

Finally, I expect this body will hold

up a high standard for the next FBI Di-

rector. He or she should be someone

who is nonpartisan and independent, a

Director’s Director, a prosecutor’s

prosecutor, not a politician of either

party.

Amidst all of the furor, we cannot

lose sight of the most serious part of

The American Bar Association has
given him its highest rating—unani-
mously “well qualified.” That meant

that in the group that rated him there

was no one who didn’t give him a “well

qualified” rating, which is the best

they could give any nominee. I cer-
tainly couldn’t agree more with that

characterization.

Judge Thapar is an excellent jurist.

I know he will make a great addition
to the Sixth Circuit, and I am proud
to support his nomination. I would en-
courage all Members of the Senate to

support him as we advance his nomina-
tion today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tem-
pore. The clerk will call the roll.

The senior assistant legislative clerk

proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask

unanimous consent that the order for

the quorum call be rescinded.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, yes-
erday former CIA Director John Bren-

ader yesterday former CIA Director John Bren-

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who is nonpartisan and independent, a

Director’s Director, a prosecutor’s

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this investigation: the scope of Russian interference in our elections and whether they colluded with representatives of an American campaign in the process. That is very serious stuff—very serious. We must pursue that investigation with vigor no matter who might stand in the way of it.

THE PRESIDENT’S BUDGET

Mr. SCHUMER. Mr. President, on the budget, yesterday morning the Trump administration released their 2018 budget. The document is stunning in its cruelty. It takes a sledgehammer to the middle class, the working poor, while lavishing tax breaks on the very wealthy.

They may not have intended it, but the Trump budget is a compilation of all the broken promises this President made to working Americans. In his budget, he makes a broken promise after broken promise to working people without any shame, without any remorse, without any explanation.

The President promised to increase infrastructure investment, but his budget actually cuts money from infrastructure programs than the new money it puts in. The President’s proposal to slash American infrastructure invest to a job-killing 180-degree turn away from his repeated promise of a $1 trillion infrastructure plan.

President Trump’s campaign promises on infrastructure are crumbling faster than our roads and bridges. I want to ask the Trump administration: How can we expect that you are going to be real about a trillion-dollar infrastructure plan when your budget cuts infrastructure dramatically—right now? Don’t you think it adds up? To us, it’s broken promises.

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President Trump’s campaign promises on infrastructure are crumbling faster than our roads and bridges. I want to ask the Trump administration: How can we expect that you are going to be real about a trillion-dollar infrastructure plan when your budget cuts infrastructure dramatically—right now? Don’t you think it adds up? To us, it’s broken promises.

The President has said that education is the civil rights issue of our time, but the Trump budget calls for over $32 billion in cuts to higher education programs that help lower the cost of college. College students look at the President’s budget and see if he is on your side. He sure as heck isn’t.

The President said he would “save Social Security, Medicare, and Medicaid without cuts. Have to do it.” Those are his words. But the Trump budget slashes Social Security by $72 billion and cuts Medicaid by hundreds of billions, in addition to the more than $800 billion TrumpCare cuts took from Medicaid already in the House bill. All in all, it is a $1 trillion broken promise on Medicaid.

Remember, America, Medicaid is a program that affects the poor. That is a good thing. But much of the money goes to help the middle class, elderly people in nursing homes, and families fighting opioid addiction. So the bottom line is this is another broken promise to the middle class that Trump made in the campaign.

The budget breaks promise after promise after promise to the President made to what he called the forgotten America, the working men and women of America. Well, this budget forgot the forgotten America.

In addition, the Trump budget depends on fantasy math to make all the numbers work. Most budgets make assumptions, and they all stretch the math a little bit, but the Trump budget takes a quantum leap into a new dimension of budgetary fairy tale.

Not only does the Trump budget assume unrealistic growth as a way to balance the budget in 10 years—no matter what the numbers are. Most budgets make assumptions, they all stretch the math a little bit, but the Trump budget takes a quantum leap into a new dimension of budgetary fairy tale.

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That is not just a pretty good thing for the American people, as we did in 2017—as long as Donald Trump and the White House stay out of it.

TRUMPCARE

Mr. SCHUMER. Finally, Mr. President, a word on healthcare: The Republican attempts to repeal and replace the Affordable Care Act, combined with the Trump administration’s refusal to commit to making key cost-sharing payments that help keep healthcare costs down for working Americans, has created great uncertainty in our healthcare system. This uncertainty has already caused insurers to flee the marketplace or propose rate increases for next year.

A spokesman for America’s Health Insurance plans—that is the insurance industry’s main group; again, it is not a politician—said:

We need swift action and long-term certainty (on the cost-sharing program). It is the single most destabilizing factor in the individual market, and millions of Americans could soon feel the impact of fewer choices, higher costs and reduced access to care.

My Republican colleagues, remember, if you continue to allow the President to do this, if we don’t make cost-sharing permanent, the system will deteriorate, and I’ve never seen anything like it. If an accountant did this, my guess is—I don’t know accounting standards in detail—they would be kicked out of the accounting profession.

In short, as Benjamin Applebaum in the New York Times points out: President Trump is proposing to balance the federal budget in part by simultaneously increasing estate taxation and eliminating estate taxation. Let me read that again. This is a reporter for the New York Times, not a spokesman for America’s Health Insurance plans—that is the industry’s main group; again, it is not a politician—said:

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already signed on the dotted line and paid the dealer in full.

Republicans in the House were so worried about how bad the CBO score might be, they rushed TrumpCare through—no hearings, no debate, no score. Never mind that this legislation remained top secret when it set the first of our Nation’s economy. It has life-and-death consequences for millions of American families.

Republicans were haunted by the ghost of CBO scores past, so they went ahead without one.

When the CBO analyzed the first version of TrumpCare earlier this year, it concluded that 24 million fewer Americans would have health insurance if it became law. We also learned the bill would gut Medicaid, crush seniors with higher premiums, and would increase out-of-pocket expenses for Americans of all ages with higher deductibles and copays.

Given that there were few differences between the first and second versions of TrumpCare, we can expect that today’s CBO analysis will show many of the same grave consequences as the first one. Only now, of course, TrumpCare includes a new amendment that allows States to opt out of the requirement to cover people with pre-existing conditions. It is hard to imagine such an amendment would make CBO’s score any better than the last, and it could certainly raise a lot of new questions.

Does the deal the Freedom Caucus got with the second version of TrumpCare violate the rules of reconciliation? Will the House have to change the bill and take yet another vote on TrumpCare? We know they don’t want to do that.

We also don’t know the answer to these questions, and we may not know the answers even after seeing today’s CBO analysis. But all of these open questions demonstrate how reckless it was for Republicans to vote on this bill without seeing it first.

I yield the floor to my good friend, the senior Senator from Vermont, the rotation leader time is reserved.

leadership time is reserved.

The acting president pro tem, The senior Senator from Vermont, the rotation leader time is reserved.

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The acting president pro tem, the senior Senator from Vermont, the rotation leader time is reserved.

The ACTING PRESIDENT pro tempore, The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

THE PRESIDENT’S BUDGET

Mr. LEAHY. Mr. President, yesterday, we received President Trump’s first budget submission. He calls it “A New Foundation for American Greatness.” Well, that might get an award for fiction, but it couldn’t be further from the truth.

Instead of building a foundation for the American people, it pulls the rug out from under them. This budget has to be understood as something more than just a photo op with a slogan.

The President’s budget displays a fundamental lack of understanding of the role of government of, by, and for the people. It cuts the middle class, lifting up the most vulnerable among us and serving our values and interests as a Nation. It proposes to cut nondefense discretionary spending by over $1.5 trillion; that is, $1,500,000,000,000 over 10 years. This budget has been cut by 2027. This would be a 40-percent cut to nondefense programs in 10 years. This is not only shortsighted, it is irresponsible and unrealistic. We should be supporting opportunity, and we should be creating jobs, not eliminating them. What this country needs is jobs. We should be caring for our veterans. We should promote our health and the environment. These are important concerns. To make any difference what political party you belong to. We shouldn’t be recklessly slashing vital lifelines to the American people.

Sequestration has had devastating consequences for both defense and non-defense programs. These consequences are going to last a generation. The Trump budget would only extend and deepen those problems.

We are nearing the Memorial Day break, and ask Members of both sides of the aisle: Let’s sit down, and let’s have Republicans and Democrats work together, as the Senate is supposed to, and negotiate a budget deal based on parity. We did this in 2013; we did it in 2015. It worked well. Such a deal would allow the Senate and House to pass appropriation bills that reflect our true, enduring values as a nation.

The Trump budget proposes over $1.7 trillion in cruel and unsustainable cuts to important mandatory programs that provide food assistance for individuals and families in need. How does the Trump budget make it harder for low-income Americans to afford food? It has been and continues to be my goal that we complete the appropriations process in the Senate the way it is supposed to be done. Each of the 12 appropriations bills deserves debate and an up-or-down vote on the Senate floor. All Republicans and Democrats deserve a vote for the things they support and vote against the things they oppose. That is in the best interest of this country, and I know Chairman COCHRAN shares this goal. As vice chairman, I will work with him to do this.

This budget is an obstacle and not a pathway to this goal. The President’s budget proposal is not bipartisan. In fact, I am willing to bet that, if you put the President’s budget on the floor today and asked for a vote up or down, even though the Republicans are in the majority in the Senate, it would not pass because it does not make a hint of a gesture toward true bipartisanism. The appropriations process works best when you have bipartisan cooperation. That approach is not in the best interest of the country or of the real priorities of the American people. That is why it would not get even enough Republican votes to pass. It is unbalanced, needlessly provocative, and appallingly shortsighted.

Rural America, including rural States like Vermont, is missing in action in the President’s budget. His...
budget eliminates key investments in rural communities and leaves them without Federal partnership support for everything from infrastructure development and affordable housing to programs that preserve the environment and provide food for the elderly. It is the pagination of broken promises to working men and women and struggling families, and it frays the lifelines that help vulnerable families lift themselves into the middle class. This Vermonter does not find that acceptable.

So close to finding a cure for most not pause and hope to resume. We are able research—research that you can- search. The University of Vermont

Everything off, send the scientists to cut your money for a few years, turn everything from Alzheimer’s to cancer.

Prefers thousands of scientists and shuts advances the administration’s antiscience, ter.

Like other bodies of water throughout We do not want it to become polluted a treasure, but we cannot stand still. of the Great Lakes. It borders freshwater in the United States outside it would waste the investments we graphic programs would be foolish, as Eliminating the Sea Grant and Geo-

We cannot abandon Federal support for cleaning up Lake Champlain. Eliminating the Sea Grant and Geo-

The large and dynamic ecosystem in Lake Champlain is the largest body of freshwater in the United States outside of Alaska, northern Wisconsin, Vermont, New York, and Canada and is a treasure, but we cannot stand still. We do not want it to become polluted like other bodies of water throughout our country. You either advance or you slip behind, and once you start slipping behind, it becomes an escalating mat-

The budget is full of cuts that ad-

The Department’s budget this way, you had better give me money to buy more bul-

The budget would eliminate life-

As Defense Secretary Mattis has said, soft power is fundamental to our national security, has which is said by Secretary of Defense and military leaders in both Republican and Demo-

The Trump budget would have seri-

These programs have a long track record. If you are going to cut the State Department’s budget this way, you had better give me money to buy more bul-

Cutting the State Department’s budget by more than 30 percent shows a clear lack of understanding of the vital role of soft power in our national security. The Secretary of Defense said: If you are going to cut the State Department’s budget this way, you had better give me money to buy more bul-

The budget would eliminate life-

In fact, they will be re-

For fiscal year 2018, the Trump Ad-

For fiscal year 2017, the Congress— Republicans and Democrats—agreed to appropriate $607.5 million for international family planning programs. But they also passed the Mexico City Policy, which bans use of Federal funds for family planning. Under the Mexico City Policy, the United States funds projects that provide contraceptive services and supplies, resulting in 36,000 additional unintended pregnancies, including 4,000 more unplanned births, 38,000 more abortions, and 200 more pregnancy-related deaths.

How does that protect life? The evi-

I would say to the ideologues in the White House who think that the way to protect life is to cut off funding for family planning: They don’t know what they are talking about. These are the same people who support vastly ex-

This is a shocking proposal. They ei-

For fiscal year 2017, the Congress— Republicans and Democrats—agreed to appropriate $607.5 million for international family planning programs. But they also passed the Mexico City Policy, which bans use of Federal funds for family planning. Under the Mexico City Policy, the United States funds projects that provide contraceptive services and supplies, resulting in 36,000 additional unintended pregnancies, including 4,000 more unplanned births, 38,000 more abortions, and 200 more pregnancy-related deaths.

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I would say to the ideologues in the White House who think that the way to protect life is to cut off funding for family planning: They don’t know what they are talking about. These are the same people who support vastly ex-
to modern family planning services every day. The outcry would be immediate, and it would be deafening.

I am confident that the Congress will reject this unwise and cruel proposal. It would be unconstitutional in this country, and it would not be imposed on millions of impoverished people in the developing countries who depend on our assistance.

I would note the importance of it. We had a man whom I admired greatly in this chamber, Mr. Chairman, the late Senator Mark Hatfield. He was strongly anti-abortion but was an honest and good man who said that we had to have these family planning programs because without them, the number of abortions would skyrocket, that the number of deaths at birth would skyrocket, and that we would have higher birth rates, 95 percent of which would occur in the poorest countries that could not feed or provide jobs for their people.

Let’s not do that again. Let’s not make policy by sound bite. Let’s make policy as to what is best for our country and that best respects the values of America—values that we have tried to demonstrate throughout the world. We also try to demonstrate that to our own country no matter where you are, whether you are Republican or Demo- crat or Independent, whether you are poor or rich, rural or urban. Let’s work on what is best for America, not on a budget that tries to polarize America and pits one group against another.

Mr. President, on this table I have on the floor, I note that it shows how we, at the Pentagon, have money to put into a border wall at the cost of the Department of Agriculture, clean energy, climate change, the environment, education, foreign aid, infrastructure, healthcare, the middle class, civil rights, labor unions, nutrition programs, child nutrition, and community investment. We want to spend $16 billion on a wall that will make no sense and have the taxpayers pay for it—easy—let’s vote it up or down. I do not think the American people want it. They would rather see that money be spent on programs that educate people, that create jobs, that improve science and find cures for cancer and others, not for a wall that we will pay for and that nobody else will pay for.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCDONNELL. Mr. President, I ask unanimous consent that all postcloture time on the Sullivan nomination expire at 3 p.m. today and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

AMERICA’S SURFACE TRANSPORTATION SYSTEM

Mrs. FISCHER. Mr. President, I rise to discuss problems that affect almost every aspect of our everyday life no matter who we are, where we live, our level of income, or any other distinction that we might make. These problems have to do with America’s surface transportation system.

Like most Nebraskans, I believe in infrastructure is a core duty of the Federal Government. It represents investments in our public safety, and national security. In the Senate, much of my work has been focused on removing unnecessary obstacles to the flow of goods, materials, and, most importantly, people along our Nation’s surface transportation networks. Though legislating with Executive orders, we did lower the coefficient of friction on these systems. We can lower that enough that people and products can get where they need to go quicker and at a lower cost. I have been proud to support several pieces of legislation to do just that.

In 2015, Congress passed the Fixing America’s Surface Transportation Act—the FAST Act. It was our first long-term highway bill in more than a decade. As chairman of the Surface Transportation Subcommittee in the Senate, I was glad to help steer it to final passage.

I am also proud to have authored a significant number of its provisions. For example, the bill includes a new national strategic freight program that provides every State with annual guaranteed funding. Because of the freight program, States will have greater flexibility to work with key stakeholders and local and Federal Highway and transportation, and that could take up to 18 months to complete.

I asked the Secretary for an update on the progress of the application, and she assured me the Department is following it closely. She said: “We know the issue, we are tracking it, and we will continue to pay attention.” Furthermore, Secretary Chao explained that the administration “will not specify any list of priorities” in its infrastructure plan. States know their transportation needs best, not the Federal Government. The larger the role States have from start to finish in developing their own infrastructure, the more they can direct funding to the projects that directly affect their citizens.

For the benefit of families across America in both our urban and our rural areas, we need to look for out-of-the-box solutions to ensure that our infrastructure is up to date. That is why I have introduced the Build USA Infrastructure Act, which looks to solve two major challenges to our transportation
system. The first is the near-term solvency of the highway trust fund's expiration of the FAST Act in 2020. The second is a lack of flexibility for States in starting and finishing major transportation infrastructure projects.

According to March 2016 Congressional Budget Office projections, by the year 2026, the highway trust fund will face a cumulative shortfall of approximately $107 billion. Meanwhile, we see construction costs climbing. The rise in the use of electric and alternative-fuel vehicles is causing trust fund revenues to fall. Heavy Federal regulations continue to eat away at that purchasing power of the highway trust fund.

America needs a new plan to successfully meet the looming highway trust fund shortfall and to strengthen our transportation system. The Build USA Infrastructure Act gives us a plan.

For 5 years following the expiration of this legislation, we would direct the U.S. Treasury to dedicate approximately $21.4 billion in Customs and Border Patrol-collected fees and revenues to the highway trust fund. Now, CBP, revenue on freight, cargo, and passengers include tariffs, duties, and user fees on U.S. land, water, and air ports of entry. CBP revenues from these sources amounted to nearly $46 billion in fiscal year 2015. Because of their nature as charges on freight and travelers, Customs and Border Patrol fees closely abide by the “user pays” principle that we look at in transportation funding. According to CBP, the agency only utilizes $2 billion of that revenue for its operations, so the diversion of revenue would not negatively impact CBP's operating budget. By using an existing revenue stream which has a transportation nexus, we provide stability to the highway trust fund without increasing fees or taxes, and that is sound policy.

The Build USA Infrastructure Act also offers greater flexibility to States so their limited highway dollars can go further for them. I served 8 years in the Nebraska Legislature. I know our States, counties, and cities face real challenges in starting and completing infrastructure projects because of excessive procedural costs, delays, and really an overall lack of transportation funding. According to the Congressional Budget Office, major Federal highway projects can take as long as 14 years to complete from start to finish. It took less time to build the Panama Canal, and we did that more than a century ago.

Greater flexibility, improved collaboration, and more autonomy can help States begin and complete their vital infrastructure projects in less time, which means lower costs. The Build USA Infrastructure Act would let them do that through State remittance agreements. This legislation would offer States more flexibility and control of infrastructure funding by establishing a new partnership between them and the U.S. Federal Highway Administration. Under this arrangement, States are permitted to enter into voluntary remittance agreements whereby they can remit 10 percent of their Federal aid highway dollars in exchange for State purview over design, permitting, and construction aspects of Federal aid highway projects. The State-remitted money to the Federal Highway Administration would be deposited into the highway trust fund to help further address its growing deficit.

As I mentioned earlier, this legislation also offers greater flexibility to States because of existing fees and taxes.

I am so confident in this bill because I have seen these concepts work at the State level. As a State senator in the Nebraska Legislature, I introduced the Build Nebraska Act. It directed a quarter of each cent of sales tax revenue toward maintaining Nebraska's roads and bridges. Because of it, more than $1 billion will be available to meet Nebraska's infrastructure needs over the next 17 years.

I also introduced legislation that tasked the Nebraska Department of Roads with developing the Federal Funds Purchase Program. In exchange for a portion of Federal highway transportation dollars, Nebraska counties and their towns can now receive funds with more reasonable regulatory requirements. Because of this program, major Nebraska transportation projects, such as the longstanding bridge replacement in Buffalo County and a major arterial street in South Sioux City, are up and running.

Investing in infrastructure means so much more than just adding a few lines to a map. It means connecting our families and delivering goods and services. In Nebraska’s case, it means feeding the world. With persistence and prudent planning, we can build for the future, we can give greater economic opportunity to rising generations, and we can connect our communities—family to family, town to town, and coast to coast.

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

The PRESIDING OFFICER. The assistant bill clerk proceeded to call the roll.

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

HUMAN TRAFFICKING

Mr. CORNYN. Mr. President, I am happy to announce that soon I will be introducing legislation that reauthorizes several critical provisions to help fight human trafficking and bring us one step closer to ridding our country of this heinous crime.

The Abolish Human Trafficking Act is chiefly a bill about getting human trafficking victims the help they need by focusing on ways to support them as they rebuild their lives. To me, one of the most shocking things about this terrible crime that victims of human trafficking need most is a safe place to live because without that, they will not be able to escape the people who have enslaved them, nor will they be able to begin the steps of the long road to recovery.

This legislation authorizes the Justice Department's Domestic Trafficking Victims' Fund, which we established when we passed the Justice for Victims of Trafficking Act, a bill I authored that was signed into law last Congress. This fund helps victims get the services they need to recover.

Part of the fund is financed through fines collected on convicted traffickers. It is a clear way we can use these fines to do some good. Last year, the fund provided almost $5 million in victims services. By reauthorizing it, it can continue to serve more victims.

The bill also empowers victims by permanently reauthorizing the Human Trafficking Advisory Council—a group of survivors who annually advise the government on ways to combat this crime and lend a hand.

This bill goes a long way to help victims. It should be at the forefront of any of our conversations about human trafficking. There is also no question that our Nation's law enforcement officials need more support to track down the perpetrators of this crime and bring them to justice. Certainly, law enforcement needs more training to better equip them to serve victims too. This bill also does that.

It requires the Department of Homeland Security to implement screening protocols across law enforcement anti-trafficking task forces. One of the hardest things about human trafficking may be, in fact, being able to identify that it is occurring when it occurs right in front of your eyes.

This training will better equip law enforcement at the Federal, State, and local levels. That way, law enforcement at every level of government can learn how to better spot trafficking victims and will have the adequate training to connect victims to the services they need in order to recover.

The legislation will also direct the Department of Health and Human Services to continue a pilot program to train healthcare providers about human trafficking. Healthcare providers, after all, are likely to come in contact with human trafficking victims as well, and they need to know the telltale signs that will alert them so they can report this to the appropriate authorities.

I also noted before that so much of the battle is about educating professionals but not just professionals. I would say all of us as ordinary citizens need to be on the lookout for signs of human trafficking.

Finally, just a few years ago, when the Super Bowl was held in Texas, that one of the premier trafficking events in the Nation each year
is the Super Bowl, sad and as tragic as that sounds.

There is a role for all of us to play as regular citizens in identifying the telltale signs of human trafficking, and then when we see something wrong, to say something about it so hopefully they will be investigated.

Through pilot programs like this one, my hope is that more people will better understand it. The more people who understand trafficking and its warning signs, the more we can do to help those trapped in this modern-day slavery.

The legislation will also give law enforcement more resources to target criminal street gangs who profit from human trafficking. They view human beings as just another commodity that they can make money from, and going after criminal street gangs who profit from human trafficking is really important. We would also enhance the penalties for several human trafficking-related offenses as well.

Finally, the Abolish Human Trafficking Act will improve and update the national strategy to fight human trafficking across the country by requiring the Department of Justice to add a demand reduction component. This legislation passed in the last Senate by a vote of 99 to 0, the Justice for Victims of Trafficking Act.

I know by reading the newspaper and watching TV, people think nothing happens in Washington that is truly nonpartisan or bipartisan in nature. This is an example of why that is wrong. Certainly, this is a cause that every Member of the Senate can get behind, and there is no reason we shouldn’t be able to pass this legislation soon with similar strong bipartisan, literally overwhelming bipartisan support.

I am grateful to my friend and the chairman of the Senate Judiciary Committee, Chairman GRASSLEY, for his focus on, and can for victims of human trafficking. In addition to his support for the Abolish Human Trafficking Act, I know he also plans to introduce complementary anti-trafficking legislation, the Trafficking Victims Protection Act.

I am hopeful both bills will be considered soon so we can prove the Senate is united in our opposition to human trafficking and so we can lend more support to the victims who so desperately need it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. Ernst). Without objection, it is so ordered.

NOMINATIONS

Mr. ALEXANDER. Madam President, here is the scorecard on the first Presidential nominations during the first 100 days of the Trump administration, through April 29. According to the Partnership for Public Service, in collaboration with the Washington Post, on Cabinet appointments, President Trump did his job, but Senate Democrats did not do their job. The President submitted 42 Cabinet nominations before he was inaugurated on January 20, but Democrats delayed confirmation of Cabinet nominations more than those of any other recent President. On sub-Cabinet appointments, Democrats did not do his job. He was slower than any other recent President to send his nominations to the Senate.

So here is what could happen. If Democrats continue their delaying tactics, when President Trump does send sub-Cabinet nominees to the Senate, the President would have every excuse to stop nominating and simply appoint acting officials to about 350 of the remaining key positions.

An administration managed by acting Presidential appointees who have not been confirmed by the Senate would be a first in American history. Delaying the inevitable approval of nominations of a President you oppose underlines your political base like bad politics, but it would be supremely bad governing. Senate Democrats would actually diminish their influence and shoot themselves in both feet. They would be turning over to a President they don’t like an excuse to staff the government with about 350 key appointees who are unconfirmed and unaccountable to the Senate. Now, this 350 number does not even include the Ambassadors in embassies all around the world, where there may be acting heads of the embassy.

Now, what difference would it make to have an administration mostly unexamined and unconfirmed by the Senate? Well, it would mean that the Senate would be giving the Executive more power at the expense of the legislative branch.

This undermines the checks and balances created by our Nation’s Founders. Democrats complained that Republicans delayed some of President Obama’s nominees, and that is true. In fact, that has always been true. My own nomination for U.S. Education Secretary in 1991 was delayed for 2 months by a Democratic Senator who put a hold on my nomination for unexplained reasons.

President Ford’s nomination of Warren Rudman to the Interstate Commerce Commission in 1976 was blocked by Democratic New Hampshire Senator John Durkin.

The rest of the story is that Rudman eventually asked President Ford to withdraw the nomination, ran against Durkin, and defeated him in the next election. That is how Warren Rudman got to be a U.S. Senator. There is a better way to resolve differences between Senators and the President.

In December of 2015, President Obama seemed content to allow John King of New York to serve as his Acting Secretary of Education for the last year of President Obama’s term. I told the President I thought it was inappropriate for a President to have an acting Cabinet member for so long and that, while I disagreed with Mr. King on many points, I suggested the Senate confirm Mr. King and, if he did, I promised that I would hold a prompt hearing and see to it that he was confirmed.

President Obama nominated John King on February 11, 2016. John King was confirmed by the U.S. Senate on March 14, 2016. I disagreed with Secretary King often, but the Secretary was confirmed. He was confirmed by and accountable to the U.S. Senate, as he should have been and as our Constitution envisions.

All of President Trump’s Cabinet nominees are now confirmed, but this is how long it took compared with his three immediate predecessors: All of President Trump’s nominations were confirmed by May 29th, whereas Obama’s did not get through even one day's vote. While about 350 of the nominations were confirmed.

In order to get Cabinet appointments, President Obama had 10 nominees confirmed, and George W. Bush and Bill Clinton each had 13 confirmed.

Please keep in mind that it is impossible for Democratic Senators by themselves to defeat a Trump nominee. Confirmation requires only a majority voting to be present; that is usually 51 Senators. There are 52 Republican Senators and, in addition, Vice President Pence can vote in the case of a tie. There is no 60-vote filibuster available to block nominees because Democrats, when they were in the majority in 2013, changed Senate rules to eliminate the filibuster on nominations. So by their own rules, Democrats are only delaying the inevitable, using various tactics to require the Senate to use nearly a week of floor time to approve even noncontroversial nominees.

We don’t know how Democrats will treat President Trump’s more than 350 remaining key nominees because the President has made so few of those. For example, I am chairman of the Health, Education, Labor, and Pensions Committee. Aside from the Cabinet secretaries who came to the Senate this week, of the 557 key positions identified by the Washington Post, 35 of them within the Cabinet agencies require recommendations to the full Senate by the HELP Committee. In the Department of Health and Human Services, we have eight. In the Department of Education, we have 14. In the Department of Labor, we have 13.

At the end of the first 100 days, April 29th, our committee had received just one sub-Cabinet nomination from the Trump administration. It was that of Dr. Scott Gottlieb for FDA commissioner. He was promptly confirmed on May 9th.
Compared with President Trump’s one sub-Cabinet nomination sent to our committee in his first 100 days, President Obama made 13 sub-Cabinet nominations in his first 100 days, President George W. Bush made 10, and President Clinton made 14 to our committee.

There are actually nearly 700 more Presidential nominees requiring Senate confirmation who aren’t considered key by the Washington Post analysis, so you can see this adds up to be a pretty large number of Presidential nominees whom we have a responsibility to consider and to confirm if we approve them.

Unfortunately, there are ominous signs about how Democrats will treat non-Cabinet nominees. As the Presiding Officer is especially aware, Democrats required the Senate to take nearly a week of floor time to consider the nomination of Iowa Governor Terry Branstad to serve as Ambassador to China. I believe this is absolutely no excuse for this other than obstructionism.

Governor Branstad is the longest serving Governor in American history. He has a well-documented relationship with the Chinese President. He was one of the first appointees that the President announced. He was approved by a voice vote by the Senate Foreign Relations Committee, and ultimately approved by the full Senate earlier this week 82 to 13.

Yet, as a delaying tactic, Senate Democrats forced us to use nearly a week of our floor time to consider Governor Branstad. If Democrats treat other noncontroversial Ambassadors and sub-Cabinet members the same way they treated Governor Branstad, requiring nearly a week of Senate floor time to consider a nominee, then I think President Trump would almost certainly bypass the Senate and name hundreds of acting heads of sub-Cabinet departments under our Constitution, he may do that whenever he chooses. There are flexible limits on the time one may serve in an acting position, but if that time expires, the President can simply appoint someone else.

Hopefully, President Trump will speed up his nomination of sub-Cabinet members, and hopefully Democrats will return to the common practice of routine floor approval of Presidential nominations when the confirmation process has been determined that the nominee deserves to be approved.

Our Founders created a system of government based on checks and balances of the three coequal branches of government.

There has been much complaining recently about the rise of the executive branch at the expense of the legislative branch. Having an executive branch and embassies mostly staffed by acting personnel not confirmed by or accountable to the U.S. Senate undermines the principle of three coequal branches of government.

The President should want his team in place and should speed up recommending key nominees to the U.S. Senate. And Senators, especially those in the minority, should want to have a say in the vetting and accountability that come with the Senate confirmation process.

Three coequal branches of government are based on checks and balances of the three coequal branches of government.

Fred D. Thompson Federal Building and United States Courthouse

Mr. ALEXANDER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 375, which was received from the House. The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. Res. 375) to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the “Fred D. Thompson Federal Building and United States Courthouse.”

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. Res. 375) was ordered to a third reading, was read the third time, and passed.

Mr. ALEXANDER. Mr. President, I am grateful that the Senate has approved that measure naming the Fred D. Thompson Federal Building and United States Courthouse in Nashville.

I stand at the desk of former Senator Thompson. This was a desk that Senator Howard Baker also had. I have the desk myself because Senator Thompson and I were inspired by Senator Baker to be involved in politics and government in our State and the House of Representatives—our delegation.

I think Senator Carper and his committee all seem to think that it is very appropriate that the new Nashville courthouse be named for Senator Thompson. It gives me a great deal of pride and personal privilege to be able to ask for that to be done. I thank Congresswoman Blackburn in the House for her leadership and all the Members of the delegation and the Members of the Senate for their cooperation in this.

I thank the Presiding Officer. I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senate from Oregon.

NOMINATION OF COURTNEY ELWOOD

Mr. WYDEN. Madam President, the Senate will shortly consider the nomination of Courtney Elwood to be the CIA’s General Counsel. I wanted to take a few minutes this morning to discuss the nomination and put it in the context of the extraordinary national security challenges our country faces.

It is hard to imagine a more despicable act than the terrorist attack in Manchester Monday night, killing innocent teenagers and children who were out to enjoy a concert. The suffering that Americans and all in the world have been feeling about and watching on television heart-breaking by any standards. I think it is fair to say that, as Americans, we stand in strong solidarity with our British friends, our allies, as they confront this horror. Our country will, as President Bush has said, stand shoulder to shoulder with them as there is an effort to collect more information about this attack, about what actually happened, and work to prevent future attacks.

Not everything is known about the attack, but one thing Americans do know is that it can happen here. That is why, as I begin this discussion on this important nomination and the challenges in front of our country, I want to start by saying when we talk about intelligence matters, by recognizing the extraordinary men and women who work in the intelligence community, who work tirelessly across the government to keep us safe from these attacks. So much of what they do is in secret, and that is appropriate. It is so important to keep secret what is called the sources and methods that our intelligence community personnel are using to protect American people and it is important to our country to make sure that the people protecting them every day can do their jobs.

The reason I took this time this morning to talk about this nomination is to talk about the broader context of what we owe the American people, and I feel very strongly that we owe the American people security and liberty. The two are not mutually exclusive, and it is possible to protect the people of our country with smart policies that protect both their security and their liberty.

Smart policies ensure that security and liberty are not mutually exclusive. For example, I would cite as a smart policy something I was proud to have been involved in. Section 102 of the USA FREEDOM Act sought to make sure that we weren’t just indiscriminately collecting millions of phone records on law-abiding Americans—section 102, says that when our government believes there is an emergency where the safety and security and well-being of the American people is at stake, our government can move immediately to deal with the problem and then come back later and settle up with respect to getting a warrant. That was something that, I thought, really solidified what was a smart policy.

Our Founding Fathers had a Fourth Amendment for a reason—to protect the liberties of our people. What we said is that we are going to be sensitive to those liberties, but at the same time, we are going to be sensitive to
the security and well-being of the American people at a dangerous time. We are going to say that, if the government believes there is an emergency, the government can go get that information immediately and come back later and settle up with the warrant process.

Issues ensuring that we have security and liberty are especially important today. We obviously face terrorism. We are challenged by Russia and North Korea but can go on and on.

The fact is, there are a host of these challenges, and it seems to me that if we look at the history of how to deal with a climate like this, too often there is almost a kind of easy, practically knee-jerk approach that is billed as dealing with a great security challenge that very often gives our people less security and less liberty. At a time when people want both, they end up getting less. That is what happens so often in crises, and far too often the large part of the blame is precisely for the mistakes of those senior lawyers operating in secret give the intelligence community the green light to conduct operations that are not in the country’s interest.

I am going to walk through how misguided and dangerous decisions can be made and how much depends on how the lawyers interpret current law. In past debates people have said: You know, that happened years ago, many years ago, and various steps were taken to correct it. Today, I am going to talk about how misguided and dangerous decisions can be made today.

At the center of this question is the nominee to be the CIA general counsel and what I consider to be very troubling statements that have been made on a number of the key issues that involve decisions that will be made now. In outlining those, I want to explain why it is my intention to vote against the confirmation of Courtney Elwood to be CIA general counsel.

The key principle to begin with is that there is a clear distinction between keeping secrets of sources and methods used by the intelligence community, which is essential, and the creation of secret law, which is not. We in the Senate have a responsibility to make sure the public is not kept in the dark about the laws and rules that govern what the intelligence community can and cannot do.

I believe the American people understand that their government cannot always disclose who it is spying on, but they are fed up with having to read in the papers about the government secretly making up the rules. They were fed up when they learned about the illegal warrantless wiretapping program. They were fed up when they learned about the bulk collection of phone records of millions of law-abiding Americans.

What our people want to know is that the rules are going to be, No. 1, clear to everybody and, No. 2, that the government is operating within those rules. That is why the nominations for the intelligence community are so important. The American people need to know how these men and women understand the laws that authorize what they can and cannot do in secret.

Shortly, the Senate will consider the nominee to be the CIA general counsel. I believe there are few more important positions in government than this one, when it comes to interpreting key laws. The advice the general counsel provides to the Central Intelligence Agency be understood.

I asked those questions, and what I heard in return was either a troubling response or some combination of “I don’t know,” and “I will figure it out after I am confirmed.”

Now, without answers, we are left largely to rely on Ms. Elwood by her record. So I am going to start by looking back at her previous service and what she says about it now.

With respect to the National Security Agency’s illegal warrantless wiretapping, that became public at the end of 2005 when Ms. Elwood was at the Department of Justice. She reviewed public statements about the program and held discussions about those public statements with individuals inside and outside the administration that included discussions with the Department of Justice’s Office of Legal Counsel about the Department’s legal analysis justifying the warrantless wiretapping program. She was especially involved when the Attorney General made public statements about the program. So the committee asked her about some of that Justice Department public analysis, and, in particular, the Department of Justice January 2006 white paper that was thought to justify the warrantless wiretapping program. Ms. Elwood responded that she thought at the time that the Department of Justice’s analysis was “thorough and carefully reasoned and that certain points were compelling.”

This was an illegal program. It violated the Foreign Intelligence Surveillance Act. No interpretation of the law that defended that warrantless wiretapping program was carefully reasoned or compelling. It was an illegal program.

Ms. Elwood also said that some of the analysis “presented a difficult question” and that “reasonable minds could reach different conclusions.” Of course, the point is not what “reasonable minds” might conclude. The point for us in the Senate is what her mind would conclude. Remember, this is the Department of Justice’s conclusion that the laws governing wiretapping of Americans inside the United States could be disregarded because the President says so or because the Department of Justice secretly reinterprets the law in a way that no American could recognize. Remember, too, that was the context in which the warrantless wiretapping program—4 years later when it was revealed in the press. That was the context in which Ms. Elwood was at the Department—at the end of 2005 and the beginning of 2006, when Ms. Elwood was at the Department—determined that the warrantless wiretapping program was perfectly legal and constitutional.

I wanted to give Ms. Elwood every opportunity to reconsider and distance herself from these assertions I described. So I asked very specific questions. First, did the Fourth Amendment warrant requirement apply? No, she responded. She endorsed the view that the warrantless wiretapping of Americans on American soil did not require warrants under the Fourth Amendment. That was not very encouraging.

What about the other arguments made to try to justify this illegal program?

The first was the notion that the 2001 authorization for use of military force somehow gave the government the green light to conduct warrantless wiretapping of Americans inside the United States. This argument was ludicrous. The authorization for use of military force said nothing about surveillance. The applicable law governing national security wiretapping was the Foreign Intelligence Surveillance Act—period. If the Bush Administration had wanted the law to conduct warrantless wiretapping after 9/11, it could have asked the Congress to pass it as part of the PATRIOT Act. It didn’t. So when they got caught and had to explain to the public what they had been doing all these years, they said the authority for use of military force, which the Congress understood as authorizing war in Afghanistan, somehow magically allowed for
wiretapping in the United States. The second argument was that the President had something called ‘‘inherent power’’ to disregard the law.

I asked Ms. Elwood if she agreed with either of these arguments. She would have answered the question of whether the President’s so-called inherent powers authorized wiretapping, and she wouldn’t answer the question of whether the President’s so-called inherent powers authorized the warrantless wiretapping. That was not very encouraging, either.

I did get one answer. Ms. Elwood said that the arguments that the Bush Administration’s secret interpretation of the authorization for use of military force, combined with the President’s so-called inherent powers, allowed for the warrantless wiretapping, in her view, that ‘‘seemed reasonable.’’ That definitely was not encouraging.

The problem then is that having asked her about the past in some of these concerns that I have just raised, I thought maybe that is all part of yesteryear. Maybe that is all in the past. Let bygones be bygones. So I looked for assurances that Ms. Elwood’s defense of warrantless wiretapping wasn’t relevant now. After all, Ms. Elwood’s response to questions about the program referred to the law at the time. Maybe current law makes clear to everyone, including the nominee, that there will never again be warrantless wiretapping of Americans in the United States.

So what does the law actually say now? Back in 2008, Congress took a big part of the Bush Administration’s warrantless wiretapping program and turned it into the law now known as section 702 of the Foreign Intelligence Surveillance Act. The Congress wanted to make it absolutely clear that our country had really turned the page—and that Americans wouldn’t have to worry about any more violations of the law. So the Congress included in the law a statement that said: We really mean it. This law is ‘‘the exclusive means’’ by which electronic surveillance could be conducted.

I asked Ms. Elwood about whether the President’s supposed powers under the Constitution could trump the current statutory framework in the Foreign Intelligence Surveillance Act. Specifically, I asked her whether her position in the administration’s secret interpretation for the CIA Director and the CIA General Counsel. That is why it is so important that she be the lawyer, Ms. Elwood to be general counsel—comes in.

We might ask: How would these questions come up at the CIA? As a hypothetical, one question I asked Director Pompeo was: What happens when a foreign partner provides the CIA with information that is known to include the communications of law-abiding Americans?

For example, what if the Russians collected information on Americans and instead of providing it to WikiLeaks, gave it to the CIA? It could be sensitive information about political leaders and our country and journalists and religious leaders and just regular, law-abiding Americans. What would Director Pompeo do in that situation? When, if ever, would it be inappropriate for the CIA to receive, use, or distribute this information?

His answer was that it is highly fact-specific. He said he would consult with lawyers.

So, when she came for her nomination hearing, I said this is our chance. Let’s ask the lawyer, Ms. Elwood, who is the nominee to be general counsel. She said, like Director Pompeo, it would be based on all of the facts and circumstances. She said she had no personal experience with such a decision and was unable to offer an opinion.

This, in my view, is a prescription for trouble. We have a nominee to be general counsel and a nominee to be general counsel of the Agency, and neither of these two individuals will tell the Congress and the American people what the CIA will do under these circumstances which relate directly to the privacy of law-abiding and innocent Americans.

In her responses to committee questions, Ms. Elwood referred to one of the
documents that was released in January—the revised Attorney General guidelines—which she said imposed "stringent and detailed restrictions" on what the CIA can do with the intelligence it collects that is known to include information about Americans.

We are not talking about an insignificant amount of information on Americans. We are talking about bulk collection. We are talking about information on Americans that the rules, themselves, describe as "significant in volume, proportion or sensitivity." Obviously, the mere fact that the CIA collects and keeps this kind of information raises a lot of concerns about infringements of Americans' privacy.

I wanted to know what these stringent restrictions were that Ms. Elwood was talking about that she said would, again, just sort of magically protect the rights of Americans.

One of the issues our people are especially concerned about is whether the government has collected any information about specific Americans, and can conduct warrantless, backdoor searches for information about specific Americans. Those who dismiss the concerns about these backdoor searches argue that if the intelligence has already been collected, it is just no big deal to search it, even if the search is intended to obtain information on innocent, law-abiding Americans. The problem is, the more collection that is going on, the bigger the pool of Americans' information that is being searched.

This has come up with regard to section 702 of the Foreign Intelligence Surveillance Act, which we are going to debate in the coming months. As my colleagues know, a bipartisan coalition—a bipartisan group of Senators and House Members—has been trying for years to get the intelligence community to tell us how many innocent, law-abiding Americans are being swept up in bulk collection by the number, if we can ever get it, is directly related to whether the intelligence community should be allowed to conduct warrantless searches on particular Americans, and it is directly related to the point I offered at the outset, which is that we must have policies that promote security and liberty. If we do it smartly, we can have both.

These questions I have described also apply to information that is collected under the Executive order. In the case of the Executive order, there is not even a discussion about how much information about Americans gets swept up.

So what do the rules say about backdoor searches that have been conducted by the CIA under this Executive order?

It turns out, the CIA can conduct searches through all of this information on law-abiding Americans if the search is "reasonably designed to retrieve information related to a duly authorized activity of the CIA." Ms. Elwood has told the Intelligence Committee that there are really stringent requirements on this, but as I just read—"reasonably designed to retrieve information related to a duly authorized activity of the CIA"—that sure does not sound like it has much teeth in it to me. It does not sound very stringent to me at all. I asked Ms. Elwood at the hearing what other restrictions might apply.

In a written response, she referred to training requirements, to record-keeping, and to the rule that the information—information must be destroyed after 5 years. None of that changes the fact that there is no meaningful standard for the searches. There is no check. There is no balance. Even the CIA's rule that the information can only be kept for 5 years has a huge loophole in it that can be extended by the CIA Director after consultation with—guess who again—the general counsel.

Again, we have rules that are vague to begin with, whose implementation is up to the discretion of the CIA Director and the Senate and the Senate has virtually nothing to go on in terms of how this nominee for this critical general counsel position would exercise all of this power.

Another aspect of CIA activities that are authorized by Executive order is that of the secret participation by someone who is working on behalf of the CIA and organizations in our country.

These activities would obviously be concerning to a lot of Americans. Most Americans probably believe the CIA is not even allowed to do this anymore, but it is. The question is, whether there are going to be rules that prevent abuses.

Since that is yet another modern-day, present-time topic, I said I am going to ask Ms. Elwood some questions on this. For example, for what purposes could the CIA secretly join a private organization in the United States?

The rules say the CIA Director can make case-by-case decisions with the concurrence of the general counsel, so I thought it would be appropriate to ask what the view is of the nominee to be the general counsel. Ms. Elwood’s response was that she had no experience with this matter and looked forward to learning about it. And that, of course, is typical of so many of her answers. Repeatedly, she declined to provide any specificity about her view of the CIA’s authorities under this sweeping Executive order, but these are the calls she could make every single day if confirmed. At this point, the Senate has no clue how she would make them. It is my view that we cannot vote to confirm a nominee—particularly one who will operate entirely in secret—and just hope for the best.

I have other concerns about the Elwood nomination, particularly some of her views with respect to torture.

I asked Ms. Elwood whether the torture techniques the CIA had used violated the Detainee Treatment Act, often referred to as the McCain amendment. She had no opinion. I asked her whether those techniques violated the statutory prohibition on torture. She had no opinion. I asked her whether the torture techniques violated the War Crimes Act. She had no opinion. I asked her whether the torture techniques violated the treaty obligations under the Convention Against Torture, the Geneva Convention and other U.S. treaty obligations. She had no opinion.

How could she have no opinion? She had told us that she read the 500-page executive summary of the Intelligence Committee’s Torture Report. The horrific details of waterboarding, extended sleep deprivation, stress positions, and other torture techniques are known to everyone, but the nominee to be the CIA’s General Counsel has no opinion on these matters.

Ms. Elwood did, however, commit to complying with the 2015 law prohibiting interrogation techniques not authorized by the Army Field Manual. The question of what decisions she would make under the 2015 law prohibiting interrogation techniques not authorized by the Army Field Manual can be changed. Fortunately, the question of what changes to the Army Field Manual that involve the use or threat of force, I asked her whether the CIA’s torture techniques fell safely outside of anything the Army Field Manual could legitimize. Her answer again was that she had not studied these techniques.

So that was her position. She said she will comply with the law and agreed that the law prohibits interrogation techniques that involve the use or threat of force, but she refused to say whether waterboarding or any of the other CIA torture techniques falls outside that prohibition.

Finally, I asked the nominee how the constitutional right of Americans would apply when the government seeks to kill them overseas. She responded that she had not considered the matter. Do these rights apply to legal permanent residents of the United States who are overseas? She did not have an opinion on that either.

To fully understand why this kind of avoidance is such a problem, we need to consider again what the CIA general counsel does and how she does it. I have been on the Senate Intelligence Committee since 2001. I have seen far too many intelligence programs go on for years before we find out about them. In so many of these cases, the problem lies in how senior lawyers interpreted their authorities. These interpretations are made in secret. They are made by a handful of people, and they are revealed to almost no one. We place almost immeasurable trust in the people who make these decisions. We cannot take this lightly.

The Senate and the American people have one shot—and one shot only—to get some insight into how those lawyers will make their decisions and how
they view the laws that apply to them. That one shot is the confirmation process. So when a nominee refused to take positions, it short-circuits the process. This is not acceptable. We cannot just confirm someone to be the CIA’s general counsel without knowing what she will do in that position. That would be an abdication of our duty.

I want to close by saying that, at this extraordinary time in American history, a time when our country—and if you sit on the Intelligence Committee, as I have for a number of years, you go into the Intelligence Committee room, and it is all behind closed doors, and you often walk out of there very concerned about the well-being of our people, given some of the grave national security threats we hear about once or twice a week.

The point is that our choice is not between security and liberty; it is between smart policies and ones that are not so smart. For example, on this floor the leadership of the committee was interested in weakening strong encryption, which is what keeps our people safe—we have our whole lives wrapped up in a smartphone, and smart encryption ensures that terrorists and hackers can’t get at that information. It ensures that pedophiles can’t get access to the location tracker and pick up where your child might be. We all know how much our parents care about the well-being of kids.

People are saying: Let’s just build backdoors into our products, and I said I am going to fight that. I will fight it with everything I have whenever it is proposed because it is bad for security, bad for liberty, bad for our companies that are trying to continue to offer high-skill, high-wage jobs because our competitors won’t do it, and so far we have been able to hold it off.

As we seek in the days ahead to come up with smart policies that protect security and liberty, we have to get answers from those in the government who are going to have these key positions. Given the fact that the CIA Director, Mike Pompeo, made it clear in his hearing that he was going to rely on the person chosen by the Senate as his general counsel, I felt it was very important that we get some answers from the person we will be voting on shortly.

I regret to say to the Senate that this morning we are largely in the dark with respect to leadership of the committee. On the key questions I have outlined today.

I yield the floor.

Mr. VAN HOLLEN. Madam President, President Trump has repeatedly attacked basic American freedoms—of the press, of peaceful assembly, of religion, of speech. When he lost the popular vote, President-elect Trump assailed the integrity of our electoral process and falsely claimed that millions of people voted illegally in the press exposed those falsehoods. Mr. Trump dismissed credible reporting as “fake news.” When the courts ruled that his travel ban was unlawful, President Trump accused judges of abetting terrorists.

These actions have consequences beyond our own borders and embolden dictators around the world. President Trump’s worldview favors the military over diplomacy and transactional relationships over strategic alliances. President Trump’s uncritical embrace of autocrats like Russian President Putin, Egyptian President of the Republic, President Erdogan, and Philippine President Duterte is a repudiation of every reformer and activist seeking freedom from tyranny. It is a repudiation of America’s values and founding principles.

President Trump’s approach to the world is shortsighted and self-defeating. The greatest threats to U.S. national security come from countries that are corrupt, poorly governed, and fraught with poverty and disease. These countries require sustained engagement and assistance to prevent the kind of threats that could require American soldiers to go into war. These countries require American leadership and the American example to help address these threats of conflict and to give a voice to the aspirations of their people.

That is why President Trump’s proposed 32 percent cut to the budget of the State Department, his failure to put forward nominees for leadership positions, and his disrespect for the career employees who serve our country are so dangerous. By undermining American influence abroad, President Trump erodes American strength.

While John Sullivan has an extensive career in public service, I am concerned that he lacks experience at the State Department. An understanding of the institution, its workings, in many ways, as important as an understanding of our complex diplomatic terrain. Despite these concerns, I was encouraged by the statements and commitments he made at his confirmation hearing.

In his testimony before the Senate Foreign Relations Committee, Mr. Sullivan committed to promoting American values abroad, saying: “Our greatest asset is our commitment to the fundamental values expressed at the founding of our nation: the rights to life, liberty, and the pursuit of happiness. These basic human rights are the bedrock of our republic and at the heart of American leadership in the world.”

He underscored that our alliances and partnerships have “been the cornerstone of our national security in the post-war era.” He commended the foreign service officers, civil servants, and locally employed staff who faithfully serve our country every day.

These statements are a rejection of the worldview proposed by President Trump. I hope that Mr. Sullivan honours these statements in office. For this reason, I support his nomination for Deputy Secretary of State.

Mr. WYDEN. I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to place the order for the quorum call be rescinded.

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

PUERTO RICO’S FISCAL CRISIS

Mr. GRASSLEY. Mr. President, I rise today to discuss the significance of the unprecedented events now occurring in Puerto Rico.

According to the May 16 editorial in the Wall Street Journal, “The legal brawl over Puerto Rico’s bankruptcy begins this week, and it will be long and ugly.”

As we have seen in Greece and Detroit, what is happening in Puerto Rico should be a wake-up call for financially distressed States—meaning our 50 States, our cities, and our territories—to get their own houses in order. It is the canary in the mine that ought to be available to everybody. At the same time, it should be a cautionary tale for those who seek to extend similar bankruptcy authority to our own 50 States.

In 2015, after years of fiscal mismanagement and borrowing to finance their operations, Puerto Rico declared that its debt was unpayable and had to be restructured; however, because Puerto Rico lacked access to chapter 9 of the Bankruptcy Code, restructuring its complex debt outside of the court presented a challenge.

I held a hearing in the Judiciary Committee to examine this issue in December of 2015. We learned at that hearing that while bankruptcy is an effective tool to restructure debt, it merely treats the symptom and it doesn’t solve the disease. I told you, so that the canary in the mine, I shared my views and the views of many others that unless Puerto Rico addressed its fiscal mismanagement woes, extending bankruptcy authority alone couldn’t fix the problem. I told you so that it would merely kick the can down the road and harm thousands of retirees in Iowa and elsewhere who would bear the costs of Puerto Rico’s irresponsible fiscal behavior. The Obama administration, though, pressed Congress to act and to provide Puerto Rico with an orderly bankruptcy-like process to restructure its debt.

According to the testimony of one Treasury official, “Without a comprehensive restructuring framework, Puerto Rico will continue to default on its debt, and litigation will intensify. . . . As the cascading defaults and litigation unfold, there is real risk of another lost decade, this one more damaging than the last.”

According to the testimony of one Treasury official, “Without a comprehensive restructuring framework, Puerto Rico will continue to default on its debt, and litigation will intensify. . . . As the cascading defaults and litigation unfold, there is real risk of another lost decade, this one more damaging than the last.”

Ultimately, this debt restructuring framework was coupled with an indemnification framework provided as the Puerto Rico Oversight, Management, and Economic Stability Act, referred to as PROMESA. This approach,
we were told, would tackle Puerto Rico’s debt crisis in an orderly way and would help to remedy the years of fiscal mismanagement. Nevertheless, I remained concerned that PROMESA and its bankruptcy-like provisions would invite a deluge of litigation and uncertainty due to the lack of existing court precedent.

So it should be no surprise that a recent Bloomberg article titled “Puerto Rico’s Bankruptcy Fight Is About to Plummet into a Quagmire” described the bankruptcy process as “a circular firing” squad with “no established rule book to shape what comes next.” The article reports that one market analyst “foresees a chaotic brew of lawsuits because “nobody has any idea what is going to happen.”

According to one news report, this is just the beginning, as PROMESA’s bankruptcy provisions are “more likely to face years of appeal than a typical case.”

Despite assurances otherwise, what happens next in the months and years to follow may be far-reaching and likely will impact us all. In particular, prior to the enactment of PROMESA, Puerto Rico, like the States, couldn’t declare bankruptcy. I told you this last year, and it is as I predicted last year—granting Puerto Rico the authority to restructure all of its debts, including its State-like constitutional obligations, would be viewed as precedent for giving States similar authority.

I am not really surprised to see this happening right now.

Getting to the fact that I told the Senate a year ago. This past September, William Isaac, the former head of the FDIC, called on Congress to pass a law “giv[ing] Illinois the option of utilizing chapter 9, which is akin to what Congress just did for the Commonwealth of Puerto Rico.”

The New York Times reported on May 3 that “bankruptcy lawyers and public finance experts are watching Puerto Rico case closely to see if it shows a path that financially distressed states like Illinois might also one day take.”

The Chicago Tribune’s editorial board recently wrote that investors are growing nervous about the talk of States seeking a bankruptcy system after the fashion of Puerto Rico, calling Puerto Rico “the frightening ghost of Illinois future.”

The editorial wondered how much more of that would be for States to borrow money if lenders knew the States could shirk their obligations in bankruptcy when that debt becomes due.

For those who weren’t listening to me last year, those who dismissed concerns that PROMESA would set a troubling and dangerous precedent should take notice and make sure that a one-time piece of legislation does not create a new norm. I hold out hope that PROMESA might manage to provide some help for Puerto Rico.

Success, though, will ultimately require strong leadership from the Commonwealth’s leaders, which, for years, that leadership has been very lacking.

There is a lesson to be learned. The fiscal crisis in Puerto Rico should motivate all 50 States, our cities, and territories to find the courage now to make the tough choices, which are the foundation of responsible governance, rather than look to the Federal Government and bankruptcy as a way out. If they do not, the effect could be long-lasting, harming the vulnerable both within our borders and outside of their borders.

Obviously, what a lot of smart people told us a year ago to solve Puerto Rico’s debt problems simply has not worked out.

So at a time when States, citizens, and markets are all watching, we must stress fiscal responsibility and pay attention to what is happening there in Puerto Rico. Otherwise, the uncertainty and chaos we were assured would not come to pass may be just over the horizon.

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. CARDIN. 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. CARDIN. Mr. President, on Tuesday President Trump sent his proposed fiscal year 2018 budget to Congress. A budget is supposed to reflect the President’s priorities and the values our country holds dear. Unfortunately, President Trump’s full budget shows how much disdain he has for supporting American families here at home, how little he values America’s strong leadership around the world, and how much he misunderstands the essential role the Federal Government has in keeping our air and water clean, roads and bridges functioning, and the public safe from deadly diseases and other threats.

This President’s budget shows how much he values corporate profits and polluters over children’s health and demonstrates an irrational ignorance of basic principles that have worked for and against the American economy throughout the years. The budget wastes money on a border wall and deportations that will not make America any safer and will tear apart families and communities.

President Trump fails to uphold the promise he made as a candidate to protect American workers and seniors, and he ignores the fact that in the face of uncertainty he is willing to inject into our economy, our local communities, and relationships with our historical allies and economic partners. More than any other Presidential budget in recent memory, this budget must be considered dead on arrival.

President Trump’s full budget for fiscal year 2018 is an exercise in extreme mism. President Trump wants to ax $610 billion from Medicaid—the program that lifts up America’s veterans and the most vulnerable men, women, and children, capping the funding in order to finance tax cuts for big business and the wealthy.

The budget further slashes the social safety net by cutting the food stamp program and eliminating critical social services programs. It directly hurts children by cutting $6 billion from the Children’s Health Insurance Program.

The President wants to choke off funding for essential scientific research at the National Institutes of Health and infectious disease detection and response at the Centers for Disease Control and Prevention, while also slashing funding for key global health initiatives that ensure economic stability.

Further demonstrating his misunderstanding of the ripple effect Federal investments can have, the President inexplicably wants to end the economic development assistance programs to rural and economically distressed communities.

Despite assurances otherwise, what would help to remedy the years of fiscal crisis in Puerto Rico should not come to pass may be just over the horizon.

I yield the floor.
better give the Defense Department more bullets and soldiers. This is counterproductive to making the world a safer place for America.

America is safer when the United States helps feed millions of starving people in the Middle East, helps Europe defend its democratic institutions from Russia interference, helps support countries and international organizations caring for vulnerable refugee populations, helps train first responders, helps medical workers, helps lead the world in fighting climate change and promoting global health, and helps fund programs to protect human rights and promote democracy. In each of these areas, the administration has taken a penny-wise and pound-foolish approach that will cost lives abroad and endanger Americans here at home.

Each of the programs I mentioned, are either there or there are significant cuts, making it impossible for our dedicated Foreign Service officers to carry out the critically important missions they undertake.

As I look at the massive spending cuts the White House has proposed, it is impossible to conclude that this is anything but an “America alone” budget—one that, if enacted, will have disastrous effects on our standing in the world.

Luckily, the majority of Members of Congress know this budget is dead on arrival. I look forward to working with like-minded Republican colleagues to make sure nothing remotely close to this budget is enacted.

Fortunately, our Founders developed a system of checks and balances with the Constitution providing that Congress appropriates public funds. It is our responsibility to pass the appropriate law. I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 Omnibus appropriations, to prevent enactment of this outlandish executive branch attempt to cripple our economy and our standing in the world.

Our President is recommending a $6 billion cut in the Children’s Health Insurance Program, the CHIP program. That is an unprecedented demand. There is no bipartisan effort in Congress to make sure the children of America have the health they need.

Then there is a $7 billion—22 percent—cut in the National Institutes of Health. The Republicans have come together, recognizing that America has provided the true leadership and basic research to deal with the mysteries of illness, and the President wants to reverse that trend. That will not only cost us in terms of our health advancements, but it will also hurt our economy.

The President cuts the funds to the National Institute on Minority Health and Health Disparities. I thought we were going to narrow the gap of discrimination in our healthcare system. The President’s budget moves in the opposite direction.

In Social Services and Social Security, the President, on his campaign trail, promised not to cut the Social Security system. He broke that promise with this budget. These cuts are a “Robin Hood in reverse” budget. His cuts in the Supplemental Security Income Program, Disability Insurance Program will be devastating for low- and modest-income individuals, as well as persons with disabilities and those over 65 years of age.

So we have seen cuts to programs the President claimed he would not cut when he was a candidate. The budget cuts nearly $200 billion from the Supplemental Nutrition Assistance Program, SNAP, or food stamps, which helps low-income Americans with food purchases. He also cuts the TANF Program, the Temporary Assistance for Needy Families, which are in need of assistance. The budget eliminates the LIHEAP, Low Income Home Energy Assistance Program, the Weatherization Assistance Program, and State Energy Program. I guess Donald Trump wants low-income Americans to freeze in the dark. This is shameful and reprehensible.

Yes, there is money for some advisors—the so-called border wall with Mexico. I visited Mexico just a few months ago. I visited the U.S.-Mexico border. I couldn’t find one border security guard, security personnel, who felt that building a wall was wise. It will not keep out the illegal flow of people or drugs, and it will compromise our ability to work with our neighbors in the south to control immigration and to control drugs. The President’s Executive order on immigration and the President’s fiscal year 2018 budget ramp up deportation forces inside the United States, which will do more to harm our national security and public safety than to help. We shouldn’t be moving in that direction.

Education is one of the areas I worked on for a long time with my Republican colleagues to make sure we fund the Legal Services Corporation. The Trump budget completely eliminates that funding. The late Justice Antonin Scalia said at the Legal Services Corporation’s 40th Anniversary Conference in 2014: “LSC pursues the most fundamental of American ideals, and it pursues equal justice in those areas of life most important to the lives of our citizens.”

We believe in equal justice under the law. If a person cannot get legal help, they cannot get equal justice under the law. And the President says there is no Federal role for this. I hope that we will soundly reject that.

The President’s budget eliminates the Community Development Block Grant Program. That is very troubling. Here is one of the more flexible programs we offer the local government in order to be able to make their own decisions, and the President’s budget eliminates that program.

The President’s budget eliminates many of our programs under agriculture, which will hurt our rural areas and hurt our farming community. The budget proposes to eliminate new enrollment in the Conservation Stewardship Program and funding for the Regional Conservation Partnership Program. I am very familiar with the Regional Conservation Partnership Program. It was put in the last farm reauthorizing bill. It was done as an effort to help deal with conservation in critically important areas, including the Chesapeake Bay watershed. It is a very important program to preserving our bay and preserving farm land so that we can have both a healthy bay and healthy agriculture. The President eliminates those programs. I could go on and on about agriculture—the many programs that are either severely restricted or eliminated under the President’s budget.

In education, the fiscal year 2018 budget released by President Trump...
What in the world makes President Trump think that our Nation’s drinking water infrastructure shall be kept at status quo? Don’t we all remember what happened in Flint, MI? We have discovered similar things in New Jersey and Pennsylvania. In Baltimore, our public school system cannot connect their water fountains to the water supply because of lead contamination. We need to have a greater commitment to make sure that the water supply to America is not flat lined.

Under the budget, the Office of Compliance would be cut by one-third of its budget. That is EPA not being able to enforce the law. Aren’t we a country of the rule of law? You would not think so under the Trump budget.

The President’s budget also does not contain a critical infrastructure plan. We heard that during the campaign. But nowhere in this budget is he providing for that increase. Instead, it proposes cuts in some of the highway trust programs.

Every day, civil servants perform countless tasks that help support and defend and protect America. Civil servants are saving lives, empowering education for all, making sure that our children are safe from harm, and otherwise ensuring a safe and prosperous future for our country, including our children and families. We know that our Federal employees often perform the type of work that no one else can do. It is a great privilege to hire a highly qualified Federal workforce. On May 5, Donald Trump issued a proclamation declaring May 7 through 13, as National Public Service Recognition Week. He stated:

Throughout my first 100 days, I have seen the tremendous work civil servants do to fulfill our duty to the American people. At all levels of government, our public servants put our country and our people first. He has a bizarre way of showing his appreciation. Earlier this week, he released a budget that punishes Federal workers by making them pay much more for their pensions, an additional $5,000 for an average Federal worker, while making these pensions much smaller.

The relentless assault on the Federal workforce must end. The civilian workforce was smaller last year than it was 40 years ago, according to data from the Office of Personnel Management. Federal workers increasingly have been asked to do more and more with less and less. They have already sacrificed financially, contributing $190 billion to deficit reduction just since 2011. Workers hired in 2012 already are losing their pensions and related benefits.

I yield the floor.

Mr. HATCH. Mr. President, I rise to speak about the continuing effort to repeal and replace Obamacare. This effort has essentially been going on since the day the bill was signed into law. I think most of us on the Republican side recognize the overwhelming consensus surrounding the

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Workers hired in 2012 already are paying more for smaller pensions. Sequestration-related furloughs cost Federal workers $1 billion in lost pay, and there was a 3-year-pay freeze from 2011 to 2013, and substandard rises since then. Salaries and wages have fallen 6.5 percent since 2010, adjusted for inflation.

Now comes the latest attack on the Federal worker’s pension, on top of continued attacks on pay, healthcare and other benefits, collective bargaining, and due process rights. President Trump would eliminate the annual cost of living adjustments for people in the Federal Employees Retirement System, including current retirees, and reduce them by half a percentage point for people in the old Civil Service Retirement System, including current retirees.

According to certified financial planners, the average CSRS annuitant would lose one-third of its value over 20 years if inflation averages between 2 and 3 percent annually, and nearly half of its value if inflation averages 4 percent. According to the National Active and Retired Federal Employees Association, the average FERS annuitant would lose $99,471 over 20 years, and the average CSRS annuitant would lose $60,576 over 20 years under the Trump budget.

This is outrageous. We are talking about people who are already retired. They can’t re-enter the workforce. They have no choice. Yet we are telling them that they are not going to get what we promised. It is important to underscore that 83 percent of the Federal workforce is located beyond the Washington metropolitan area. Federal workers are in big cities and small towns across America, striving to make things better for their neighbors. Do we really want to turn our backs on them and their families, but we are trying to find a cure for our spouse’s cancer and our sibling’s type 1 diabetes.

They support our sons and daughters in harm’s way, and they care for the wounded warriors at home. They patrol our borders and discover and disrupt terrorist threats aimed at our community. They are working to ensure that our grandchildren inherit a habitable climate. When we punish Federal workers—30 percent of whom are veterans, by the way—we are not just harming them and their families, but we are harming each and every American.

I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 omnibus appropriations, to prevent the enactment of this dangerous executive branch attempt to cripple our economy and do lasting damage to our Nation’s global leadership. Congress has the responsibility to ensure a more realistic budget that helps the American public, contributes to genuine economic growth, and furthers America’s true values.

I yield the floor.

Mr. DAINES. The Senator from Utah.
failures of ObamaCare as a major reason we currently find ourselves in the majority.

As you know, the House passed the American Health Care Act, a bill that would repeal and replace ObamaCare, earlier this month. This is an important step in the process. Later today, we expect to hear from the Congressional Budget Office about the House bill. The CBO score will lay down an important marker for the repeal and replace efforts in the Senate. It will allow us to ensure that the House bill fits into the constraints of the reconciliation rules in the Senate, while we continue to strive toward our own policy goals to implement patient-centered healthcare and healthcare reforms that address cost and promote choice and competition.

I am very interested in what they say. These changes are more important than ever. Just today, we received a report from HHS that, from the time ObamaCare was put in place, the cost of insurance went up for both individuals and families. And there was an average premium increase of 105 percent across the 39 States using healthcare.gov. This is just one snapshot of the runaway costs of ObamaCare, and it is just one of many examples of why we need to act as quickly as possible to repeal and replace the misguided law.

As the Senate continues to discuss the policy matters related to this effort, we will need to confront a number of difficult issues as we work to provide enduring reforms for our beleaguered healthcare system. As chairman of the Senate committee with jurisdiction over most of the salient issues under discussion, I want to make my views on these matters very clear.

First, it is my view that all of the ObamaCare taxes need to go. We should not be treating the ObamaCare taxes as a smorgasbord, picking and choosing which ones to keep and which to discard. There is a simple tax increase in ObamaCare that has enjoyed support on this Republican side.

When all is said and done, the tax provisions of the Affordable Care Act represented a trillion-dollar hit on the economy in just the first 10 years. That is nearly 1 percent of the projected gross domestic product over the same period. In my view, it would be inappropriate, after spending the better part of a decade railing against ObamaCare’s burdensome job-killing taxes, to now turn around and say that some of them are fine so long as they are being used to fund Republican healthcare proposals.

It is very simple. We need to repeal all of the ObamaCare taxes, the medical device tax, the health insurance tax, the so-called Cadillac tax, the taxes on healthcare savings and pharmaceuticals, and several others. They all have to go.

Second, we need to fully repeal the individual mandate. There has been some talk about keeping the mandate around temporarily, if nothing else, to help shore up the new system. But as I said with the ObamaCare taxes, Republicans have spent years condemning the individual mandate as an unconstitutional assault on individual liberty. We have also argued that it was ineffective and that it has failed to draw enough younger and healthier consumers into the market in order to offset the cost of ObamaCare’s draconian market reform mandates.

I don’t see how we can now turn on a dime and say that the individual mandate is worthwhile because we are using it to prop up a system that Republicans have designed. Like the taxes, the individual mandate, in my view, needs to be repealed. Last year, we need to resist any temptation to alter the tax treatment of employer-provided health insurance as part of this particular exercise. Don’t get me wrong. There have been a number of health reform proposals over the years that have dealt with this issue, including a legislative framework that I drafted with two of my colleagues. However, given the limitations we face in this current exercise and the fact that we are not starting from a blank slate but rather attempting to repeal a law that has been implemented for a number of years, we should be wary of the impact of pulling employer-sponsored insurance into this current debate.

The purpose of this budget reconciliation exercise to repeal and replace ObamaCare is to address costs in the individual markets. I believe it is important that everyone, whether they are Members of Congress, stakeholders in the business community, or living elsewhere in the country, manage their expectations about the possible outcomes of this process given the limitations we are facing.

While the constraints inherent to the budget reconciliation process may be inconvenient at the specific moment, there are a number of important purposes. Under this process, the Senate will need to reduce the deficit by at least as much as the House bill. There is no way around that. The process for determining what provisions of the House bill will need to be changed is still ongoing. Of course, we will have to take a good long look at the numbers we get from CBO later today.

Not only do we need to take into account the CBO numbers and the budget rules, but we also need to consider what the best policy is, and, at the end of the day, what approach is doable. We can do a lot in this exercise, but we should not make this the be-all and end-all of our healthcare reform effort.

As I said before, everyone should be managing into the expectations at this point. While we can and should be ambitious in our efforts, we need to be realistic about the limitations that exist and be willing to practice the art of the doable, to compromise, and to really recognize that what we will need to be set aside for another day.

None of this is going to be easy, but I believe we are up to the challenge. I look forward to working with my colleagues on these issues and to finding solutions that will help us keep the promises we made to our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to follow the comments made by the President pro tempore of the Senate—the Senator from Utah—talking about problems that people have and problems that grow every year. These are the issues that we have in the future look at healthcare and what it may mean for their families.

This is a top-of-the-list issue for families in Utah, or Missouri, where I am from, or Montana, where the Presiding Officer is from, or Massachusetts. Anywhere in the country, anyone who is looking at this system and hoping to have a system they could rely on is finding that it is just not working.

This is a plan that clearly has failed. We are left with all kinds of assurances, virtually none of which have been kept.

In our State today, we got some bad news in Missouri about what that health insurance exchange looks like next year. Blue Cross Blue Shield serves 30 counties in our State. Another Blue Cross-related group, Anthem, serves the rest of the State. But today, Blue Cross Blue Shield announced that it is going to pull out of the exchanges next year. Some 31,000 customers in the Kansas City will have no insurer at this moment who is willing to sell policies on the individual exchange. This is devastating news for those families—maybe they are already on their second or third insurance company in as many years—trying to wade through yet another individual plan that tells them what might or might not be covered. This is certainly a long way from the assurances that you would be able to keep your plan and you would be able to continue to see the doctors you like. It seems a long way from that pledge. Remember that pledge? If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor. It didn’t turn out to be that way at all.

In fact, in the five other counties that Blue Cross is leaving in our State—and I don’t say this with any disrespect toward that nonprofit company—they are leaving the counties. This system won’t work, and that is why we are down from multiple companies willing to offer insurance in all kinds of counties. Anywhere in the country, anyone who is looking at this system and hoping to have a system they could rely on is finding that it is just not working.

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a policy, and 25 counties have no company that will offer a policy based on that announcement. If you only have one choice, do you really have any choices at all?

Under this plan, unless we go in a very different direction, you will pay the premium to buy the policy or pay the penalty. This exchange that was promised where the average family would see their insurance costs go down $2,500 a year—this is as far from that promise as you can get. Not only does your policy likely go up more than $2,500, but your deductible has gone up in even higher percentages than that.

Certainly, 30 percent of the counties in America right now only have one company that will offer insurance. As I said earlier, our neighboring State to the north, Iowa, has no company that will offer insurance to anybody on the individual market. What kind of system is that?

In my State, we have 114 counties and the city of St. Louis in addition to those 114 counties. At this moment, 97 of them have only one company that will offer insurance. Unless things change dramatically, in January, 25 of those 97 will have no company that will offer insurance at all. Now, not only does the one company offering insurance decide it can’t participate in that market either—would have only one choice. I think it is likely that those 77 counties will see some change in whether they have one choice or no choice.

Last week, I came to the floor to talk about Missourians who have problems and who are seeing their out-of-pocket costs skyrocket under this. Let me share another story about one of the several people we heard from this week.

Holly is a cancer survivor. She lives in Southeast Missouri. She was forced again this year to switch insurance policies when the insurance company she had left the individual exchange, the ObamaCare exchange. That left Holly with only one choice. Again, people in the vast majority of our counties have the same option—they have one option. Holly had one option, and that carrier didn’t cover any of her four cancer doctors. Now, remember, this is a cancer survivor who literally has been in a fight for her life, and now she can’t get a policy that allows her to see the doctors she needs. In that fight for her life, she developed confidence. So that means she can’t see her oncologist under any policy she can get. She can’t see the radiation oncologist, the surgical oncologist, and the reconstructive surgeon. None of those people are now available to her.

This is in a world where Holly, you, me—all of us were told: If you like your doctor, you can keep your doctor. Well, she liked all four of her doctors, and they can’t keep on those patients. We were told: If you like your policy, you can keep your policy. If it weren’t so serious, looking back at that promise, it would be like it was some cruel joke that somebody is coming up with that couldn’t have been further from the truth. When you are battling cancer and you lose access to the doctors you know and trust, no reasonable person can argue to you that the system we have is working. The status quo is unacceptable. It is clearly unsustainable.

There is a lot of discussion about what kind of change we are going to have. The “why” here is more important than the “how.” The “why” here is the root of this debate because the reason we have to change is that the system we have is absolutely not working.

Americans like Holly and all the families in the Kansas City area who are certain to lose this year’s coverage next year may or may not have coverage at all. No company besides this one company that left was willing to be there this year. They deserve better.

That is why I am going to continue to work with colleagues to give families more choices to expand their access to the healthcare providers they want and the kind of insurance coverage they would like to have.

This plan simply hasn’t worked. It isn’t working now and is going to get worse before it gets better. That is why we are debating how to change it, not debating the effort that has totally failed. Now we need to get in and figure out how to stabilize this marketplace and answer that question, how can we give families all over this country who not only don’t have the coverage they want, but they also don’t have access to the healthcare they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I congratulate my colleague from Missouri for the excellent comments he made.

I bring to the floor a report that came out last evening, which is essentially the analysis that the [inaudible 199].

In Connecticut, insurance companies say they want an average increase of about 24 percent; in Maryland, the average is 45 percent; and in Oregon, 17 percent. Americans are again facing double-digit increases in their ObamaCare premiums next year, just like this past year.

Some companies simply said: Hey, I am done. I am not going to sell any- thing else that is not worth it.

That is what Aetna has done—pulled out entirely. The thing that is so interesting about Aetna’s decision is that they were one of the major cheerleaders early on in the beginning of ObamaCare. They wanted us to do this, and we want to do this. We want to sell insurance all around the country. Well, now they are pulling out of ObamaCare all across America. What that means for people at home is that they have fewer choices.

People living in two-thirds of the counties in this country—and in every county in my home State of Wyoming—are down to fewer and fewer choices. We have one choice of a carrier to buy from on the exchange in Wyoming. In two-thirds of the counties, people have only one or two choices. There are now places where people have no choices. Even if they get a subsidy under ObamaCare, there is no place they can use it, so it is useless to them.

The companies that remain—what are they doing to help try to control costs? Well, they are cutting back on access to doctors and to hospitals, as we just heard is the situation of the patient in Missouri.

Democrats say that people have to buy the insurance anyway because they say they put a mandate on it. Americans, like it or not, you have to buy ObamaCare insurance. If you don’t like it, we are going to fine you. That is what the Democrats said. Well, in spite of the mandate, 20 million Americans are still uninsured. No, they don’t want a million paid a fine. Another 12 million got an exemption because there are actually 41 different ways you can get exempted from ObamaCare. People realize it is not a good deal for them. They want to see ObamaCare insurance so expensive that it is not a good value for their hard-earned dollars.

It is astonishing to hear Democrats now say that basically the problem was that Washington didn’t have enough control. We need more government control, they are saying. There are a number of Democrats who want a single-payer healthcare system. Some call this a “welfare to work” approach. If you don’t like a fine, you have to buy the insurance. That is what the Democrats said.
it Medicare for all. They can call it what they want—it means higher costs and more Washington control over the healthcare American families need.

The State of Vermont looked at this idea a couple of years ago. Even in this very liberal State, they dropped the idea almost immediately. Why? Because they said it was too expensive.

That didn’t stop other States from looking at it. Recently, this occurred in the State of California. Democrats in California recently offered a plan to have the State take control of all healthcare for everyone who lives there. Universal healthcare for all, they said. The civil servants, the farmers, the doctors, the lawyers. Yet, there was no response. Why? They are committed to finding long-term solutions, not higher costs, higher taxes, more government control over their own healthcare. We don’t get the care they need from a doctor they choose at a lower cost. We don’t call it Medicare for all. We don’t say they are committed to finding long-term solutions, not higher costs, higher taxes, more government control over people’s own healthcare. We don’t get the care they need from a doctor they choose at a lower cost. We don’t have that with ObamaCare.

The Democrats are pushing the exact opposite approach. They are offering higher costs, higher taxes, more government control, more government say in your family’s life. ObamaCare has failed. Republicans are committed to finding long-term solutions to our Nation’s healthcare needs.

Thank you. I yield the floor.

I suggest the absence of a quorum.

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

Mr. CARPER. Thank you, Mr. President.

The PRESIDING OFFICER. Mr. President, the call of the Senate is now in order.

Mr. CARPER. 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. CARPER. Mr. President, there is an African proverb that goes something like this: If you want to go far, go together.

The Paris Agreement was developed in that spirit; that 195 nations and territories can do more to protect our planet from climate change, the greatest threat to everything of our lifetime, than the United States or any country can do isolated or on its own. Nearly 200 countries now have agreed to do their part to limit our global temperature rise by developing national plans to reduce their own emissions.

We know climate change is a global challenge that does not respect national borders. Emissions anywhere affect people everywhere, with the poorest and most vulnerable populations affected most. There is a reason why we call it “global warming.” We know no one country, no one region, no one continent can solve this problem alone.

President Trump’s inner circle has a different take on this global agreement. For instance, during an appearance on “Fox and Friends” last month, Scott Pruitt, the EPA Administrator, denounced the Paris Agreement, calling it “a bad deal for America.”

I asked him if he would withdraw his objection to the accord, this is what he said. He claimed China and India had no obligation until 2030—no obligation until 2030—even though they are polluting far more than we are.

Well, that is just false. First, in 2015, the United States on a per capita basis produced more than double the carbon dioxide emissions of China—more than double—and eight times more than India. Also, contrary to what the Administration continues to espouse, both China and India have pledged to reach their carbon emissions reduction goals by 2030, which means they are taking steps now—not 5 years from now, not 10 years from now, not 13 years from now—no, to meet those commitments.

India is on schedule to be the world’s largest solar power market by the end of 2017. In fact, last year, India unveiled the largest solar power facility in the world.

Meanwhile, Chinese leaders have ordered their country’s coal companies to cut 1.3 million jobs over the next 5 years. Some of these workers will find jobs in the clean energy sector, which Beijing expects to generate more than 13 million jobs by 2020.

Make no mistake, if the United States cedes its leadership position on climate change, China will be ready and willing to assume that role—our role. In doing so, they will move ahead, and we will fall behind. It is just that simple.

We have a chart here that includes a chart of ObamaCare. Mr. President, there is an African proverb that goes something like this: If you want to go far, go together.

The Chinese clearly understand that the Paris Agreement affords their country the opportunity to emerge in the 21st century as a clean energy superpower.

I have been there. A year ago, I was there. In the trains they built and the train systems they built, the huge electric buses, all electric buses that I rode, it is clear they know what they are doing, and their intent was to eat our lunch by pursuing this clean sustainable energy approach.

Unfortunately, those in the Trump administration seem to be the only ones who don’t recognize that. Some day they will wish they had, and the result will wish we had too. Withdrawing from this pact doesn’t put America first, it puts America behind.

You don’t have to take my word for it. Just ask our business community. They see the clear benefits for their businesses and for America if we continue to play a lead role in the implementation of the Paris Agreement. Over 1,000 American companies and investors, some of which are represented here on this chart, have written to President Trump and his administration and him to address climate change through the implementation of the Paris Agreement. The businesses, which include Exxon, Starbucks, Apple, General Mills, Walmart, Nike, Morgan Stanley, and BP—just to name a few—this is what all these companies and their leaders said: Failure to embrace the Paris accord’s “puts American prosperity at risk. But the right action now will create jobs and boost U.S. competitiveness.”

I have another chart.

We have two letters here. One was written to a new President, President Obama, in 2009. Again, this is a full-page ad.

This is another ad that appeared in the past week to another new President, in this case, President Trump. Interesting enough, back in 2009, a Manhattan businessman named Donald J. Trump agreed with the 1,000 companies I joined earlier—“United States of America to serve in the 21st century as a clean energy superpower. We have two letters here. One was written to a new President, President Obama, in 2009. Again, this is a full-page ad.

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other CEOs in saying to President Obama: “Wake up. Let’s do something about this climate change stuff. Make sure we are leading the parade”—8 years later, he is not signing the letter. He is the addressee on the letter, from, again, hundreds of CEOs from around the country who are urging him to do the very same thing Donald J. Trump had urged Barack Obama to do 8 years earlier. If you ever want to think of something that is ironic, find an example of two full-page ads that sort of represent the term “irony.” This is it. This is it.

The companies noted in this second full-page ad that the Paris Agreement provides just the kind of framework we need. So U.S. businesses still recognize that our country leading the world in addressing climate change is the right approach. We might want to ask: Why doesn’t our President, Donald Trump, realize that? With the Paris Agreement, the global community rightly recognizes that the day before bigger than any one State and came together to do what is best for our collective future.

It is not the first time the global community came together for the greater good. In 1977, the Chemical Weapons Convention outlawed the production, stockpiling, and use of chemical weapons, which the world agreed were inhumane.

On these critical issues, the world came together overwhelmingly.” That was in the best interest of humanity rather than the best interest of one single nation, but even these other historic and frankly commonsense agreements don’t have as many signers as the Paris Agreement does.

We hear numbers thrown around a lot when we talk about the Paris Agreement, but to put the number of signers in context, let me just say it is nearly the whole world—nearly the whole world.

If you wonder what 195 national flags look like, pretty much the whole world, this chart depicts that. There are two flags down here that have not signed, and one of those is Nicaragua. They didn’t sign because they thought the Paris accord didn’t go far enough. The other country that didn’t sign on is Syria. So, in effect, there is really only one country that has refused to accept the basis of the Paris Agreement, this huge Paris accord, and that one nation is Syria.

Our withdrawing leaves the United States in company with Bashar al-Assad. We will be his wingman. That is not the company we ought to be keeping, and that is not who we are.

When it comes to global challenges such as terrorism and cyber attacks, the United States doesn’t sit back and wait for someone else to lead. We lead. America leads the way. We always have. It is part of the fabric of our Nation.

To win our freedom, we took on the mightiest nation on Earth at the time, England, not once but twice, and beat them. A half a century later, we survived the bloodiest Civil War that took hundreds of thousands of lives and left hundreds of thousands more crippled and wounded. After that war, our President was assassinated and his successor, Andrew Johnson, was impeached. Somehow we survived all that and we went on to lead our allies to victory in World War I and World War II. We led our country out of the Great Depression and into victory in the Cold War as well.

Americans should, once again, be leading the world in what combat what is likely to be the greatest challenge we will face in our lifetimes. Our children and their children are counting on this, and we should not let them down.

Somebody asked me how long it would take for the world to be out of the 195 nations that have signed on to the Paris Peace Accords, and I have the names right here. I am not sure I can correctly pronounce all of the names—maybe page 1 and the last page, and I will leave it at that.

It starts out with Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, and Barbados.

That is the first page, and it goes on and on and on.

I will finish up with Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

There are 195 in all. We ought to be in company with the names of all of the countries that are on that list. We should not be in the company of the one that is down here by itself—Syria.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 13 minutes remaining.

Mr. CARPER. Thank you.

Mr. President, one of the countries on this list of the 195 subscribing to and signing on to the Paris Agreement was the country of Iran. I want to talk a little bit about Iran in the time that remains.

I came home from church this past Sunday. My wife and I were in the kitchen—we were fixing breakfast—when I turned on the television and watched the news. I think it was CNN. They were broadcasting live from Saudi Arabia our President’s talking to a large group of national leaders representing Muslim countries from around the world, hosted by Saudi Arabia. The President was giving his speech. He was using a teleprompter, but a lot of Presidents use teleprompters. He was reading a speech off of the teleprompter. As I was listening, I actually thought of how they did it. A lot of good speeches. Closer to the end of the speech—I do not know if he went off camera or went off the teleprompter and just did an inaudible or if this was part of the speech—he started talking about Iran and why they are a nemesis to a lot of the world and are not to be trusted—somebody we should not be doing business with or going into any kind of agreements with, even an agreement that causes them not to be able to build a nuclear weapon.

In any event, I thought to myself that there is a real irony here because, as he was going on and berating Iran, they were still counting the votes in Iran from the election that had occurred the day before, which is unlike many of the countries that were represented and that President Trump was addressing in that they do not have elections in those countries. Women do not get to hold office or run for office in all of those countries.

Let me just be the first to say that, clearly, Iran is not a Jeffersonian democracy, and, as some would suggest of late, maybe our credentials are something tarnished on that too. I think of the over 1,600 people who registered to run for President in Iran. There were 1,600 people in Iran who wanted to run for President this year, and Iran’s Guardian Council only allowed 6, ultimately, to run.

Iran has never allowed a woman to run for President. Women do hold elected positions. They serve in the parliament and in municipal positions, but none of them has ever run for President. We have had one or two or maybe three.

Iran does not enjoy a free press. International election observers are strictly forbidden, and there are widespread allegations that Iran’s 2009 Presidential elections, in which Ahmadinejad was supposedly re-elected—I doubt that he was, but there are a lot of people who think those elections were rigged.

In Iran, most of the final decisions rest with the Supreme Leader, at least decisions of consequence. The Supreme Leader, as we know, is not popularly elected by the people of that country.

Here is what happened in the elections in Iran over the weekend. A lot of people turned out to vote, and they were willing to support a candidate who openly advocates for engagement with the West, including with us. The Supreme Leader of Iran, frankly, did not want President Rouhani to be re-elected, but he was, with nearly 60 percent of the vote. I vote for the Supreme Leader. I think, and others urged others to get out of the race so that there would be just a one-on-one against a
hard-line candidate, who was favored by the Supreme Leader, and President Reuani, who turned out to be favored in the election by almost 60 percent of the voters.

Of the people who voted, I do not know what breaks out by age, but the country of Iran is a young country. They had their revolution back in the late 1970s. You may recall they captured our Embassy and held our folks hostage during the end of the Carter administration. They created a lot of havoc—and a lot of bad will from that point in time until almost to this day.

Most of the people who live in Iran today are under the age of 30. A clear majority of them were not alive in 1970 to 1979. They never knew the fellow who led that revolution in Iran in the late 1970s. Most of the people in that country today were born after 1979.

I have talked to any number of Americans those who have held senior positions in previous administrations who have gone to Iran in recent years, and they all tell me the same story. They could not believe how welcomed they were by people everywhere and not just by young people, but especially by young people. There was a fascination on the part of especially the young people with our country, and there actually appears to be a fair amount of respect and admiration for our country. They wanted to have a better relationship with our country.

They turned out and voted for a President. They also voted in municipal elections over the weekend. In the municipal elections, they voted out some sitting mayors of cities like Tehran, which is the capital city. The mayor there was a hard-liner, and, apparently, he has been knocked out of office or will be shortly. There are many other municipal leaders, and a moderate reformist will be succeeding one of the hard-liners.

I do not mean to suggest that all in Iran love us. They do not. The Revolutionary Guard and some of their leadership do not care for us at all. They, frankly, like terrorism and embrace terrorism and would like to continue to foment upheaval and terror in some parts around the country. They are not the future of their country. The future of their country voted last week.

We have been asked about voting for change. Well, they voted for change, and my hope is that they will get what they voted for.

I think, for us, we have to be smart enough to say that no democracy is perfect—not ours, not theirs—and give them at least a passing grade for effort and see, as we go forward, how we can find ways to work together.

I served in the Vietnam war—three tours in Southeast Asia. I came back at the end of the war and moved from California to Delaware. I got an MBA and became the treasurer, Congress- man, Governor, and Senator of Delaware. When I was a Congressman, I led a six-member congressional delegation, including one former U.S. POW, Air Force Capt. Pete Peterson, who spent 6 years in the Hanoi Hilton. We went back to Vietnam a month after I stepped down as a captain in the U.S. Army. We went to Vietnam, Cambodia, and Laos to find out what happened to the thousands of MIAs whose bodies were never recovered. We do not know how they died or where they died or when they died, but we went back to try and get to the truth. We did so at the behest and encouragement of the George Herbert Walker Bush administration.

We took with us a roadmap to normalize relations between the United States and Vietnam. Lo and behold, we ended up getting to meet their brand new leader, Do Muoi. He was a brand new leader who had only been in office for a week. We presented our roadmap to normalize relations. The six of us—members of the House—had a very emotional meeting—with him—a very emotional meeting—and said that these are the things you have to do. If you want to normalize relations with us, give us access to a number of things—be able to excavate crash sites, the ability to talk to people who live in those areas and communities that are around those crash sites, the ability to go into your war museums, and the ability to go into your military archives and get as much information as we can. We said that we wanted our folks—U.S. folks—to be able to go around the country, to travel around their country. If somebody reports seeing a round-eye, or somebody who might be American, we want to be able to go find him.

A long story short, they did all of the things we asked them to do. Pete Peterson, a Member of our delegation, became the U.S. Ambassador to Vietnam. He made sure that the Vietnamese man who knew Do Muoi. I wrote him a note and sent it to the former leader of Vietnam when I was back at the prison in which JOHN MCCAIN and Pete Peterson were imprisoned—I saw a huge picture on the wall of some of the same people I had met with in August of 1991, who are now leaders of their countries. Do Muoi is still alive. I wrote him a note and sent it to him while I was there.

There are 55,000 American names that are on a wall down by the Lincoln Memorial—55,000 men and women who died in the war, with whom I served—and we have allowed bygones to be bygones. We finally made it, and they are not punishment—a lot of bad will from that point in time until almost to this day.

For now, I just want to say to those people, though, in that country, who
Executive Calendar

The PRESIDING OFFICER. The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair will call the roll.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Will the Senate adopt the motion to acquiesce in leadership's decision to support the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit?

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of the standing rules of the Senate, do hereby move to bring to a close debate upon the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The yeas and nays are mandatory under the rule.

The bill clerk will call the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

YEAS—52

Alexander
Barrasso
Blumenthal
Brown
Burr
Capito
Cardin
Carper
Casey
Cassidy
Coons
Corker
Cortez Masto
Cotton
Crapo
Cruc
Daines
Donnelly
Durbin
Enzi
Ernst
Feinstein
Fischer
Flake

Baldwin
Barasso
Bennet
Blumenthal
Blunt
Boozman
Brown
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Coons
Cochrane
Collins
Corker
Collins
Cortez Masto
Cotton
Crapo
Cruc
Daines
Durbin
Feinstein
Franken
Fischer
Flake

Flake

YEAS—94

Alexander
Baldwin
Barasso
Bennet
Blumenthal
Blunt
Bosman
Brown
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Cochrane
Collins
Corker
Collins
Cortez Masto
Cotton
Crapo
Cruc
Daines
Durbin
Feinstein
Franken
Fischer
Flake

NAYS—48

Baldwin
Barasso
Blumenthal
Blunt
Boozman
Burr
Capito
Cassidy
Cochrane
Collins
Corker
Coryn
Capito
Carter
Casey
Cassidy
Cochrane
Collins
Bennet
Baldwin

NAYS—6

Alexander
Baldwin
Barasso
Blumenthal
Brown
Burr
Capito
Cassidy
Cochrane
Collins
Corker
Coryn
Capito
Carter
Casey
Cassidy
Cochrane
Collins

THE PRESIDING OFFICER. The PRESIDING OFFICER. The motion is agreed to.

The motion to acquiesce in leadership's decision to support the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The motion to acquiesce in leadership's decision to support the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The nomination was confirmed.

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

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

Under the previous order, all postcloture time has expired.

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

Mr. ISAKSON. Mr. President, I ask for the record and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—94

Alexander
Baldwin
Barasso
Bennet
Blumenthal
Blunt
Bosman
Brown
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Cochrane
Collins
Corker
Collins
Cortez Masto
Cotton
Crapo
Cruc
Daines
Durbin
Feinstein
Franken
Fischer

NAYS—6

Alexander
Baldwin
Barasso
Bennet
Blumenthal
Blunt
Bosman
Brown
Burr
Capito
Cassidy
Cochrane
Collins
Corker
Coryn
Capito
Carter
Casey
Cassidy
Cochrane
Collins

THE PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

This week, there was a report in the New Hampshire Union Leader, which is our State’s largest newspaper, that premiums in New Hampshire could increase by as much as 44 percent. Now, President Trump says that the Affordable Care Act is “exploding,” but let’s be clear. If ObamaCare is exploding, as President Trump says, it is because this administration lit the fuse and has been working aggressively to undermine the Affordable Care Act. Insurance companies in New Hampshire and across the country face widespread uncertainty. Many of them are deciding that they have no choice but to protect themselves by drastically increasing premiums.
California, has said that health plans are being forced to raise premiums to compensate for all of the turmoil. It gets worse.

Last week, the Los Angeles Times reported that Seema Verma, the Administrator for the Centers for Medicare and Medicaid Services, shocked a meeting of insurance industry executives by threatening to cut off funding for cost-sharing reductions unless insurers agreed to support the House Republican bill to repeal the Affordable Care Act—the bill that has passed several weeks ago.

Washington State Insurance Commissioner Mike Kreidler criticized the administration’s actions as playing Russian roulette with Americans’ health insurance coverage. He said: “This has real impact on people’s lives.”

One insurance company executive said this about the administration’s actions: “There’s a sense that there are no hands on the wheel, and they are just letting the bus careen down the road.”

Physicians and other healthcare professionals live by a time-honored pledge to do no harm, but the Trump administration is pursuing a course that will do tremendous harm to millions of Americans who have gained health coverage for the first time because of the Affordable Care Act. Unless and until Congress repeals the Affordable Care Act, it is the law of the land, and this administration has a responsibility to administer this law with fairness, with rigor, and with competence. The administration certainly does not have the right to take active steps to undermine or even sabotage the law or to threaten insurance companies with such steps if they do not support the repeal of ObamaCare.

It is time for the administration to reconsider its approach to healthcare reform. To date, regrettably, the administration’s approach has been highly partisan, with no outreach to Democrats. Instead of a “do no harm” approach, instead of taking steps to fill President Trump’s pledge that we are going to have insurance for everybody—and he came through New Hampshire on multiple occasions during his primary campaign and during the general election campaign. What he said about health insurance was that we were going to make sure that everybody going to be going to make sure that they pay less and that they get quality coverage. The administration now seems determined to take health coverage away from tens of millions of Americans.

The Congressional Budget Office estimated that the House Republicans’ bill—the first one—to repeal the Affordable Care Act would take coverage away from 24 million Americans. Yesterday, the administration proposed a budget that would cut Medicaid by as much as 13 percent over the next decade. That would end coverage for millions of low-income Americans, people with disabilities, and so many of our elderly in nursing homes. In New Hampshire, where we are really on the frontlines of the heroin and opioid epidemic, it would end treatment for many people who are getting treatment for their substance use disorders because of the expansion of Medicaid.

When we talk about people who would be hurt by this, it is unconscionable to hear Office of Management and Budget Director Mick Mulvaney say: “There is a certain philosophy wrapped up in the budget, and that is that we are no longer going to measure compassion by the number of programs or the number of people on those programs.” I disagree with that view. By deliberately taking healthcare coverage away from 24 million Americans, it shows the lack of compassion of this administration.

This is not about numbers. He is right about that. This should not be about numbers. This should be about people, about their families, and about what the Affordable Care Act means to every day Americans who will no longer have access to affordable health coverage. Whether they have preexisting conditions or whether they need to get treatment for cancer, for substance use disorders, for certain unclear their healthcare needs are, under this proposal, they are not going to be able to afford it. Millions of Americans will not be able to afford it.

I think there is a better way forward. Instead of tearing down the Affordable Care Act and taking health coverage away from people, we should be building on the gains and on the achievements of healthcare reform.

On that score, I want to share an extraordinary little letter to the editor that was written by Carol Gulla, of Newmarket, NH.

I am reading her letter:

I was in good health; why bother with a physical? That was my mentality for years before the Affordable Care Act (aka Obamacare). I work for a small nonprofit business, so we don’t qualify for group health insurance plans. And unfortunately, I wasn’t included in the high premium, high deductible plans that were available to me on the individual health insurance market so they were often a luxury. But it was OK; I felt great! Why bother with doctors?

Because of the Affordable Care Act, last June I went for a routine physical. During [the exam] a lump was discovered in my breast. Ten days later, breast cancer was diagnosed . . . Fast forward to today. I’ve just completed my final chemotherapy treatment and my prognosis is very positive. That physical saved my life.

Let me restate that—Obamacare saved my life.

That crucial physical in June would not have happened had it not been an essential preventive service included in all health plans under the Affordable Care Act. While I do not expect my insurance through the ACA is far better than anything available to me as an individual in the past.

Ms. Gulla’s letter continues:

Up until this point I have been pretty quiet about my diagnosis because I didn’t want cancer to be the main topic of every conversation I had. But, with the Republican majority in Washington, including Secretary of Health & Human Services Tom Price, promising to repeal the ACA, being quiet is no longer an option. I am being asked to entertain my health and well-being to hollow promises of it will “be replaced by something better; it will be great.” Forgive me if I’m skeptical.

She signs it with her name, Carol Gulla, of Newmarket, NH.

I think we need to listen to Carol and to so many other people like her all across America.

Instead of allowing this administration to undermine and even sabotage the Affordable Care Act, we in the Senate need to work together, Democrats and Republicans, to strengthen the parts of the Affordable Care Act that are working in the real world, including Medicaid expansion, and to fix what is not working. According to multiple recent polls that I have seen on this issue, this is what the great majority of Americans want us to do. It is time for us to listen to the American people.

The Affordable Care Act has had a profoundly positive impact all across America, but it needs commonsense repairs and it needs strengthening. Mend it, don’t end it, and certainly don’t sabotage it. This should be a bipartisan focus in the Senate. I intend to do everything I can to encourage such a bipartisan effort. I know my colleagues on both sides of the aisle would be willing to do this important work if they understood how much the American people want to see us do this.

We know that the Affordable Care Act has had positive impacts in each of our States, including giving people peace of mind, knowing they can’t be denied coverage based on preexisting conditions. So let’s work together. Let’s ensure that the Affordable Care Act works even better in the future for all Americans.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to thank my colleague from New Hampshire before she leaves the floor for her statement on the Affordable Care Act. I know she is going to reference to the recent report from the Congressional Budget Office that we just received, and it tells the whole story. It tells us all we need to know about TrumpCare 2—the second attempt by the Republicans to replace the Affordable Care Act. What it tells us in the starkest terms is exactly the reason why the Republicans didn’t want to wait around for this analysis.

For the record, the Congressional Budget Office is a nonpartisan agency of the Federal Government that analyzes our great ideas and tells us what is going to happen if they become law. I know this agency pretty well because
when we wrote the Affordable Care Act, we waited and waited and waited, sometimes weeks at a time, until some bright idea that we thought we had was analyzed in the cold reality of healthcare in America. Sometimes they came back and said good idea; and many times they came back and said bad idea.

The Republicans passed TrumpCare 2 in the House about 3 weeks ago and wouldn’t wait for the Congressional Budget Office analysis. We thought to ourselves, that is unusual. That is the standard everybody uses in Congress. They wouldn’t wait because they knew what was coming, and today it was announced.

This afternoon, here is what the Congressional Budget Office said about the Republican attempt to repeal the Affordable Care Act. Next year, under the Republican plan, 14 million Americans would lose their health insurance. How about that for a starter. That is the start of their analysis for the next 10 years, 23 million Americans would lose their health insurance. Next year, premiums—the cost of health insurance—would increase 20 percent in the individual market. The CBO affirmed that under current law—the Affordable Care Act—the marketplaces are stable. However, under the Republican repeal bill, one-sixth of the population resides in parts of America where the individual market would become unstable beginning in the year 2020.

There will be $834 billion in cuts in Federal Medicaid Programs over the next decade. Do we know what those cuts mean? In my State, half the children born are covered by Medicaid. The mothers get prenatal care so the babies are healthy—paid for by Medicaid. The delivery is paid for by Medicaid. The postnatal care of that little infant is paid for by Medicaid. They wouldn’t wait because they knew what was coming, and today it was announced.

The Congressional Budget Office tells us what is going to happen to the wealthiest people in America. Those numbers came back on the floor, because I was talking about the first House-passed bill to repeal the Affordable Care Act. What the Senator from Illinois is telling me is that the numbers for the bill they passed to fix the first bill they didn’t pass are just as bad and in some ways even worse than the original bill.

Mr. DURBIN. Mr. President, through the Chair, in response to the Senator from New Hampshire, they are equally disastrous.

Listen to these quotes from the Congressional Budget Office this afternoon about the Republican repeal plan: “People who are less healthy, including those with preexisting conditions, would unaffordably purchase comprehensive individual market insurance at premiums comparable to those under current law if they could purchase it at all.”

Listen to this. It goes on to say: “In particular, out-of-pocket spending on hospitalization, prescription drugs, and substance abuse services could increase by thousands of dollars in a given year for the individual market enrollees who use those services.”

Let me bring this home to your State. Your State has been devastated—our State has been hurt badly—your State has been devastated by the opioid crisis. I would like the Senator from New Hampshire, if she would, to respond to that by giving us some detail. What they are saying is that the Republican repeal of the Affordable Care Act is going to deny coverage in health insurance for substance abuse treatment for families whose kids are discovered to be on opioids.

Mr. Durbin. Mr. President, will the Chair, in response to the Senator from New Hampshire, continue to fight it, and each and every one of them is branded as having a preexisting condition? Well, there were some amazing little kids there and some heroic moms and dads telling the story about what happens when you discover that your little infant has a cantaloupe-sized tumor from neuroblastoma and what happens for that family, what happens to that infant. Thank goodness those kids were all standing there smiling. They fought the good fight, and they have to continue to fight it, and each and every one of them is branded as having a preexisting condition. Back in the old days, before the Affordable Care Act, the Medicaid coverage that was unavailable to buy health insurance, or if they could buy it, they couldn’t afford it because the premiums were too high. So we passed the Affordable Care Act and said: Enough. We are not going to allow you to discriminate against anyone for a preexisting condition.

If you have a spouse with diabetes, if you have somebody in your family who is a cancer survivor, they can’t use it against you. They can’t discriminate. Now the Congressional Budget Office tells us what is going to happen to those people. We are going back to the bad old days when those families will not only have to stay awake at night
worrying about whether that baby of theirs is going to survive, they are going to stay awake at night also worrying about how in the world they are going to pay for their health insurance.

Is that the Republican answer? Is that the approach they want to bring to healthcare in America? I can’t believe the American people voted for that. I can’t believe they are saying to our Republican colleagues: We really don’t care if our health insurance covers preexisting conditions. Of course they care.

They come back with something called high-risk pools. I am sure the Senator from New Hampshire can remember those. Let me tell you about some of those warnings around swimming pools that say: No diving, the pool is too shallow. Well, the high-risk pools for preexisting conditions are way too shallow. No family with preexisting conditions should dive into those pools because the amount of money that is in the kitty to cover the individuals who are in their affordable care pool would only cover about one out of four families with preexisting conditions. Three out of four families: You are on your own.

Think about that. If you have ever been in a position in life where you are a parent with a sick child and have no health insurance, you will never forget it as long as you live. I know because I have been there. When I was a law student with a little baby who was sick, I had no health insurance. I will never forget it as long as I live.

Why don’t the Republicans hear the same message we hear? Why aren’t they listening to these families and the struggles they are going through to keep their kids alive? And they come up with a repeal plan that is going to make it exceedingly difficult—in some cases impossible—to provide quality care to these kids and to people with preexisting conditions. That, to me, is not our responsibility.

I go to the conclusion of the Senator from New Hampshire, which I think is the right one. Is the Affordable Care Act perfect? No. It is one of the most important and I think the most giving pieces of the American families. That is an American value.

So I thank the Senator from New Hampshire for her contribution in this. We have to get the message out.

Mrs. SHAHEEN. If I could just add one other note: Those who are going to be affected by this bill that passed the House several weeks ago. That is our veterans. We have millions of veterans in this country who get their healthcare through Medicaid.

We have asked these folks to put their lives on the line for this country, and now we are talking about taking away the healthcare they depend on.

I was at one of our community mental health centers in New Hampshire last week and met with a number of veterans who were taking their healthcare through the expansion of Medicaid. They talked about what it means to be able to get care, to be able to go into that community mental health center and work with the veterans outreach coordinator who asks, trying to make sure they get the help they need.

If this bill goes forward, PTSD, which affects so many veterans, would be considered a preexisting condition and they wouldn’t be able to get health insurance coverage.

This is a bill nothing but mean-spirited. As the Senator said, all of the efforts to save money in the bill are so money can be used to give huge tax breaks to the wealthiest among us. I don’t think that is what Americans want. As the Senator says, we need to work with our colleagues. We need to get a good bill that improves the Affordable Care Act, fixes what is not working, and makes it better.

Mr. DURBIN. Also, I agree completely that discriminating against veterans should hardly be the starting point for the reform of our healthcare system.

I want to make this point because I know exactly what the first speech will be from the Republican side of the aisle. This point in the Congressional Budget Office affirms that under current law insurance marketplaces are stable. They are stable. That isn’t what you will hear from the other side of the aisle. The other side of the aisle loves to use the phrase “death spiral,” that the current healthcare system in America is in a death spiral.

The only death spiral in the current healthcare system is brought on because the Republicans have their hands around the throat of that system and they are choking it. Their sabotage of our current healthcare system is the reason there is uncertainty in the insurance markets. The insurance companies are nervous: We don’t know where you are going in Washington. We don’t know what the future will hold. We have an obligation to our shareholders and people who work for us to make sure we protect ourselves. So we are going to hold back in terms of commitment.

So to the Republicans I would say: This is no death spiral. This is a self-fulfilling prophecy to bring down our healthcare system, and shame on those who would do it at the expense of vulnerable populations across America.

I will mention one other group while the Senator from New Hampshire is on the floor. The Illinois Hospital Association roundly opposes this Republican TrumpCare bill. The reason they do is they say it endangers smalltown hospitals—and we have a lot of them in our State—and inner-city hospitals as well. I am sure that is the case in New Hampshire.

Mrs. SHAHEEN. Actually, the New Hampshire Hospital Association also opposes the bill for the very same reason. They have hospitals at risk if this bill is passed.

Mr. DURBIN. I am sure, in the Senator’s State, like in our State of Illinois, there are larger cities with big hospitals that treat all kinds of cases, but were it not for these safety net of hospitals in small towns, these people living there would drive an extra 50 or 100 miles to get to a hospital and would see the loss of critical services for trauma care and emergencies that currently exist with these smalltown hospitals.

According to the Illinois Hospital Association and others, the first casualties of the Republican repeal bill—the first casualties of TrumpCare—is estimated in Illinois that we will lose 60,000 healthcare jobs at our hospitals because of the Republican approach. How important are these jobs? I will go out on a limb: In most communities, they are the best paying jobs in the community. The men and women who are the doctors and the nurses and the specialists who provide that basic care in these towns, sure, they get compensated better than most, but we want to compensate them and keep them there because without them, people don’t have the basic health services they count on.

So from every perspective, whether it is the doctors, the nurses, the pediatricians, substance abuse treatment, hospitals and clinics, the Republican approach to repealing ObamaCare—repealing the Affordable Care Act—is devastating, and the Congressional Budget Office put it in writing today.

I might say, we should close by saying what is happening in the Senate after the House passed this terrible bill, which the Congressional Budget Office told us about. Well, we don’t know. It is a mystery. We would have expected that sometime in the Senate would have decided: Let’s put a bill on the table, let’s have an open public hearing, let’s have a debate about where we go, and let’s make a good, sound decision that is in the best interest of the American families. That is not the case at all.

Instead, the Republican leader in the Senate has chosen 12 or 13 men to sit in
a room outside of the view of the public and to craft an alternative to the terrible bill that passed the House. Nobody has seen it, nobody wants to talk about it. It has not been scored. It has not been debated. That is their idea of reforming healthcare in America. That is not work—at least not going to work for the best interests of the families I represent.

If we are going to come together on a bipartisan basis to repair and strengthen the Affordable Care Act, let’s do it, but let’s do it in the light of day, instead of hiding behind the doors of some room with 13 Senators who have been given this blessing, anointed, to try to come up with a new health care system for America. That, to me, is inconsistent with our responsibility—our public responsibility—when it comes to this critical issue.

So I thank the Senator from New Hampshire for her input on this. There will be more to be said. Mrs. SHAHEEN. There will be. If I could ask one final question because not only is this effort in the Senate happening behind closed doors, but initially it excluded women.

Women are more than 50 percent of this country. We have particular needs when it comes to healthcare. Fortunately, the essential health benefits part of the Affordable Care Act provide requirements for preventive health for women, for mammograms. They cover mater- nity care when you have a baby. They are talking about writing this legislation without taking into consideration the women in the Senate, the women in the country, and what we need to do to make sure we have access to healthcare. That is just unconscionable, added to the fact that it is all being done behind closed doors.

Mr. DURBIN. I agree with that. Also, as the Senator from New Hampshire knows better than anybody, originally being a woman was a preexisting condition.

Mrs. SHAHEEN. Absolutely. They want to take us back to that.

Mr. DURBIN. It would disqualify you or raise your premiums because you are a woman. We got rid of that gross discrimination against women when we did the Affordable Care Act. We shouldn’t have a similar level of discrimination when it comes to writing any improvement in this Affordable Care Act.

This is a big enough Senate and a big enough place for us to all gather around the table and make sure we do this in the best interests of all Americans, regardless of gender, regardless of background, regardless of where you live. That is the way we should approach something as serious as an item that accounts for $1 of every $6 in the American economy—an item that is literally life and death for families all across Illinois, New Hampshire, and all across the United States.

The Congressional Budget Office said it all today. It is time for us to put Trump 2.0 to rest and try to come up with something which really is befitting this great Nation. I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN, Mr. President, I rise to oppose the nomination of Judge Amul Thapar to serve as a judge on the Sixth Circuit Court of Appeals.

It should surprise absolutely no one that Judge Thapar is the second nominee to a Federal court to come up for a vote in this Congress. His nomination comes on the heels of the nomination of now-Justice Neil Gorsuch, an ultraconservative who could not even support a $15 living wage, much less an increase above his normal rules, a judge so radical, so controversial that Senate Republicans had to change the Senate rules and lower the vote threshold to force his nomination through the Senate.

Now the Senate is poised to vote on a judge cut from the same cloth. Like Justice Gorsuch, Judge Thapar made the list of 21 acceptable judges that far-right groups drew up and handed to President Trump, who would tilt the scales of justice in favor of the rich and the powerful. As in Justice Gorsuch’s case, those radical groups are committed to doing whatever it takes to make sure Judge Thapar sits on the Nation’s highest courts.

For those groups, the goal is not just to get a few ultraconservative judges on our Federal courts; it is to capture the entire judicial branch. For years, billionaire-funded, rightwing groups have worked with Republicans to ensure that our courts advance the interests of the wealthy and powerful over the rights of everyone else. They abused the filibuster to stop fair, mainstream judges from filling vacancies on Federal courts, they slowed the judicial nominations process to a crawl, and they threw the Constitution and Senate precedent out the window by refusing to consider President Obama’s Supreme Court nominee.

When they had to decide on the constitutionality of a Kentucky rule preventing State judges and judicial candidates from donating to the judiciary, the courts became overloaded with cases. Now Republicans and their extremist friends have a President who shares their concern and their extremist friends have a President who shares their concern and their extremist friends have a President who shares their concern about the interests of the 1 percent, and they are ready to stack our Federal courts with judges who will advance their radical agenda. Judge Thapar is much more than up to the task.

There are many reasons to oppose Judge Thapar’s nomination to the Sixth Circuit, from his decisions marking the wrong path in regards to getting access to the judicial system to his support for sentencing policies that don’t make us safer but that exacerbate the problem of mass incarceration. There is a lot to object to, but I want to highlight one area that should concern every person who thinks government should work for all of us; that is, Judge Thapar’s stance on money in politics.

For decades, our laws restricted the amount of money that individuals and corporations could pour into the political process. In recent years, Federal courts have chipped away at those laws, and then Supreme Court decisions in cases like McCutcheon and Citizens United took a sledgehammer to campaign finance laws, unleashing a flood of dark money into the political system.

There are now billions of perfectly legal ways for the 1 percent to buy influence and favor: corporate campaign contributions and super PACs, the revolving door between government and the private sector, bought-and-paid-for candidates and events, and our Federal courts.

Judge Thapar would make the problem worse. Judge Thapar believes that actual speech and monetary contributions are basically the same thing. When he had to decide on the constitutionality of a Kentucky rule preventing State judges and judicial candidates from donating to the judiciary, he determined that the rule was unconstitutional. In his decision, Judge Thapar said: “There is simply no difference between ‘saying’ that one supports an organization by using one’s status and influence to support an organization by donating money.” No difference between talking about a candidate and dumping a bucket of money into the candidate’s campaign. Wow.

In Judge Thapar’s view, the Constitution should protect a billionaire’s right to dump unlimited sums of money into the political process to influence the outcome of elections. That is even further than the Supreme Court has gone. As the Sixth Circuit reminded Judge Thapar when it reversed his decision on donations, even the Supreme Court has refused to treat monetary donations as equivalent to direct speech.

The issue of concentrated money in our political system is one that doesn’t split down party lines. Americans of all political views cringe at the massive amounts of secret money that slither through our political process. They are frustrated by the handful of deep-pocketed individuals and giant corporations, and they have seen those politicians turn their backs on the constituents they were elected to represent. That is at the heart of why we believe that our government should work for everyone, not just for the millionaires and billionaires.

The legislative clerk proceeded to call the roll. I yield the floor.
Fighting for a government that is accountable to the people means fighting to reduce the influence of concentrated money and concentrated power in our political system. It is time to take down the sign that says “government for sale” that hangs above Washington, DC, and we can start today by rejecting Judge Thapar’s nomination to serve on the Sixth Circuit Court of Appeals.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

**LEGISLATIVE SESSION**

**MORNING BUSINESS**

Mr. M CCONNELL. Mr. President, I ask unanimous consent that the Senate 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.

**AMENDED U.S. SENATE TRAVEL REGULATIONS**

Mr. SHELBY. Mr. President, I wish to inform all Senators that on Friday, May 19, 2017, the Committee on Rules and Administration adopted amendments to the U.S. Senate Travel Regulations and corresponding changes to the committee and administrative office staff regulations that are published as part of the travel regulations. All amendments are effective immediately.

I ask unanimous consent that a summary of these modifications and the text of the amended regulations be printed in the RECORD.

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

**SUMMARY OF AMENDED REGULATIONS**

**U.S. SENATE TRAVEL REGULATIONS**

The Committee has modified its travel regulations to make the transportation hired for a fee while on official travel or for purposes of interdepartmental transportation, including but not limited to public transportation, is eligible for reimbursement.

The Committee also has modified its travel regulations to align the rules governing rental car reimbursements, including but not limited to public transportation, is eligible for reimbursement.

The Committee has also modified its travel regulations to make the reimbursement of “no show” charges associated with official travel and interdepartmental transportation.

**COMMITTEE AND ADMINISTRATIVE OFFICE STAFF REGULATIONS**

The Committee has also amended the Committee and Administrative Office Staff Regulations that are published as part of the Travel Regulations. The reference to “interdepartmental transportation” in the section governing the use of petty cash funds has been revised to be consistent with the amended Travel Regulations.

**REGULATIONS AND STATUTORY AUTHORITY**

The travel regulations herein have been promulgated by the Committee on Rules and Administration. The authority vested in it by paragraph 1n(1)n of Rule XXV of the Standing Rules of the Senate and by section 5650 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

**Standing Rules of the Senate**

Rule XXV

**Paragraph 1n(1)n**

Committee on Rules and Administration, to which committee shall be referred matters relating to the following subjects:

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same.

**United States Code**

Title 2 Section 6503

Sec. 6503. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate.

**UNITED STATES SENATE TRAVEL REGULATIONS**

Revised by the Committee on Rules and Administration


**GENERAL REGULATIONS**

1. Travel Authorization

A. Only those individuals having an official connection with such agency or department may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of the standing committees,

2. Members of the joint, policy or conference committees

3. Staff of such committees

4. Employees of Members of such committees whose salaries are disbursed by the Secretary of Senate and employees appointed under authority of section 111 of Public Law 95–94, approved August 5, 1977, when designated as “ex officio employees” by the Chairman of such committee.

2. Approval of the advance voucher will be considered sufficient designation.

3. Senators, including staff and nominating board members. (Also individuals properly detailed to the office of under authority of Section 503(b)(3) of P.L. 96–465, approved October 17, 1980.)

4. All other administrative offices, including Office of the Sergeant at Arms

A. Employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of both offices until the conclusion of that official travel.

B. All travel shall be either authorized or approved by the chairman of the committee, or in the case of the Senate to whose jurisdiction such authority has been properly delegated. The administrative approval authority required will be issued prior to the expenses being incurred and will specify the travel to be undertaken unless circumstances in a particular case prevent such prior approval.

4. Official Travel Authorizations

The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide intergovernmental air travel to employees of the Senate and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card

2. The use of an “Official Travel Authorization” form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senate, Committee chairman, or Office of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card, check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

**II. FUNDS FOR TRAVELING EXPENSES**

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

a) Advances to Committees (P.L. 81–118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, joint, policy or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(b) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him/her or his/her order out of said contingent fund by the Secretary of the Senate for committee expenses, shall be evidenced by the voucher. The voucher shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the proper signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the unexpended amount authorized in the advance together with the requisition of the authority under which these funds were obtained.
(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 256, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated by the Committee.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(6) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(7) In no case shall a travel advance in the form of cash be picked up more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(8) In cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office an expense voucher within twenty-one (21) days of the conclusion of such official travel.

(9) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period must return the balance that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(10) In no cases when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed employee in the Senate Disbursing Office shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period must return the balance that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise permitted by the Committee on Rules and Administration.

(b) Advances to Senators and their staffs (2 U.S.C. 8k)

(1) Travel advances from a Senator’s Official Personnel and Office Expense Account shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Senate, for the Sergeant at Arms and Doorkeeper. The receipt of any such sum as may be necessary to defray official travel expenses incurred in assisting the Secretary in carrying out his duties.

c) Advances to Administrative Offices of the Senate

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicant Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(2) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.
$200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. Government Travel Plans
   a) Government Charge Cards
      (1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.
      (a) The employing Senator, chairman, or Officer of the Senate shall authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.
      (b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.
   b) Direct pay vouchers to charge card vendor (currently Bank of America) may be submitted for the Airfare, train, bus, and rail tickets, and rental car expenses charged to this account.
   b) Direct pay vouchers to charge card vendor (currently Bank of America) may be submitted for the Airfare, train, bus, and rail tickets, and rental car expenses charged to this account.
   b) Direct pay vouchers to charge card vendor (currently Bank of America) may be submitted for the Airfare, train, bus, and rail tickets, and rental car expenses charged to this account.

   (c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account; late submission is enforced on the account. The account is cancelled and the cardholder’s credit is revoked when a past due balance is carried on the card for 120 days.

   (2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration is available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, bus, and rental cars. The General Services Administration contract requires payment to the account within 30 days.
   (3) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder. The Administrative Director or Chief Clerk of the Office is responsible for ensuring timely payment. The General Services Administration contract requires payment within 30 days.

   (i) On the first day of the month, the General Services Administration reimburse the charge card vendor for any wages earned and paid under the terms of the General Services Administration contract for the current travel cycle.
   (ii) The charge card vendor (currently Bank of America) will mail an invoice payable to the Senate Disbursing Office.
   (j) At the end of the calendar month following the travel cycle, the Senate Disbursing Office will pay the charges due.

   (3) For purposes of this provision, “usual place of residence” in the home state shall be considered to be the metropolitan area of Washington, D.C.
   3. For purposes of this provision, “usual place of residence” in the home state shall be considered to be the metropolitan area of Washington, D.C.

   1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—
      (1) the date of the general election in which his or her successor is elected to the Senate whose term will expire at the end of a Congress after—
      (2) the date of the general election in which his or her successor is elected to the Senate whose term will expire at the end of a Congress after—

   2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee use funds furnished parliamentary staff or to the extent that the individual has received reimbursement from any other source; nor may such Member, Officer, or employee use funds furnished by the United States Government for any purpose other than the purpose or purposes for which such funds were furnished.
B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be allowed only for trips which begin and end in Washington, D.C., or, in the case of an employee assigned to an office of a Senator in the Senate’s home state, on trips which begin and end at the place where such office is located.

2. Travel may begin or end at the Senator’s residence when such deviation from a duty station locale is more advantageous to the government.

3. For purposes of these regulations, the “duty station” shall encompass the area within a fifteen-mile radius of where the Senator’s home state office or designated duty station is located.

4. No employee of the Senate, relative, or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

5. Transportation for employees, other than Washington, D.C., may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such a duty station, termed a Senate Disbursement Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

6. For purposes of these regulations, the metropolitan area of Washington, D.C., shall be defined as follows:

   a. The District of Columbia
   b. Maryland Counties of
      i. Montgomery
      ii. Prince Georges
      iii. Baltimore
      iv. Carroll
      v. Howard
      vi. Montgomery
   c. Virginia Counties of
      i. Arlington
      ii. Fairfax
      iii. Loudoun
      iv. Prince William
      v. Fairfax
      vi. Loudoun
      vii. Prince William
   d. Maryland Cities of
      i. Baltimore
      ii. Annapolis
   e. Virginia Cities of
      i. Alexandria
      ii. Arlington
      iii. Fairfax
      iv. Falls Church
      v. Manassas
      vi. Manassas Park
   f. Airport locations of
      i. Reagan National Airport
      ii. Dulles International Airport
      iii. Stewart International Airport
      iv. Ronald Reagan Washington National Airport
      v. Washington Dulles International Airport

7. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, D.C., may be reimbursed from official Senate funds.

8. Any deviation from this policy will be considered on a case-by-case basis upon the written request and approval from the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the description of the item and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary form in accordance with these regulations. The official expense summary form is available at the Senate Disbursement Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher should be itemized and the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem rates, living expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of $50. In addition, original credit card and airplane ticket documentation reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as VISA, MASTER CHARGE, or DINERS CLUB, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

TRANSPORTATION EXPENSES

I. Common Carrier Transportation and Accommodations

A. Transportation includes necessary official travel on railroads, airlines, helicopters, public transportation, taxicabs or other mode of transportation hired for a fee, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation as but not limited to bag transfer. When a claim is made for common carrier transportation, the claimant or the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

1. Train Accommodations
   a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved.
   
   When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senator.
   b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, accommodations should be used to the maximum extent possible, on the basis of advantage to the Senator, suitability and convenience to the traveler, and purpose of the business involved.

2. Airplane Accommodations
   a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers’ convenience, safety, and comfort.
   b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

B. Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for, such service or a journey is terminated short of the destination specified, the traveler must report such facts to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. “No show” charges, if incurred by Members or staff personal in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid “no show” assessments.

3. A Member shall be permitted to make more than one reservation on scheduled flights with participating airlines when such assists the Member in conducting his/her official business.

C. Compensation Packages: In the event the cost of a Senate travel arrangement exceeds the amount of payment made by the traveler, the remainder of the cost is payable or reimbursable from the Senate.

D. Frequent Flyer Miles: Travel promotional awards (e.g., free travel, travel discounts, upgrade certificates, coupons, frequent miles, access to carrier facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee’s position with the Federal Government.

2. Members, officers and employees may retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official Senate funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel expenses.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect
route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official directed route. Personal travel should be noted on the traveler’s expense summary report when it interrupts official travel.

6. Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated in the expense report. To the extent that the aggregate cost reimbursable will be subject to the limitation stated above.

7. Mileage shall be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

II. Baggage
A. The term “baggage” as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

B. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Where air-coach or air-tourist accommodations are used, transportation of baggage up to the weight carried free by first-class service is authorized without charge to the traveler; otherwise excess baggage charges will be an allowable expense.

C. Liability Insurance: In the event the baggage is lost or damaged, charges for the storage of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. The types of conveyances are privately owned, special, and commercial air-plane.

A. Privately Owned
1. Chairman of Committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel, shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expense. This amount shall not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes. Charges for the use of business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will be necessary to compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there is an allowance for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel fees; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the use of a privately owned vehicle used in connection with an employee going from either his/her abode or abode of an employee to his/her place of abode or abode of another person.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty status when the traveler is engaged in interdepartmental or intradepartmental travel. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes for air travel is payable only to members of the Senate and employees. Department of Commerce, and will be reported on the reimbursement voucher and used in computing the payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together or in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees) may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

B. Special
1. General:
(a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized as additional expense to the Senator whenever the Member or employee is engaged on official business outside his/her designated duty station.

(b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated in the expense report. To the extent that the aggregate cost reimbursable will be subject to the limitation stated above.

2. Rental Cars: Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said rental car. The Senate will not pay for the rental car on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form ‘Rental Car Waiver of Officers and Employees’ is submitted with the voucher, and found in order upon audit by the Rules Committee.

b) For administrative purposes, reimbursements for rentable vehicles may be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

2. Congressional Rate: In connection with the rental of an automobile for the use in conducting Senate business, it should be noted that the Defense Travel Management Office (DTMO), a division of the Department of Defense, arranges rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (current is the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individual may choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

III. Additional Expenses
A. In addition to the use of travel vouchers for the rental of vehicles from commercial sources, the Senate will not pay or reimburse for the cost of the insurance included as part of the rental contract. (Liability, collision damage waiver (CDW) or collision insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible under his/her insurance. The limits of such damage insurance vary from contract to contract with additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While on Official Travel: Collision damage to a rented vehicle, for which
the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such expenses shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long-standing policy of the government to self-insure its own risks of loss or damage to government property and the safety or coverage of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six seat plane, or comparable aircraft. Charter of a plane may not be made unless an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

b) Charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

c) When a charter aircraft larger than a twin-engine, six seat plane is used, the form ‘Request for a Waiver of the Travel Regulations’ is submitted with the voucher.

C. Corporate/Private Aircraft: Reimbursement of official expenses for the use of a corporate or private aircraft is allowable from the contingent fund of the Senate provided the traveler complies with the prohibitions, restrictions, and authorizations specified in these regulations. Moreover, pursuant to the Ethics Committee Interpretive Ruling 441, excess campaign funds may be used to defray official expenses authorized under the provisions promulgated by the Federal Election Commission.

1. An amendment to Rule XXXV of the Standing Rules of the Senate, paragraph 1(c)(1)(c), enacted September 14, 2007, pursuant to P.L. 110-81, states:

(1) ‘‘A flight for an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.’’

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

[I] operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

[II] in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

[I] operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

[II] in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

[I] operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

[II] in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.
services, hotel taxes, baggage cart rental, on official travel, and for which there is no expense which would occur incidentally while in a travel status are authorized. Mary Report for Travel) to disclose any expense fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

b) “Traveling” means reimbursement for travel while on official business when such expeditious means of communications is essential. Gov- ernment-owned facilities should be used, if available in the Disbursing Office or through the Senate Intranet.

INCIDENTAL EXPENSES

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

II. Traveler’s Checks/Money Orders: The service fee for preparation of traveler’s checks in the office is allowable for use during official travel is allowable.

III. Communications

A. Communication services such as telephone calls, telegraph, and faxes, may be used on official business. If the maximum daily rate for a traveler’s destination is higher than the prescribed daily rate, then the form “Request for a Waiver of the Travel Regulations” must be submitted with the form “Request for a Waiver of the Travel Regulations” to the Committee on Rules and Administration.

B. The costs of meals that are considered incidental and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

C. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

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members, first responders, or public officials from the Member’s state.

**SENATORS’ OFFICE STAFF**

I. Legislative Authority (2 U.S.C. 58(e), as amended)

(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term “travel expenses” includes actual travel expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or run-off) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the office of the President Pro Tempore, Pro Tempore, President pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

II. Regulations Governing Senators’ Official Personnel and Office Expense Accounts

A. Adopted by the Committee on Rules and Administration pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators’ official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator’s Official Personnel and Office Expense Account, in excess of $50, unless the voucher submitted for such expenses is accompanied by an “Expense Report—Travel” signed by such person.

III. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries for which the redemption is necessary.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

IV. Witnesses Appearing Before the Senate

A. In connection with hearings held outside of Washington, Senators are authorized to pay the travel expenses of official reporters having company offices in Washington, D.C., or in other locations, for travel directly to and from a district of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts cannot be accompanied only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, D.C., reporters or traveling reporters in another area highly advantageous.

B. The Senate Committee on Rules and Administration may require documentation for expenses incurred in excess of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, or member of his or her staff or to the Disbursing Office, shall be signed by the Senator or employee, or member of his or her staff, or by the Disbursing Officer. Vouchers for the reimbursement of official travel expenses other than travel expenses shall be accompanied by an “Expense Summary Report—Non-Travel” signed by such person.

**COMMITTEE AND ADMINISTRATIVE OFFICE STAFF**

(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)

I. Legislative Authority (2 U.S.C. 68b)

A. In connection with hearings held outside of Washington, Senators are authorized to pay the travel expenses of official reporters having company offices in Washington, D.C., or in other locations, for travel directly to and from a district of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts cannot be accompanied only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, D.C., reporters or traveling reporters in another area highly advantageous.

B. The Senate Committee on Rules and Administration may require documentation for expenses incurred in excess of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.

V. Regulations Governing Payments and Reimbursements from Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

(A adopted by the Committee on Rules and Administration on July 17, 1981, as amended.)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the Senate Contingent Funds for expenses of Senate committees or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff member for certification shall be done by means of a letter to the Chairman or elected Senate Officer. “Official expenses,” for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee’s or administrative office’s official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include all of the following information:

a) date expense was incurred;

b) the amount of the expense;

c) the product or service that was provided;

d) the vendor providing the product or service;

e) the address of the vendor;

f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the official travel provisions of the Senate for travel expenses incurred by any Senate committee or committee staff member.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related charges;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred in $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.
SECTION 5. No documentation will be required for the following expenses:

a) salary reimbursement for compensation on a "When Actually Employed" basis;

b) reimbursement of official travel in a privately owned vehicle;

c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 105th Congress, 1st session, and the corresponding Senate resolution.

d) for receptions of foreign dignitaries, pursuant to S. Res. 247, 107th Congress, 2nd session, as amended; and

e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 102-71 effective July 11, 1987.

SECTION 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation.

SECTION 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $500 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $200 of that amount may be used for a petty cash fund. Reimbursement of the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon the request of the Chairman of that committee and proper justification.

SECTION 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet for petty cash expenses over $50. Each sheet must be signed by the Senate employee receiving the cash and the person incurring the expense (payee). Receipts or facsimiles must accompany the documentation for expenses incurred of $50 or less. Petty cash itemization sheets for petty cash expenses over $50 shall be submitted to the Senate Stationery Room.

SECTION 9. Petty cash funds should be used for the following incidental expenses:

a) prepaire;

b) delivery expenses;

c) interdepartmental transportation (as defined in United States Senate Travel Regulations);

d) single copies of publications (not subscriptions);

e) office supplies not available in the Senate Stationery Room;

f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds shall not be used for the procurement of equipment.

SECTION 10. Committees are encouraged to maintain a separate checking account for each member, officer, employee, contractor, or member's representative and an authorization officer in charge thereof. Requests for petty cash shall be approved by an "Expense Summary Report—Non-Travel" signed by such person and/or the Chairman of the Senate Committee on Rules and Administration.

SECTION 11. Vouchers for petty cash expenses shall be signed by a committee chairman or member, officer, employee, contractor, or member's representative and an authorization officer in charge thereof. Such vouchers shall be approved by an "Expense Summary Report—Travel" signed by such person and/or the Chairman of the Senate Committee on Rules and Administration, and an authorization officer in charge thereof. Any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

TRIBUTE TO MAJOR GENERAL LAURA J. RICHARDSON

Mr. INHOFE. Mr. President today I wish to pay tribute to a great leader and an exceptional Army officer, MG Laura J. Richardson, the Chief Legislative Liaison for the Office of the Secretary of the Army, as she prepares to leave this position for one of even greater importance.

Major General Richardson has served our Army and our Nation for more than 30 years—a dedicated professional—a dedicated soldier, leader, officer, spouse, and mother. Throughout her career, she commanded our great soldiers at many levels, deployed to combat numerous times in defense of our Nation, and served as a member of the most critical positions in our military. As the Army’s Chief Legislative Liaison, Major General Richardson continues to provide outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to the Army, Congress, and this Nation.

A native of Colorado, Major General Richardson was commissioned a second lieutenant of aviation upon graduation from Metropolitan State College in Denver. Her first assignment after flight school was in Korea with the 17th Aviation Brigade, where she served as a platoon leader, company executive officer, brigade staff officer, and company commander. She next served as the Operations Officer and Senior Enlisted Leader at the 3rd Armored Division. After commands as the 3rd Battalion, 101st Airborne Division, Air Assault, and later the 3rd Brigade of the 1st Armored Division, she was awarded the Distinguished Service Medal. Following that assignment, she moved to Fort Campbell, KY, to serve as the Division Deputy G-3 of the 101st Airborne Division, Air Assault, and later commanded the 5th Battalion, 101st Airborne Division, Air Assault, and later commanded the 5th Battalion, 101st Airborne Division, Air Assault. Following that assignment, she moved to Fort Campbell, KY, to serve as the Division Deputy G-3 of the 101st Airborne Division, Air Assault, and later commanded the 5th Battalion, 101st Airborne Division, Air Assault. Following that assignment, she moved to Fort Campbell, KY, to serve as the Division Deputy G-3 of the 101st Airborne Division, Air Assault, and later commanded the 5th Battalion, 101st Airborne Division, Air Assault.

Major General Richardson has served in a variety of joint and Army staff positions to include: an assault helicopter battalion operations and executive officer; deputy director, then director for the Army's Transformation Office; and the Army's liaison officer to the U.S. Senate. She also served as the garrison commander of Fort McNair and Fort Myers, VA.

Major General Richardson's assignments as a general officer include commanding general of the U.S. Army Operational Test Command, deputy commanding general of the 1st Cavalry Division at Network Enterprise Services, and most recently, deputy chief of staff for communications with Headquarters, International Security Assistance Force, ISAF, in support of Operation Enduring Freedom, Afghanistan.

For the past 3 years, Major General Richardson was the Chief of the U.S. Army Legislative Liaison. During this period of extraordinary change and challenge for the Army, Major General Richardson implemented and fostered improved, strategic partnerships with Congress. Through her leadership, the Army significantly enhanced relationships with both legislative chambers, improving understanding and broadening congressional support for Army priorities. Major General Richardson managed some of the most complex issues our Army faced through three legislative cycles with unparalleled results, enabling the Army to receive the necessary resources to support our combat operations in two theaters of war, sustain the All-Volunteer Force, and improve the quality of life for our soldiers, their families, and our civilians.

On behalf of Congress and the United States of America, I thank Laura, her husband, MG Jim Richardson, and their entire family for their continued commitment, sacrifice, and contribution to this great nation. I join my colleagues in wishing her future success as she continues to serve our great Army and Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO RUSSELL GORDON

Mr. HEINRICH. Mr. President, it is an honor to join the community of music lovers in New Mexico to recognize Mr. Russell Gordon in his final year of presenting the Los Alamos County Summer Concert Series.

For 28 years, the concert series has been a pillar of the community in northern New Mexico, bringing together families, neighbors, and friends with local, national, and internationally renowned musicians.

In 1988, Russell and his wife, Deborah, moved from White Rock, NM, where they started Gordon's CDs, Tapes and Records. Local musicians remember playing on the sidewalk outside of his shop when Russell began the series in 1990. Today the series is a much larger affair with hundreds gathering around the historic Ashley Pond and other venues in Los Alamos on Friday evenings to begin their weekend with art, culture, and dance.

Russell’s passion for music shines through the variety of genres featured, including Spanish, Native American, big band, bluegrass, classical, country music, folk, gospel, rock, jazz, and international acts. Russell has kept local New Mexican artists in his line-up over the years and helped them to grow and mentor the music scene throughout the State. He has inspired young musicians, expanded horizons, and has created countless memories for musicians and concert-goers in New Mexico.

As the ranking member on the Joint Economic Committee, I am proud to recognize the contributions of local small business owners like Russell and Deborah Gordon. We wish them the best of luck in their future endeavors and thank them for their contributions to the community.

RECOGNIZING WINSHIP CANCER INSTITUTE

Mr. ISAKSON. Mr. President, today I am honored to congratulate Winship
Mr. RISCH. Mr. President, my colleague Senator MIKE CRAPO joins me today in congratulating the 71 Livestock Association of southwestern Idaho and northeastern Nevada on its centennial anniversary. On June 24, 2017, members of the 71 Livestock Association will gather at the Three Creek School to celebrate 100 years of good stewardship on our western rangelands.

The 71 Livestock Association has deep roots in southwestern Idaho and northeastern Nevada and boasts a colorful heritage that defines our idea of western ranching. In the early 1870s, the Three Creek Area's premier cattleman, Joseph Scott, was the first to use a 71 brand after purchasing it from a Nevada rancher. The 71 Livestock Association took its name from that brand in homage to Scott.

In 1905, local ranchers requested that the Federal Government look into creating a forest reserve to protect grazing and other resources on the range. Less than a year later, in 1906, with Gifford Pinchot as the first Chief of the Forest Service, President Theodore Roosevelt signed into law a forest reserve in Nevada. The creation of the forest reserves established partnerships between the Three Creek Ranchers and the U.S. Forest Service.

In December 1917, the ranchers of Owyhee and Twin Falls Counties came together to form the 71 Livestock Association with Joe E. H., the first chairman. Noteworthy, the 71 Livestock Association started with both woolgrowers and cattle producers, which created a stronger partnership and greater collaboration among all range users.

In the early 1930s, livestock producers in the West were concerned with deterioration of the range due to uncontrolled grazing and wanted to better protect the public lands. Due to that concern, Congress passed the Taylor Grazing Act in 1934, and the 71 Livestock Association created its first constitution and bylaws. The Taylor Grazing Act established grazing boards, and the 71 Livestock Association had three members on Idaho's very first grazing advisory board.

The 71 Livestock Association has seen many changes and has evolved to make conditions better on the range. In its first years, they helped create a system for grazing as the main enforcement body on the forest reserve in Nevada. As the Bureau of Land Management began managing the range in southwestern Idaho and Elko County, NV, they helped to allocate range to its members and to help install key infrastructure like fences, pipelines, roads, phone service, electrical power, and even a tax levy for the Three Creek School.

From its inception, the 71 Livestock Association has experienced many challenges from jackrabbit infestations, plant poisoned cattle, severe winters, environmental lawsuits, endangered species, National Environmental Policy Act, NEPA, regulations, and range fires. In addition, they have lived through the Sage Brush Rebellion and the Jarbidge Shovel Brigade. Through it all, they have been instrumental in working with ranchers and Federal, State and local agencies to discuss and resolve issues with a spirit of cooperation.

Today the 71 Livestock Association has been at the center of rangeland fire management. In this spirit, the 71 Livestock Association pitched in to help with the rehabilitation and reclamation of the land and helped create and develop the Rangeland Fire Protection Associations, RFPA. By being the first to form a RFPA in 1972, the 71 Livestock Association has been instrumental in helping to stop fires before they develop into larger uncontrolled range fires.

Because of its success and standing in the region, the 71 Livestock Association has seen members go on to represent constituents of southern Idaho in the Idaho State Legislature—notably, the late Noy Brackett, his son Bert Brackett, and the late George Swan.

The 71 Livestock Association serves as a role model for Idaho and the Nation on how to innovate and collaborate on land management issues. Today they remain focused on their mission of "bettering conditions on the range." Congratulations to the 71 Livestock Association on a successful 100 years of operation.

RECOGNIZING THE NATIONAL ORPHAN TRAIN COMPLEX

Mr. ROBERTS. Mr. President, I would like to acknowledge an important aspect of our history, the Orphan Train Movement. This movement is not only extremely important to Kansas; it also placed approximately 250,000 orphaned, abandoned, and homeless children in homes across the United States. The National Orphan Train Complex, which is headquartered in our very own Concordia, KS—also known as Orphan Train Town—continues to tell stories of children who were impacted by these orphan trains. The first orphan train arrived in Kansas in 1859 to the city of Wathena, where three children were placed with Kansas families. Since this first train, 12,000 children were moved to Kansas homes. These children would grow up in Kansas, raising families, growing the economy, and serving their communities through farming, teaching, and starting businesses. These children and their journey are an integral part of Kansas' history.

The mission of the National Orphan Train Complex in Concordia, KS, is to collect, preserve, interpret, and disseminate knowledge about the orphan trains and the children who rode them. The National Orphan Train Complex is the only organization compiling a master list of orphan train riders to assist future generations with genealogical information. The tireless work done by this organization deserves acknowledgment.

I ask my colleagues join me in recognizing the Orphan Train Movement and the National Orphan Train Complex on their outstanding research and preservation of our Nation's history.

MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1005. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.
H.R. 1162. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

H.R. 1329. An act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation provided for the survivors of certain disabled veterans, and for other purposes.

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1545. An act to amend title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 1725. An act to direct the Secretary of Veterans Affairs to submit certain reports relating to medical evidence submitted in support of claims for benefits under the laws administered by the Secretary; to the Committee on Veterans’ Affairs.

H.R. 1808. An act to amend and improve the Missing Children’s Assistance Act, and for other purposes.


H.R. 2288. An act to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2473. An act to direct the Attorney General to study issues relating to human trafficking, and for other purposes; to the Committee on the Judiciary.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 360) to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to certain improvements in managing the Department’s vehicle fleet, and for other purposes.

Enrolled Bill Signed
At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 360. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department’s vehicle fleet, and for other purposes.

MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1005. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans’ Affairs.

H.R. 1162. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans; to the Committee on Veterans’ Affairs.

H.R. 1329. An act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation provided for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans’ Affairs.

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H.R. 2473. An act to direct the Attorney General to study issues relating to human trafficking, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS
The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1641. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Pesticides; Certification of Pesticide Applicators Rule; Delay of Effective Date’’ (FRL No. 9962–66–Region 6) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1650. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products’’ ((RIN2070–AK35) (FRL No. 9962–86) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1651. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Endangered and Threatened Wildlife and Plants; Final Rule to List 6 Foreign Species of Elasmobranchs Under the Endangered Species Act (RIN0648–XE184) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1652. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to negotiations with Canada and Mexico regarding modernization of the North American Free Trade Agreement (NAFTA), to the Committee on Finance.

EC–1653. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to negotiations with Canada and Mexico regarding modernization of the North American Free Trade Agreement (NAFTA), to the Committee on Finance.

EC–1654. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Defense Production Act Annual Fund Report for Fiscal Year 2016’’; to the Committee on Banking, Housing, and Urban Affairs.

EC–1655. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1656. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1647. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Air Quality Designations for the 2012 Primary Annual Fine Particle Matter (PM2.5) National Ambient Air Quality Standards (NAAQS) Standards’’ ((RIN2060–ATH4) (FRL No. 9962–39–OAR) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1648. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule; Phase II Vapor Recovery’’ (FRL No. 9962–21–Region 6) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1649. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Maintenance Plan’’ (FRL No. 9962–20–Region 6) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1650. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products’’ ((RIN2070–AK35) (FRL No. 9962–86) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1651. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Endangered and Threatened Wildlife and Plants; Final Rule to List 6 Foreign Species of Elasmobranchs Under the Endangered Species Act (RIN0648–XE184) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC–1652. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to negotiations with Canada and Mexico regarding modernization of the North American Free Trade Agreement (NAFTA), to the Committee on Finance.

EC–1653. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to negotiations with Canada and Mexico regarding modernization of the North American Free Trade Agreement (NAFTA), to the Committee on Finance.

EC–1654. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1656. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.
the Office of the President of the Senate on May 18, 2017; to the Committee on Finance.

EC-1654. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ‘‘Medicare Program; Advancing Care Coordination; Medicare Payment Improvement Model; Value Based Payment Models (VBP) (RIN 0938–AA38)’’ (CMS–5316–F1) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Finance.

EC-1655. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0616); to the Committee on Foreign Relations.

EC-1656. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0617); to the Committee on Foreign Relations.

EC-1657. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0615); to the Committee on Foreign Relations.

EC-1658. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0613); to the Committee on Foreign Relations.

EC-1659. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ‘‘2017 Drug Pricing Program Ceiling Price and 2017 Working Level Monetary Adjustment Regulation’’ (RIN0096–AA89) received in the Office of the President of the Senate on May 18, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-1660. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ‘‘Clarification of When Products Made or Derived From Tobacco Are Regulated Under Food and Drug Administration’s Food and Tobacco Regulation’’ (RIN0910–AA45) (DOCKET NO. FDA–2016–N–0236) received in the Office of the President of the Senate on May 18, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-1661. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ‘‘U.S. Department of Health and Human Services Met Many Requirements of the Improper Payments Information Act of 2002 but Did Not Fully Comply for Fiscal Year 2016’’; to the Committee on Homeland Security and Governmental Affairs.

EC-1663. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries’’ (RIN0669–XF29) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1664. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries’’ (RIN0669–XF29) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1665. A communication from the Acting Deputy Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ‘‘Pacific Island Fishery; 2016 Annual Catch Limits and Ac- countability Measures’’ (RIN0669–XP29) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-29. A joint memorial adopted by the Legislature of the State of Idaho memorializing the importance of agriculture in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT MEMORIAL NO. 6

Whereas, since the beginning of time, the ability of man to provide food, fiber and fuel for himself and others has determined his independence, freedom and security; and

Whereas, since the beginning of time, the family farm unit is the foundation of agriculture and one of the basic strengths of the United States; and

Whereas, a strong and vital agricultural industry is a very important part of our national security and overall well-being; and

Whereas, federal, state and local laws and regulations require farmers, ranchers and food processors in the United States to meet the highest standards in the world when it comes to environmental protection, worker safety, wage rates and food safety concerns; and

Whereas, the United States farmer, rancher and food processors be enabled to compete freely and trade fairly in foreign and domestic markets on a strictly level playing field. Be it further

Resolved, That food safety standards in the United States should be discussed fully on food from foreign countries wishing to participate in markets that lie within the boundaries of the United States and funded by the United States taxpayer. And be it further

Resolved, When determining the economic value of internationals, we urge that the cost of environmental protection, worker safety, wage rates and food safety standards be quantified and considered in such determinations. And be it further

Resolved, That we encourage the education of the general public regarding the importance of farm insurance in the development of a society, recognizing that such public education, primarily at the middle and secondary school levels, is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives, of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-30. A joint memorial adopted by the Legislature of the State of Idaho urging the United States Air Force, President of the United States, and the United States Congress to thoroughly and conscientiously evaluate the utility and efficacy of basing a future F-35 Lightning II Joint Strike Fighter aircraft at Gowen Field in Boise, Idaho, to facilitate a continued flying mission for the Idaho Air National Guard; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL NO. 9

Whereas, the State and the citizens of Idaho have a proud tradition of support for the armed forces of the United States of America; and

Whereas, the Idaho Air National Guard has distinguished itself in service to the State of Idaho and to the citizens of our state and the United States of America; and

Whereas, Gowen Field, located in the City of Boise, Idaho, has served admirably for decades as a base of military installation, both in federal and state service, as a base of operations for the Idaho Army National Guard and the Idaho Air National Guard; and

Whereas, the U.S. Air Force has chosen Gowen Field among five finalists for two sites to locate squadrons of F-35 Lightning II Joint Strike Fighter aircraft; and

Whereas, Gowen Field is the only finalist located in the City of Boise, Idaho, to facilitate a continued flying mission for the Idaho Air National Guard; to the Committee on Armed Services.

Resolved, By the members of the First Reg-
Whereas, it is incumbent upon the leadership of the State of Idaho to extend its active support to efforts to maintain a viable flying mission for the Idaho Air National Guard, which would be jeopardized by the U.S. Air Force’s basing of F-35 aircraft at Gowen Field. Now, therefore, be it

Resolved, by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage and call upon the U.S. Air Force, the Administration, and Congress to thoroughly and conscientiously evaluate the utility and efficacy of basing a squadron of F-35 Lightning II Joint Strike Fighter aircraft at Gowen Field; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Secretary of the Air Force, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-31. A concurrent resolution adopted by the State of Idaho memorializing the United States Congress to appro priate funds from the Nuclear Waste Fund for the establishment of a permanent repository for nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-32. A joint memorial adopted by the Legislature of the State of Idaho, Supporting the Department of Energy, the President of the United States, and the United States Congress to identify, commit, and sustain the necessary funding to the Department of Energy to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment. Be it further

Resolved, That the State supports continued funding for the national and international missions at the Department of Energy’s Idaho site to include, but not be limited to, nuclear energy research and development, bioenergy research, renewable energy research, cybersecurity advancements, smart-grid technology deployments, and national security support to the Department of Homeland Security and other departments. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House, the Senate, the House, the congressional delegation representing the State of Idaho in the Congress of the United States.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas, The nuclear power industry needs a permanent repository for high-level nuclear waste produced by reactors. Nuclear power plays a vital role in meeting our nation’s current and future energy needs. However, the relative ease of constructing a permanent repository severely impedes efforts to construct new power plants to provide this clean and reliable base load power; and

Whereas, Over the last thirty years, the nuclear power industry and its customers have paid the federal government billions of dollars to construct a permanent repository. Under the Nuclear Waste Policy Act of 1982, the U.S. Congress established the Nuclear Waste Fund to collect money for the repository. To date, more than $82 billion has been paid into the fund from nuclear power plant operators; and

Whereas, A permanent repository for high-level nuclear waste has not been established and constructed. More than 2,000 metric tons of spent nuclear fuel from power plants continue to accumulate at temporary, and potentially vulnerable, sites across the nation, adding to the more than 70,000 metric tons already on-site; and

Whereas, The Nuclear Waste Fund contains a substantial balance for establishment of the repository. While fee collection was suspended as of May 16, 2014, the fund still contains a balance of over $31 billion for the express purpose of supporting radioactive waste disposal activities. It is imperative that Congress meet its obligations to the nuclear power industry and U.S. citizens that paid into this fund; now, therefore, be it

Resolved, by the Senate, (the House of Representatives concurring), That we memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for nuclear waste to reimburse electric utility customers that paid into the fund; and be it further

Resolved, That the copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-33. A joint resolution adopted by the Legislature of the State of Idaho, Supporting the Department of Energy, the President of the United States, and the United States Congress to identify, commit, and sustain the necessary funding to the Department of Energy to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment, Be it further

Resolved, That the Department of Energy and its contractors have completed environmental assessments of all suspected waste sites at the Department of Energy’s Idaho site and completed the cleanup actions outlined in twenty of twenty-five records of decision; and

Whereas, environmental scientists and engineers have employed innovative cleanup technologies and processes to protect employees, the public, and the environment, while minimizing contamination of contaminated sites and saving taxpayers hundreds of millions of dollars; and

Whereas, The Department of Energy and its contractors have achieved measurable progress removing Cold War wastes from an unlined landfill with the aim of protecting the Snake River Plain Aquifer—one of Idaho’s most precious natural resources. Now, therefore, be it

Resolved, by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein; that, in this twenty-fifth anniversary of the signing of the Nuclear Waste Policy Act of 1978, in order to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment, Be it further

Resolved, That the State supports continued funding for the national and international missions at the Department of Energy’s Idaho site to include, but not be limited to, nuclear energy research and development, bioenergy research, renewable energy research, cybersecurity advancements, smart-grid technology deployments, and national security support to the Department of Homeland Security and other departments. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House, the Senate, the House, and the congressional delegation representing the State of Idaho in the Congress of the United States.
upstream beneficial uses to assure an adequate supply of water for all future beneficial uses, and minimum stream flows for hydropower projects should be established by state law.

Whereas, Policy 2B of the Plan provides that: “The State asserts primacy over the management of its fish and wildlife and water resources, including, but not limited to, the production or introduction or introduction of federally listed species or other aquatic species without state consultation and approval is against the public interest of the State of Idaho because it would impair or impede the state’s priority over its water resources”; and

Whereas, Policy 4A of the Plan provides that: “Hydropower generation is a beneficial use of the flow of the Snake River, and it is in the public interest to protect the minimum stream flows set forth in Policy 4A as a base flow for hydropower use”; and

Whereas, Policy 4J of the Plan provides that: “The minimum stream flows set forth in Policy 4J provide adequate flows for Snake River fish, wildlife, recreation, and scenic values in the main stem Snake River below Milner Dam”; and

Whereas, the Idaho State Water Plan in discussing the Swan Falls Agreement, recognized the value of hydropower through the acknowledgment and protection of minimum stream flows required that electric rates remain beneficial to its citizens; and

Whereas, in 1976 the State of Idaho in partnership with the United States, acting as Secretary of the Interior, and Washington (collectively “States”), together with the National Marine Fisheries Service filed a petition with the Federal Energy Regulatory Commission (FERC) requesting that “it issue an order requiring the licensee to take appropriate measures as compensation for” the loss of salmon and steelhead due to the construction and operation of the Hells Canyon Complex; and

Whereas, in 1980 the States and the Idaho Power Company executed a settlement agreement that terms contain that “full and complete mitigation for all numerical losses of salmon and steelhead caused by or in any way associated with the construction of, or operation of” the Hells Canyon Complex; and “further agree not to contend or support contentions by others before any agency in any proceeding that additional fish or fish facilities are required by or in any way associated with the construction of, or operation of” the Hells Canyon Complex; and

Whereas, the Idaho Power Company has complied with the terms of the 1980 Settlement Agreement with state support; and

Whereas, the Idaho Power Company entered into the implementing agreements for the Swan Falls Settlement, which confirmed the State’s priority over the flows of the Snake River through the establishment of minimum flow from Milner Dam to reaches below the Hells Canyon Complex; and

Whereas, the Idaho Power Company, since 2003, has been seeking to relicense the Hells Canyon Complex before the FERC under the Federal Power Act; and

Whereas, the State Water Plan directs the Water Resource Board to participate in the Hells Canyon Complex relicensing to ensure that “the new license for the Hells Canyon Complex includes operational conditions that preserve and enhance the generation capacity of the project in a manner consistent with the State Water Plan”; and

Whereas, in 2004 the State, participating water users, the Idaho Power Company entered into the 2004 Snake River Water Rights Agreement providing for cooperative agreements to assist in the recovery of listed species and to assure that the Act in its 2004 Amendments provides for low stage tributaries below the Hells Canyon Complex while providing certainty to Idaho landowners and water users in the exercise of property rights; and

Whereas, the 2004 Snake River Water Rights Agreement identified specific actions by the State to be taken to the passage of water to augment forms for listed anadromous fish below the Hells Canyon Complex, such agreement providing certain protection for Idaho’s interests in managing its natural resources; and

Whereas, the Idaho Water Users Association, through Association Resolution No. 2017, has reaffirmed that the State should not allow, nor be forced to additional fish or fish species into the waters of the State of Idaho. (b) Any, that the Idaho State Water Plan “be consistent with the Idaho State Water Plan” and “the Plan has been submitted; and

Whereas, the State committed to certain actions in the 1980 Agreement, the 2004 Snake River Agreement, that provide the citizens of Idaho that Idaho’s celebrated water resources, and minimum flows provide the management framework for the optimum development of water resources of the Snake River, Basin; and

Whereas, the Governor in his state the Idaho State Water Plan “be consistent with the Idaho State Water Plan” and “the Plan has been submitted; and

Whereas, the Governor’s January 17, 2017, letter further advised that with respect to “any new requirement imposed by Oregon law that would disproportionately impact Idaho customers” and “passage and re-introduction conditions should be removed” and protecting Idaho’s sovereignty by ensuring that Oregon does not “provide fish passage and introduction in violation of Idaho law and policy will continue to be a priority of the Idaho Governor and the Idaho Attorney General shall undertake such action as is necessary and appropriate to ensure that the terms of the 1980 Agreement are complied with in regard to mitigation for the introduction of salmon or steelhead above Hells Canyon Dam, that are necessary to protect Idaho’s sovereignty, including its waters and property rights, and to ensure that Idaho’s sovereignty is not violated by the introduction of salmon or steelhead to the reaches of the Snake River, and its Idaho tributaries, above Hells Canyon Dam. Be it further

Resolved, That the Governor and the Attorney General shall undertake such action as is necessary and appropriate to ensure that the terms of the 1980 Agreement are complied with in regard to mitigation for the introduction of salmon or steelhead above Hells Canyon Dam, that are necessary to protect Idaho’s sovereignty, including its waters and property rights, and to ensure that Idaho’s sovereignty is not violated by the introduction of salmon or steelhead to the reaches of the Snake River, and its Idaho tributaries, above Hells Canyon Dam. Be it further

Resolved, That consistent with the authority of Section 67-6302, Idaho Code, the Legislature of the State of Idaho does not approve of the efforts by the State of Oregon and property rights, water users, landowners and economic development from the State of Oregon’s efforts to pass and introduce salmon and steelhead above Hells Canyon Dam, including trying to include in the FERC license for the Hells Canyon Project any provision that would result in an introduction or reintroduction of any such species into the waters of the State of Idaho. And be it further

Resolved, That the State of Idaho supports the FERC license of Hells Canyon Dam, in violation of Sections 67-6318 and 67-6302, Idaho Code, stating in part: ‘Such occurrence would violate long-standing federal policy of not allowing the introduction or reintroduction of any species without the express consent of the Idaho State Legislature and executive branch.’ Based upon state law in Idaho and the fact that the Idaho Power Company and its licensees and steelhead populations can be introduced or reintroduced above Hells Canyon Dam; and

Whereas, while the Idaho Power Company serves customers in Idaho and eastern Oregon, approximately 86% of its customers are located in Idaho; and

Whereas, the Governor, by letter to Oregon Governor Brown dated January 17, 2017, addressed Oregon’s actions related to fish passage and re-introduction would impact Idaho waters and citizens and interfere with Idaho’s sovereign interests in managing its natural resources; and

Whereas, the Governor’s January 17, 2017, letter further advised that with respect to “any new requirement imposed by Oregon law that would disproportionately impact Idaho customers” and “passage and re-introduction conditions should be removed” and protecting Idaho’s sovereignty by ensuring that Oregon does not “provide fish passage and introduction in violation of Idaho law and policy will continue to be a priority of the Idaho Governor and the Idaho Attorney General shall undertake such action as is necessary and appropriate to ensure that the terms of the 1980 Agreement are complied with in regard to mitigation for the introduction of salmon or steelhead above Hells Canyon Dam, that is necessary to protect Idaho’s sovereignty, including its waters and property rights, and to ensure that Idaho’s sovereignty is not violated by the introduction of salmon or steelhead to the reaches of the Snake River, and its Idaho tributaries, above Hells Canyon Dam. Be it further
The license recognizes that the water rights for the Hells Canyon Complex are subordinated to future upstream uses as set forth in the partial decrees for each of the three damaged tributaries, and that the regulations regarding the use of water in the license for salmon and steelhead comply with the terms of the 1980 Settlement Agreement. And be it further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-34. A joint memorial adopted by the Legislature of the State of Idaho encouraging the Federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered. And be it further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States.

WHEREAS, the presence of quagga and zebra mussels, collectively referred to as dreissenid mussels, in the West is a matter of growing concern; and

WHEREAS, the mussels were introduced into the Great Lakes in the 1980s by watercraft from the European continent through ballast water and adhesion to watercraft, having originated in Eastern Europe near the Black Sea, and now having spread to 32 states, including 11 in the Pacific Northwest; and

WHEREAS, in her five-year lifetime, a single quagga or zebra mussel will produce about 5 million eggs, 100,000 of which reach adulthood. The offspring of a single mussel will in turn produce a total of half a billion adult offspring; and

WHEREAS, mussels spread, in large part, by attaching to exposed hard surfaces of watercraft, as well as ballast water discharge, and in small part by floating with the water body to water body, many times across state lines, and many western states have now enacted laws to establish watercraft inspection programs and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that mussels do not spread to the rest of the region; and

WHEREAS, the presence of quagga and zebra mussels in the Pacific Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WRRDA), and the importance of the states’ continued receipt of federal matching funding to support their efforts to protect aquatic invaders. Therefore, we respectfully ask that you consider our request and take the necessary steps to ensure that federal funds are appropriated to the four Northwest states in FY 2018. Now, therefore, be it

RESOLVED, By the members of the First Regular Session of the Legislature of the State of Idaho urging the United States Congress to appropriate $30 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WRRDA). The $3 million in federal matching funding would be used to enhance funds already allocated to the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region; and be it further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, By the members of the First Regular Session of the Legislature of the State of Idaho urging the United States Congress to appropriate $30 million of the authorized $8 million in federal matching funding for FY 2018 to assist the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WRRDA) and WIIN to assist the four Northwest states. The emergency in Montana remains one of the only regions in the West states. The emergency in Montana in the Pacific Northwest region remained one of the only regions in North America without invasive quagga and zebra mussels. In November 2016, invasive mussel larvae have been found in Montana, and part of the Missouri River system. In response, Montana Governor. Steve Bullock declared a natural resources state of emergency; and

WHEREAS, further spread of these invasive mussels will be detrimental and will reaching impact on the economic and environmental wellbeing of the entire region. If invasive mussel populations become established in the Pacific Northwest, they will cost the region $500 million a year, so it is vital that we work together to ensure that the invasive mussels do not make the short trip across the divide and into the Columbia River system. Failing to ensure this would not only result in Idaho water bodies becoming infested with quagga and zebra mussels, but the rest of the Columbia River Basin and region as well; and

WHEREAS, for these reasons, we ask Congress to appropriate $30 million of the authorized $8 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act to protect the Pacific Northwest waters, according to the Water Resources Development Act of 2016 (WRDA). The $8 million in federal matching funding would be used to enhance funds already allocated to the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that mussels do not spread to the rest of the region; and

WHEREAS, the presence of quagga and zebra mussels, collectively referred to as dreissenid mussels, in the West is a matter of growing concern; and

WHEREAS, the states and the Federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered. And be it further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-35. A joint memorial adopted by the Legislature of the State of Idaho urging the United States Congress to appropriate $30 million of the authorized $8 million for fiscal year 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Resources Development Act of 2016 (WRDA). The $8 million in federal matching funding would be used to enhance funds already allocated to the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that mussels do not spread to the rest of the region; and be it further Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, By the members of the First Regular Session of the Legislature of the State of Idaho urging the United States Congress to appropriate $30 million of the authorized $8 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Resources Development Act of 2016 (WRDA). The $8 million in federal matching funding would be used to enhance funds already allocated to the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that mussels do not spread to the rest of the region; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and

RESOLVED, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the Secretary of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to the nation and the American people by the laws of the United States. The emergency in Montana continues to highlight the constant and ongoing threat to our nation’s lakes and rivers and the Columbia River Basin system is protected; and
of high-level radioactive material from nuclear power plants and to begin accepting waste by January 31, 1998. It is now 2017, and the nation remains without a permanent repository. The Nuclear Regulatory Commission is still grappling with the construction of a repository, despite billions of dollars collected through a trust fund, despite the ongoing problem of permanent disposal of nuclear waste, and despite the need for a viable solution.

Whereas, The Department of Energy's National Laboratories have pioneered a method of creating nuclear waste that could be safely stored this waste at temporary sites for so long; now, therefore, be it

Resolved, by the Senate of the State of Idaho, the Speaker of the United States House of Representatives and the Michigan congressional delegation, and the congressional delegation of the United States Senate, the Speaker of the House of Representatives of the United States Congress to allow individual states to serve as the primary regulator of health insurance plans and permit the availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; to the Committee on Finance.

POM-37. A joint memorial adopted by the Legislature of the State of Idaho urging the President of the United States, the Secretary of Health and Human Services, and the United States Congress to allow individual states to serve as the primary regulator of health insurance plans and permit the availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; to the Committee on Finance, Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Sixtieth Idaho Legislature passed Senate Joint Memorial 106, sponsored by Governor C.L. "Butch" Otter, calling for an amendment to the U.S. Constitution that would prevent Congress from passing laws requiring citizens of the United States to participate in any health care insurance program or penalizing them for declining health care coverage; and

Whereas, the Idaho Health Freedom Act codifies the amendment that every person in the State of Idaho is and shall be free from government compulsion in the selection of health insurance options, and that such liberty is a constitutional right in the United States and the State of Idaho; and

Whereas, the average Idaho rate increase for 2017 Individual Affordable Care Act (ACA) health insurance plans was 2% and the year-over-year increases since the implementation of the ACA federal mandates, health insurance plans have become unaffordable for thousands of Idahoans and their families; and

Whereas, near 90,000 Idahoans can afford coverage only with the assistance of an ACA premium subsidy or cost-sharing subsidy, and Idaho’s uninsured includes “middle class” individuals and families who earn too much to qualify for federal insurance premium assistance and have no coverage option other than high-cost ACA plans; and

Whereas, the premium amounts for pre-ACA “grandmothered” plans were 30% to 50% less than those of the individual ACA plans, indicating that a return to state regulation of the insurance market would result in significantly lower premium amounts for many Idahoans; and

Whereas, prior to implementation of the ACA, the Idaho health insurance market and provided aggressive oversight of all aspects of that market and enforced consumer protections as well as regulatory, financial, and operational oversight for consumers; and

Whereas, prior to the implementation of the ACA-mandated plans, Idaho had a stable and competitive individual insurance market, with among the lowest individual premium amounts in the nation, and consumers could choose from a variety of health insurance coverage options to best cover them and their families; and

Whereas, on January 20, 2017, President Donald J. Trump issued an executive order to minimize the economic burden of the ACA pending repeal, including instruction to the Secretary of Health and Human Services and other executive departments and agencies with authorities and responsibilities under the act to exercise all authority and discretion available to them to provide greater freedom to states to decide how to cooperate with them implementing healthcare programs. Now, therefore, be it

Resolved, by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges President Trump, Secretary Ben Alexander, and other executive departments and agencies with authorities and responsibilities under the act to exercise all authority and discretion available to them to provide greater freedom to states to decide how to cooperate with them implementing healthcare programs. Now, therefore, be it

Resolved, That copies of this resolution be transmitted to the Secretary of Energy, the Nuclear Regulatory Commission, the President of the United States, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-38. A resolution adopted by the Senate of the State of California calling upon the United States Congress to reject any effort to repeal the Affordable Care Act unless it is simultaneously replaced with an alternative program that upholds the standards clearly and consistently articulated by the President of the United States; to the Committee on Finance, the Speaker of the State Assembly, and the Speaker of the State Senate.

SPECIAL RESOLUTION NO. 26

Whereas, Over the first two years of full implementation of the Federal Patient Protection and Affordable Care Act (Public Law 111–148) (Affordable Care Act), California’s uninsured rate decreased by half—the largest percentage point decline in the uninsured rate of any state—from 17.2 percent in 2013 to 7.1 percent in 2015, according to the United States Census Bureau, with the federal Centers for Disease Control and Prevention indicating a further fall to 7.1 percent in the first three months of 2017; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate affirms its strong
support for the Affordable Care Act and calls upon the United States Congress to reject any effort to repeal the Affordable Care Act unless it is simultaneously replaced with an alternative program that meets the standards clearly and consistently articulated by President Trump: that not one American will lose coverage and that coverage will be more affordable and will have higher quality for all Americans; and be it further

Resolved, That the Senate urges Congress not to jeopardize the health of millions of Americans by pushing through irresponsible policy in late-night hearings, but instead allow for comprehensive public review, including evaluations by the Congressional Budget Office and relevant policy committees, so that Americans have their concerns heard; and be it further

Resolved, That the Secretary of the Senate transmits this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM–39. A concurrent resolution adopted by the Legislature of the State of Michigan urging the Legislature of the State of Michigan and the United States Congress to explore and support policies that will lead to the establishment of facilities within the United States for the reprocessing and recycling of spent nuclear fuel to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, The federal Nuclear Waste Policy Act of 1982 called for the United States Department of Energy to begin collecting spent nuclear waste and develop a long-term plan for storage of the material. In 2002, Congress approved Yucca Mountain in Nevada as the location to store the Department of Energy to establish a safe repository for high-level spent nuclear waste; and

Whereas, In 2010, the Department of Energy halted the project at Yucca Mountain when the construction authorization process was in progress, despite the Nuclear Waste Fund receiving more than $30 billion in revenue from electric customers throughout the United States in order to construct the facility and store the spent fuel; and

Whereas, The Argonne National Laboratory has developed a high-temperature method of recycling spent nuclear waste into fuel, known as pyrochemical processing. This process makes more of the energy in uranium ore to be used to produce electricity compared to current commercial reactors; and

Whereas, Extending the productive life of uranium ore through pyrochemical processing ensures almost inexhaustible supplies of low-cost uranium resources for the generation of electricity, minimizes the hazards that used fuel could be stolen and used to produce weapons, and reduces the amount of nuclear waste and the time it must be isolated by almost 1,000 times; and

Whereas, Advanced non-light-water reactors currently under development in the United States and internationally have the potential to utilize used fuel from existing reactors as fuel, but according to the Nuclear Regulatory Commission, there are no reprocessing facilities currently operating within the United States; and

Whereas, The federal government’s inability to adequately store or reprocess almost 100,000 tons of spent nuclear fuel has adversely affected the residents of the State of Michigan. Michigan has paid more than $800 million into the Nuclear Waste Fund since 1983, but the federal government has failed to use it to permanently store nuclear waste in a way that serves the public. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President and Congress of the United States to explore and support policies that will lead to the establishment of facilities within the United States for the reprocessing and recycling of spent nuclear fuel; be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 190. A bill to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain certain small luminaire or surveillance systems, and for other purposes (Rept. No. 115–76).

S. 1054. A bill to authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahone Lake hydroelectric project in the State of Alaska, and for other purposes (Rept. No. 115–75).

S. 239. A bill to amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities, and for other purposes (Rept. No. 115–79).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 723. A bill to extend the deadline for commencement of construction of a hydroelectric project (Rept. No. 115–80).

S. 724. A bill to amend the Federal Power Act to modernize authorizations for necessary hydropower approvals (Rept. No. 115–81).

S. 730. A bill to extend the deadline for commencement of construction of certain hydroelectric projects (Rept. No. 115–82).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 734. A bill to extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam (Rept. No. 115–83).

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 245. A bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes (Rept. No. 115–84).

S. 343. A bill to repeal certain obsolete laws relating to Indians (Rept. No. 115–85).

By Mr. ISAKSON, from the Committee on Veterans’ Affairs, with an amendment in the nature of a substitute:

S. 1094. A bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. RISCH for the Committee on Small Business and Entrepreneurship.

*Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ROGERS (for himself and Mr. HOEVEN):

S. 1210. A bill to amend the Internal Revenue Code of 1986 to reduce tax rates across the board; to the Committee on Finance.

By Mr. BLUNT (for himself and Mrs. MOYER):

S. 1211. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill in eastern Bridgeton, Missouri; to the Committee on Environment and Public Works.

By Ms. FEINSTEIN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, and Mr. BLUMENTHAL):

S. 1212. A bill to provide family members of an individual who they fear is a danger to themselves, or other law enforcement, with new tools to prevent gun violence; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 1213. A bill to require the Secretary of Transportation to post a copy of the most recent response plan for each onshore oil pipeline on a publicly accessible website; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Ms. RICHARDSON):

S. 1214. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency, with respect to certain hazardous articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. REED):

S. 1215. A bill to amend part E of title IV of the Social Security Act to allow States that provide foster care to children up to age 21 to serve former foster youths through age 23 under the John H. Chafee Foster Care Independence Program; to the Committee on Finance.

By Mr. LEE (for himself, Mrs. FEINSTEIN, Mr. CRUZ, Mr. WHITESTONE, Miss COLLINS, and Mr. COONS):

S. 1216. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of an individual who they fear is a danger to themselves, or other law enforcement, with respect to certain citizens or lawful permanent residents of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. LEE, Mr. AXSOM, Mr. COX, Mr. COYENY, Mr. HATCH, Mr. MCCONNEAL, Mr. PERDUE, Mr. RISCH, Mr. ROBERTS, Mr.
S. 1217. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HEITKAMP (for herself, Mr. SULLIVAN, and Ms. HARRIS):

S. 1218. A bill to promote Federal employment for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

S. 1219. A bill to provide for stability of title to certain land in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself, Mr. FEINSTEIN, Mr. Kaine, Ms. Cortez Masto, Ms. Murkowski, and Mr. SCHUETZ)

S. 1220. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas, and for other purposes; to the Committee on the Judiciary.

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

S. 1221. A bill to counter the influence of the Russian Federation in Europe and Eurasia, and for other purposes; to the Committee on Foreign Relations.

By Mr. FLAKE:

S. 1222. A bill to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1223. A bill to repeal the Klamath Tribe Judgment Fund Act; to the Committee on Indian Affairs.

By Mr. Kaine:

S. 1224. A bill to authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself, Mr. ALEXANDER, Ms. STABENOW, and Mr. PORTMAN):

S. 1225. A bill to support research, development, and other activities to develop innovative vehicle technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 1226. A bill to amend the Oil Pollution Act of 1990 to equalize liability and financial assurance requirements for onshore pipeline facilities that could discharge oil into the Great Lakes system with such requirements for offshore pipelines, to authorize the Secretary of Transportation to issue an emergency order directing pipeline owners to comply with existing pipeline operating agreements or acquire sufficient resources to appropriately respond to possible oil spill incidents, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. WHITEHOUSE, and Ms. WARNER:

S. 1227. A bill to amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment under Medicaid and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. YOUNG (for himself and Mrs. WHITEHOUSE):

S. 1228. A bill to require a National Diplomacy and Development Strategy; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. McCONNELL (for himself, Mr. SCHUMER, Mr. HELLER, Mr. GRAHAM, Mr. NELSON, Ms. BALDWIN, Mrs. MCCASKILL, and Mrs. GILLIBRAND):

S. Res. 176. A resolution commemorating the 50th anniversary of the reunification of Jerusalem; to the Committee on Foreign Relations.

By Mrs. McCASKILL (for herself and Mr. BLUMENTHAL):

S. Res. 177. A resolution congratulating the Webster University chess team for winning a record-breaking fifth consecutive national title at the President's Cup collegiate chess championship in New York City; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. SCHUMER):

S. Res. 178. A resolution to authorize testimony, document production, and representation in United States v. Kevin Lee Olson; considered and agreed to.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. BURR, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 251

At the request of Mr. Wyden, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board Act in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 253

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCAR) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 253, a bill to amend title XXI of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 322

At the request of Mr. Peters, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 322, a bill to amend title XIX of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through pediatric health homes, and for other purposes.

S. 428

At the request of Mr. Grassley, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 428, a bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through pediatric health homes, and for other purposes.

S. 479

At the request of Mr. Brown, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 660

At the request of Mr. GARDNER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 660, a bill to amend the Higher Education Act of 1965 in order to fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.

S. 756

At the request of Mr. SULLIVAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Mexico (Mr. UDALL), the Senator from Hawaii (Mr. SCHATZ), the Senator from Maine (Mr. KING), the Senator from Louisiana (Mr. KENNEDY), the Senator from Maine (Ms. COLLINS) and the Senator from Louisiana (Mr. Cassidy) were added as cosponsors of S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

S. 765

At the request of Mr. PERDUE, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 765, a bill to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

S. 808

At the request of Mr. THUNE, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 808, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 926

At the request of Mrs. ERNST, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 1201

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1201, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.
At the request of Mrs. Duckworth, the name of the Senator from California (Ms. Feinstein) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

At the request of Mr. Sanders, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1081, a bill to establish an Employee Ownership and Participation Initiative, and for other purposes.

At the request of Mr. Sanders, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1082, a bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes.

At the request of Mr. Coons, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 1107, a bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

At the request of Mrs. Shaheen, the names of the Senator from Florida (Mr. Rubio) and the Senator from Delaware (Mr. Coons) were added as cosponsors of S. 1141, a bill to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

At the request of Mr. Grassley, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 1191, a bill to amend title XVIII of the Social Security Act to refine how Medicare pays for orthotics and prosthetics and to improve beneficiary experience and outcomes with orthotic and prosthetic care, and for other purposes.

At the request of Mr. Coons, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1199, a resolution encouraging the Government of Pakistan to release Aasiya Noreen, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

At the request of Mr. Lankford, the name of the Senator from Alabama (Mr. Strange) was added as a cosponsor of S. Res. 162, a resolution reaffirming the commitment of the United States to promoting religious freedom, and for other purposes.

At the request of Mr. Moran, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. Res. 174, a resolution recognizing the 100th anniversary of Lions Clubs International and celebrating the Lions Clubs International for a long history of humanitarian service.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. Feinstein (for herself, Mrs. Gillibrand, Mr. Markey, and Mr. Blumenthal):

S. 1212. A bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence; to the Committee on the Judiciary.

Mrs. Feinstein. Mr. President, I rise to introduce the Gun Violence Prevention Order Act of 2017: At this time, I would also like to thank Senators Blumenthal, Gillibrand, and Markey for cosponsoring this legislation. Their support is sincerely appreciated.

Yesterday was the one-year anniversary of the horrific shooting that outraged the community of Isla Vista, California, and the Nation. During this attack, the City of Isla Vista was struck by tragedy when 22-year-old Elliot Rodger went on a rampage after fatally stabbing his two roommates and a friend. Armed with a Glock 34 handgun and two SIG Sauer P226 handguns, the assailant drove through the streets of Isla Vista, shooting and killing 3 young students and injuring 10 others near the University of California, Santa Barbara campus before taking his own life. The Isla Vista community was in shock, and we as a nation struggled to comprehend how this tragedy could have been prevented.

As more facts emerged about the assailant, we learned that he had a history of mental health concerns and violent behavior. He had been prescribed medications used to treat schizophrenia and bipolar disorder and at age 18 Rodgers had begun to refuse the mental health treatment he had been receiving. Local deputies had also encountered him several times through conflicts and fights he had with friends and roommates. And less than a month before his deadly rampage, a concerned friend had called a county mental health staff member, and, after speaking with the assailant’s mother, law enforcement conducted a welfare check. At Rodger’s apartment, Rodger’s murderous plot was well underway, and had the police searched his room, they would have found a stockpile of guns and ammunition along with papers detailing his plans to kill. This individual should have never been able to obtain a firearm — and the bill I am introducing today would enable law enforcement and family members to intervene and prevent attackers like this assailant from carrying out atrocious acts of gun violence in the future.

Further, over 30,000 people die each year from gun violence, and on average, 7 children and teens are killed by guns every day. We know that families and friends are in the best position to recognize early signs of trouble before tragedy occurs. However, family members and law enforcement officials commonly have no legal means of taking preventive steps to stop a troubled individual from committing a violent act of gun violence before it occurs. To solve this problem, the State of California enacted a law in the aftermath of the Isla Vista attack that enables family members or law enforcement officers to ask for a temporary gun violence prevention order.

Modeled on California’s existing laws on domestic violence, when a judge believes there is sufficient evidence that an individual is a danger to themselves or others, the gun violence prevention order temporarily prohibits an individual from purchasing firearms or ammunition. And under a higher burden of proof, a court can also issue a warrant to remove any firearms or ammunition already in the individual’s possession. Based on this California law and other State laws, the Gun Violence Prevention Order Act of 2017 would create a new law enforcement grant under the Community-Oriented Policing Services Program at the Department of Justice and incentivize States to take intervening measures to prevent gun violence. Specifically, this legislation would ensure that families and others who already have a gun violence prevention warrant requiring law enforcement to take temporary possession of firearms that have already been purchased if the court determines that the individual poses a threat. Because criminal background checks are critical to preventing gun crimes, this legislation also requires the Department of Justice and comparable state law enforcement agencies to keep their background check databases up to date and requires courts to notify these agencies when a gun violence prevention order is issued.

Importantly, this legislation also protects due process rights by providing written notice and multiple opportunities for the court to make independent determinations on the matter. Additionally, the Department of Justice and State law enforcement agencies would be required to protect the affected individual’s confidentiality. Finally, I would like to say a few words about the victims and survivors of the Isla Vista attack and what this legislation means to their community. Many of the victims and survivors of this attack were students and young adults. They had their whole lives ahead of them. As communities across California and our Nation mark the third anniversary of this terrible tragedy, let us remember the lives of Christopher Michaels-Martinez, Veronika Weiss, Katherine Cooper, and Cheng Yuan Hong, George Chen, Veronika Weiss, Katherine Cooper, and Christopher Michaels-Martinez. The
families of these victims will never be the same again, and I will never forget hearing their stories in the aftermath of this attack. As a mother and grandmother, I cannot imagine the pain they have gone through. As the elected leaders of this Nation, we must never forget what happened in Isla Vista and take steps to keep our communities safe from the gun violence that continues to endanger them. We have seen the costs of inaction, and the Gun Violence Prevention Task Force, led by Vice President Biden, found that at every age, America’s children and communities do not experience the pain that Isla Vista went through. I hope my colleagues will join me in remembering the victims of this attack and supporting this legislation.

By Mr. KOHN:

S. 1225—A bill to authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KAINE. Mr. President, today I am introducing legislation to authorize a game-changing scale of investment in making America’s infrastructure more resilient to natural disasters.

The BUILD Resilience Act would build on the National Disaster Resilience Competition first authorized in the 2013 Hurricane Sandy emergency supplemental disaster package. It would authorize $1 billion a year over 5 years to jumpstart large-scale investment in community resilience—supporting jobs, strengthening infrastructure, and reducing risk to communities from disasters like hurricanes and flooding. This bill aims to follow the “ounce of prevention” principle. Cleaning up after a disaster is important, but if we invest in sturdier infrastructure before the disaster, there will be less to clean up after the disaster. This is borne out in two studies. The Congressional Budget Office estimates that every $1 invested upfront in resilient infrastructure saves $3 on the back end. The Multihazard Mitigation Council of the National Institute of Building Sciences estimates $4 of benefit.

The Sandy Competition supported resilience projects in low-lying coastal areas of Virginia and Louisiana; in Sandy-affected areas of New York and New Jersey, in flood-prone Midwest regions like Iowa and North Dakota, and elsewhere. But Virginia’s grant illustrates the scale of the challenge. This grant is supporting innovative flood-control projects but only in two at-risk neighborhoods of Norfolk, which is only one part of a broader Hampton Roads region. Neighboring localities like Newport News and Chesapeake submitted proposals to address their own infrastructure needs, but funding was insufficient. Since there will always be the risk of another devastating storm, we must learn from Sandy and take steps now to protect our communities later. This bill tries to do that.

With a range from 1½ to 7 feet of sea level rise projected by the year 2100, the Hampton Roads area is the second largest population center at risk from sea level rise in the Nation, behind only New Orleans. Residents are dealing with skyrocketing flood insurance premiums and flooding not only after a Sandy or a Matthew but from ordinary rainstorms. This is a direct Federal responsibility given the presence of the largest concentration of naval power in the world. An ODU study estimates that a 1.5-foot city road leading into Naval Station Norfolk could be inundated by the tides a few hours per day by midcentury. That makes this not only an infrastructure issue but a national security issue.

I hope to work with the White House and Congress to advance a comprehensive infrastructure package that rises to this challenge.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—COMMEMORATING THE 50TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MCCONNELL. For himself, Mr. SCHUMER, Mr. HELLER, Mr. GRAHAM, Mr. NELSON, Ms. BALDWIN, Mrs. MCASKILL, and Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 176

Whereas this year marks the 50th year that Jerusalem has been reunited by Israel during the conflict known as the Six Day War;

Whereas June 2017 marks the 50th anniversary of the Six Day War and the reunification of the city of Jerusalem;

Whereas there has been a continuous Jewish presence in Jerusalem for 3 millennia;

Whereas Jerusalem is a holy city and the home for people of the Jewish, Muslim, and Christian faiths;

Whereas, for 3,000 years, Jerusalem has been Judaism’s holiest city and the focal point of Jewish life and history;

Whereas, from 1948 to 1967, Jerusalem was a divided city, and Israeli citizens of all faiths as well as Jews of all nationalities were denied access to holy sites in eastern Jerusalem, including the Old City, in which the Western Wall is located;

Whereas, in 1967, Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas, since 1967, Jerusalem has been a united city, and persons of all religious faiths have access to holy sites within the city;

Whereas this year marks the 50th year that Jerusalem has been administered as a united city in which the rights of all faiths have been respected and protected;

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104–45), which became law on November 8, 1995, states that Jerusalem should remain the undivided capital of Israel in which the rights of every ethnic and religious group are protected; and

Whereas it is the longstanding policy of the United States Government that a just resolution to the Israeli-Palestinian conflict can only be achieved through direct, bilateral negotiations leading to a sustainable two-state solution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th Anniversary of the reunification of Jerusalem and extends its friendship and hopes for peace to the residents of Jerusalem and all of Israel;

(2) reaffirms its support for Israel’s commitment to religious freedom and administration of holy sites in Jerusalem;

(3) continues to support strengthening the mutually beneficial American-Israeli relationship;

(4) commends Egypt and Jordan, former combattant states of the Six Day War, who in subsequent years embraced a vision of peace and coexistence with Israel and have continued to uphold their respective peace agreements;

(5) reaffirms that it is the longstanding, bipartisan policy of the United States Government that the permanent status of Jerusalem remains a matter to be decided between the parties through final status negotiations towards a two-state solution; and

(6) reaffirms the Jerusalem Embassy Act of 1995 (Public Law 104–45) as United States law, and calls upon the President and all United States officials to abide by its provisions.

SENATE RESOLUTION 177—CONGRATULATING THE WEBSTER UNIVERSITY CHESS TEAM FOR WINNING A RECORD-BREAKING FIFTH CONSECUTIVE NATIONAL TITLE AT THE PRESIDENT’S CUP COLLEGIATE CHESS CHAMPIONSHIP IN NEW YORK CITY

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. Res. 177

Whereas Webster University is the first team in the history of the President’s Cup collegiate chess championship to win 5 consecutive national titles;

Whereas the 2017 victory is the seventh consecutive national championship for Grandmaster and coach Susan Polgar and the program at the Susan Polgar Institute for Chess Excellence;

Whereas Webster University is a leader in promoting chess as a vehicle for enriching the education of children and young adults; and

Whereas Webster University has become a hub for developing chess excellence in students across the United States and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Webster University for winning a record-breaking fifth consecutive national title at the President’s Cup collegiate chess championship; and

(2) encourages Webster University to continue promoting the educational benefits of chess among its students and the larger community.

SENATE RESOLUTION 178—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION REGARDING BREACHED STATES V. KEVIN LEE OLSON

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony and
documents, and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony and documents in a criminal action pending in North Dakota federal district court. In this action, the defendant is charged with sending an e-mail threatening to kill or injure her. A trial is scheduled for June 6, 2017.

The prosecution is seeking for introduction into evidence at trial documentary evidence from the Senator’s office, including the e-mail at issue, as well as testimony from the Senator’s correspondence manager. Senator HEITKAMP would like to cooperate by providing relevant evidence. The enclosed resolution would authorize that staff, and any other current or former employee of the Senator’s office from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel.

S. Res. 178
Whereas, in the case of United States v. Kelvin Lee Olson, Cr. No. 17–26, pending in the United States District Court for the District of North Dakota, the prosecution has requested the production of testimony and documents from Kobye Noel, an employee in the Washington, D.C. office of Senator Heidi Heitkamp;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 703(a) and 704(a)(2), the Senate may direct its Senate counsel to represent current or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, they have the approval of the Majority Leader of the Senate, Kelsey Sherman, be granted privileges of the Senate Office Building, to conduct a business meeting on the following:

TEXT OF AMENDMENTS

SA 217. Mr. SULLIVAN (for Mr. ROBERTS (for himself and Mrs. MCCASKILL)) proposed an amendment to the bill H.R. 1238, to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

Mr. GRASSLEY. Mr. President, I have 10 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the standing rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP
The Committee on Small Business and Entrepreneurship is authorized to conduct a business meeting on the following:

COMMITTEE ON VETERANS’ AFFAIRS
The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON INTELLIGENCE
The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the United States on Wednesday, May 24, 2017, from 2:30 p.m. to 4:00 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON SEAPOWER AND GOVERNMENT AFFAIRS
The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 9:30 a.m., in open session.

COMMITTEE ON CRIME AND TERRORISM
The Subcommittee on Crime and Terrorism is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, from 2:30 p.m. to 4:00 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON THE JUDICIARY
The Committee on the Judiciary, Subcommittee on Crime and Terrorism, is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, from 2:30 p.m. to 4:00 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON VETERANS’ AFFAIRS
The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON CRIME AND TERRORISM
The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the United States on Wednesday, May 24, 2017, from 2:30 p.m. to 4:00 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON SEAPOWER AND GOVERNMENT AFFAIRS
The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 9:30 a.m., in open session.

CRS Report for Congress
Text of Amendments

SA 217. Mr. SULLIVAN (for Mr. ROBERTS (for himself and Mrs. MCCASKILL)) proposed an amendment to the bill H.R. 1238, to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

TEXT OF AMENDMENTS

SEC. 2. The Senate Legal Counsel is authorized to meet during the session of the Senate, today, May 24, 2017, off the floor at the start of the first scheduled vote to conduct a business meeting on the following:

The nomination of Althea H. Coetzee to be Deputy Administrator of the Small Business Administration.

COMMITTEE ON VETERANS’ AFFAIRS
The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, in SH–419, at 2:30 p.m. to consider S. 1094, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017.

COMMITTEE ON CRIME AND TERRORISM
The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the United States on Wednesday, May 24, 2017, from 2:30 p.m. to 4:00 p.m., in room SH–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON SEAPOWER AND GOVERNMENT AFFAIRS
The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 9:30 a.m., in open session.

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m., in open session.

COMMITTEE ON THE JUDICIARY
The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Law Enforcement Access to Data Stored Across Platforms: Facilitating Cooperation and Protecting Rights.”

COMMITTEE ON EAST ASIA, THE PACIFIC AND INTERNATIONAL CYBERSECURITY POLICY
The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:15 p.m., to hold a hearing entitled “American Leadership in the Asia-Pacific, Part 2: Economic Indicators.”

COMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY
The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold Subcommittee Hearing on “Pool Safety: The Tenth Anniversary of the Virginia Graeme Baker Pool and Spa Safety Act.”

Mr. MERRICK. Mr. President, I ask unanimous consent that that my intern, Kelsey Sherman, be granted privileges of the floor for the balance of the day.
Mr. WYDEN. Mr. President, I ask unanimous consent that Olivia Rockwell, Brian Larkin, Elizabeth Isbey, Benjamin Willis, and Elizabeth Jurinka, legislative fellows in my office, be given floor privileges for the remainder of this Congress.

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

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 178, submitted earlier today.

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

CONGRATULATING THE WEBSTER UNIVERSITY CHESS TEAM FOR WINNING A RECORD-BREAKING FIFTH CONSECUTIVE NATIONAL TITLE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 177) congratulating the Webster University chess team for winning a record-breaking fifth consecutive national title at the President's Cup collegiate chess championship in New York City.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 177) was agreed to.

ORDERS FOR THURSDAY, MAY 25, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. Thursday, May 25; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their leader remarks count postcloture on the Thapar nomination; finally, that all time during morning business, recess, adjournment, and leader remarks count post cloture on the Thapar nomination.

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators MANCHIN, SULLIVAN, and MERKLEY.

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

The Senator from West Virginia.

HEALTHCARE LEGISLATION

Mr. MANCHIN. Mr. President, I rise today to talk about the concerns of the good people of my great State of West Virginia, about their healthcare and the needs they have. If the American Health Care Act is passed, which is the Republican plan that was passed over in the House, many West Virginians are going to lose their current insurance coverage.

Individuals on Medicaid expansion would not be guaranteed coverage after 2020. That means that for anybody that has gotten insurance for the first time, there is no guarantee they can keep it at all past 2020. The American Hospital Association estimates that 68,200 West Virginians would lose their Medicaid coverage in 2018, and another 126,000 people who currently have it would be without Medicaid coverage by 2026.

The American Health Care Act, which is being sent by our friends in the House—our Republican friends in the House—inches closer to our State. The bill cuts $334 billion from Medicaid, meaning that the State would receive less Federal Medicaid funding, and it would not increase if costs rise in the case of health crises.

In fact, the American Hospital Association estimates that my State of West Virginia would lose a total of $9.8 billion over the next 10 years—$9.8 billion over the next 10 years alone in my great State. With all of the hard work they have done, to go without healthcare is unbelievable.

This bill would also increase costs for older, sicker, poorer, rural West Virginians. We have this type of a population in all of our States. Older Americans would face huge increases in their health insurance costs, because insurance companies could charge them five times more than younger beneficiaries—five times more. So if a young beneficiary is paying $2,500 a year, they can end up paying $10,000, $12,000 a year. That would increase the costs to older Americans nationally by anywhere from $2,000 to $8,400.

We did this little comparison here of what that would actually look like. Let's see there is a low-income senior, somebody who hasn't gotten to Medicare eligibility yet because they are over the 138th percentile of the poverty guidelines, and they are paying about $1,700 now for their insurance under the Affordable Care Act.

With this piece of legislation, they are going to pay upwards of $13,000—$13,000, which they don't have. The cost to purchase insurance for low-income seniors in West Virginia who buy insurance on the exchanges, as I just showed you, could go up to almost 800 percent—800 percent of the costs they are paying.

So today I am going to share the story of a West Virginian who is concerned about losing her healthcare. This West Virginia native is Stephanie Fredricksen. She told me her story at a townhall that we had in the Eastern Panhandle in March. She asked me to make sure I shared this story with all of you. This will be printed in the RECORD. So this is Stephanie Fredricksen's story. This is one of many stories throughout my State of West Virginia:

My name is Stephanie Fredricksen and back in April 2016, I woke up one day unable to turn my head due to stiffness in my neck and terrible pain. At first I thought I had just slept on it wrong and it would go away. By early May, the pain had spread to my head, my body, and my jaw. I started having blurred vision and feeling pain. I started suffering from extreme exhaustion, on really bad days activities as simple as getting out
of bed, getting dressed, and brushing my hair can tire me out for hours. I could go on and on with a long list of other horrible symptoms.

My illness began to affect my job as a Property & Casualty Insurance Agent. I started missing more and more time from work, first due to doctor appointments and then due to days off of my own self-care. Eventually, I was forced to file a claim for long-term disability insurance. I had been undergoing multiple tests and examinations and I sought the opinions of physicians who would determine what was wrong and prescribe the appropriate treatment so I could get back my life and get back to work.

That happened. During this time I had physical therapy and after a couple of weeks of treatment I was able to move my neck again. But by August, I was diagnosed with Systemic Lupus, Systemic Sclerosis, Osteoarthritis and Severe Pulmonary Stenosis among other related conditions. Although my employer assured me they had my back, in October, I received a certified letter from an attorney advising me that my employment had been terminated.

As a result, I lost my healthcare coverage and was offered COBRA coverage for a period of only three months.

On February 1, 2017, I became one of millions who rely on the Affordable Care Act (ACA). I had dropped insurance because my husband had been covered by it since 2012.

My husband works for a small business that doesn’t offer health insurance. The ACA was about $350 less than for him to be added with my former employers’s plan. Some of you may be thinking after hearing about some of my conditions that they aren’t life ending but you would be wrong. I suffer from autoimmune diseases. My immune system is not familiar with my own body instead of resisting hostile foreign invaders. So my immune system will not fight off but will actually help the bad things to spread and become even stronger.

In approximately 50 percent of people with Systemic Lupus a major organ or tissue in the body such as the heart, lungs, kidneys or brain will become affected.

Between 10 and 15 percent of Lupus patients will die prematurely. However, it is widely believed that number is substantially underestimated as deaths are reported as a result of the complications such as kidney failure and not the Lupus itself.

1 in 3 patients with Lupus also have another autoimmune disease. I fall into that category having been diagnosed with Systemic Sclerosis as well. Systemic Sclerosis can also involve the heart, kidneys, lungs, liver and brain. Internal organ complications are common and are often not symptomatic until the late stages of disease, thus routine screening is essential. Lung involvement is the leading cause of death.

She shared her story and much more with me at a townhall in Martinsburg. She asked me to read this on the Senate floor. She asked me to share her story because she has tried to share it with all of the elected officials herself, not just Congress but also the citizens who have protected 24 million Americans who are at risk of losing their insurance if the Affordable Care Act is repealed and replaced with the American Health Care Act, the act that was just passed in the House which is being sent to the Senate.

So she is asking us: Please, do not pass this. Do not repeal the ACA but fix it. We all know it needs to be re-paired. The private market needs to be fixed, not to mention those who will no longer be able to afford it with the premiums going up, especially for the older, poorer senior citizens.

I obviously have pre-existing conditions, no job, and no health insurance or that will increase our premiums or deductibles or reduce or eliminate health insurance or that will increase our deductibles or reduce or eliminate any current coverage. Imagine if those that oppose the ACA actually got behind it for the good of the country.

The ACA even with all of its opposition helped millions and it appears that the American people realize this, even many that were originally fooled by the negative rhetoric have decided they want to keep it. Please do what is right for us the citizens that have chosen each of you to represent us.

As I pointed out earlier, many of those people have come around to a different way of thinking as of late and I wouldn’t be so sure that they will be there for you the next time when they vote if you have taken away their health care or their parents, siblings, children, grandparents, aunts, uncles, nieces, nephews, neighbors, friends, church members, coworkers, classmates, and so on. Of course we can’t forget that a lot of those people will die as a result of not being able to keep their care as well.

Putting your politics, ego’s, agendas, and parties aside in this case will actually save human lives. I ask you all not to repeal and replace the ACA and instead to workable coverage. Imagine if those that oppose the ACA actually got behind it for the good of the country.

SECURING OUR AGRICULTURE AND FOOD ACT

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Roberts amendment be discharged from further consideration of H.R. 1238 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 1238 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the bill (H.R. 1238) to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SULLIVAN. I ask unanimous consent that the Roberts amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 217) was agreed to, as follows:

(Purpose: To preserve the authority of the Secretaries of Agriculture and Health and Human Services and make a technical correction)

On page 4, lines 1 and 2, strike “relating to food and agriculture” and insert “or the Secretary of Health and Human Services”.

There is a lot that can be done, but not just by taking political votes and holding each other in harm’s way.

I thank you for allowing me to tell Stephanie’s story. I hope it helps. I can’t wait to sit down and start working with all of our colleagues in this body.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the preamble to S. Res. 178 be agreed to.

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

The preamble was agreed to.

(The resolution, previously agreed to, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)
On page 4, strike line 3 and all that follows through the end of the matter following line 6 and insert the following:

(b) CLERICAL AMENDMENT.—The table of contents in section 6 of the Homeland Security Act of 2002 is amended—

(1) by striking the items relating to sections 523, 524, 525, 526, and 527; and

(2) by striking the item relating to section 522 the following:

"Sec. 523. Guidance and recommendations.

"Sec. 524. Voluntary private sector preparedness accreditation and certification program.

"Sec. 525. Acceptance of gifts.

"Sec. 526. Integrated public alert and warning system modernization.

"Sec. 527. National training and education.

"Sec. 528. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1238), as amended, was passed.

NORTH KOREA

Mr. SULLIVAN. Mr. President, I want to talk this evening about a very serious threat to the United States; that is, the threat from North Korea and what we in the Congress should be doing about it.

Now, over the weekend we saw another piece of news about how the North Korean regime is again testing missiles, testing for intercontinental ballistic missiles, more missile launches, literally two in the last 2 weeks.

I would say this is one of the most serious threats facing the United States of America right now because what has now become clear, it is no longer if Kim Jong Un and the North Korean regime will have the ability to range the United States of America with an intercontinental ballistic missile. It is no longer if. It is when.

This has been stated time and time again in open hearings we have had on the Armed Services Committee with generals and some of the top experts in the United States. It used to be, hey, maybe he would have this capability sometime down the road. Maybe he will never get it. They are not saying that any longer. Think about that. Every American should be thinking about that. It is no longer if but when one of the craziest dictators in the world will have the capability to launch an intercontinental ballistic nuclear missile. It is not just ranging my State, the great State of Alaska, which unfortunately for me and my constituents is in the line of fire earlier than other States or Hawaii, which faces similar risks to Alaska, but we are talking about the continental United States. We are talking about Chicago, New York City, Los Angeles, and so on.

So yesterday in front of the Armed Services Committee, the Director of National Intelligence, our good friend, former Senator Dan Coats, when I asked him and General Stewart, the top military officer for our intelligence agencies, when they thought this was going to happen—well, it is a classified number and it is a classified time. I actually think it is should be unclassified, given how imminent it is to let the American people know what is coming because it is probably a lot sooner, at least in the estimates, than most people think. So that is what we are facing right now, and people should be concerned about it.

Let me give you a little bit more on the facts of this. Kim Jong Un, the leader of North Korea, the unstable dictator of North Korea, has publicly stated it is his goal to develop a nuclear-capable intercontinental ballistic missile that can strike the continental United States. Now, let’s just be clear. This is a man who starves his own citizens, sentences them by the tens of thousands to inhume labor camps, and just a month ago allegedly assassinated his half brother in a Malaysian airport with poison to kill him.

In fact, since assuming power just 5 years ago, as my next chart shows, Kim Jong Un has conducted more missile tests and twice as many nuclear tests as both his father and grandfather did in their 60 years of ruling over North Korea. Look at these numbers: That is the Kim Jong Un regime, Kim Jong II, Kim Il Sung. So he is focused on this more than his father and grandfather were. As I mentioned, it seems almost daily there is another one of these missile tests or even nuclear tests.

Now, one of the things you see in the press sometimes is, well, some of these missile tests are failing. There have been failures, and there have been notable successes, such as the country’s first intermediate range ballistic missile, its first submarine launch ballistic missile, its first solid fuel launch missile, and its ability to put satellites in space. This is actual progress. This is significant progress.

On the nuclear side, the country’s fifth test—and Kim Jong Un’s third—had an estimated yield in terms of its power of 15 to 20 kilotons, approximately the size of the nuclear bomb dropped on Hiroshima. While this yield was not as large as they were expecting, the test again on the nuclear side shows steady progress in their nuclear program and steady progress in their ballistic missile program.

So what does all this mean? Why is Kim Jong Un testing so often? Even though he fails, he is still learning. That is exactly what the commander of U.S. Strategic Command said last month during a Senate Armed Services hearing.

Gen. John Hyten stated: North Korea is going fast. Test, fail, test, fail, succeed. They are learning, and as you can see from the time it is taking them to develop the capabilities for intercontinental ballistic missiles. That is how it works in the rocket business.

That is happening right now. That is happening right now. That is in the news right now.

Also in the news is what the United States has been doing to protect our allies from this and other threats. So let me give you an example. It has been reported of the THAAD deployment, a missile defense system in South Korea deployed by the U.S. Army to protect our troops and South Korea’s citizens, to protect our troops in Korea, protect our troops in Japan, and to protect our citizens back home in Alaska. I am very supportive of this—very supportive of this.

The President is on his Middle East trip. He is going to Europe now. He mentioned just a few days ago maybe having a THAAD system in Saudi Arabia, an American system to help protect the Saudis from the Iranian missile threat. Again, I am very supportive.

As the Presiding Officer knows, in our last National Defense Authorization Act, we had significant authorization and funding to help Israel protect itself with a missile defense system, the Iron Dome system, where we have been working with the Israelis to help their citizens be protected against an Iranian missile threat.

Again, I support all of these. I applaud these efforts, I have supported them, I voted for them, but it does beg the question that some of my constituents back home in Alaska are beginning to ask, and I am sure other Americans are asking in every State in the country: What about us? What about the United States? What about the U.S. homeland? Isn’t that where Kim Jong Un said he wants to launch intercontinental ballistic nuclear missiles? Is it? It is exactly where he said he wants to do it.

The bottom line is, we need to do much more to protect ourselves. We need to do much more than the United States of America. Yes, we need to protect our allies, but we need to start focusing a little bit more on home, and we need to start focusing now.

In fact, if we know this threat is coming, which we do—there has been testimony after testimony—I think it would be the height of irresponsibility to not start working on increasing America’s homeland missile defense. That is what we should be doing.

That is why I have introduced a very bipartisan bill called the Advancing America’s Missile Defense Act of 2017. Again, Republicans and Democrats are already on the bill. I believe the Presiding Officer is now a cosponsor.

I would like to paint a scenario that we all know will happen unfortunately sometime in the future—again, on why this bill is so important, why what we need to be doing on missile defense is so important. Just think through the headline. Let’s assume a couple years down the road Kim Jong Un has this capability to launch an intercontinental nuclear
ballistic missile to hit a lower 48 city. Well, we know that is going to start leaking out. The headlines will be front page, banner headlines: Dictator of North Korea can range Chicago, New York. It will be all over the news. It will be the only thing we talk about.

There will be enormous pressure on the White House and others to do something about this. On that day when we see the banner headlines, a lot of Americans will be very nervous. The American people and the American media will look at the people in the Pentagon, will look at the people in Congress, will look at the leadership in the White House, and will ask three critical questions. Are we safe? Did we see this coming? Have we been doing anything about it and, if so, what? That is what they are going to ask.

We know that day is coming. We are not sure when, but we know that day is coming—again, not if, but when. People are going to ask those questions. If we know the answer, we need to be able to say to all three of those questions—whether it is the Secretary of Defense, the President of the United States, or whether it is all of us here, the Democrats and Republicans in the Senate, we need to be able to answer the American people and say: Yes, we are safe; yes, we saw this coming; and yes, we have the world’s most robust, technologically advanced, capable missile defense system that will with near certainty stop any North Korean missile launch at the United States and give our President and the Congress the strategic time and space to make potentially world-altering decisions.

We know this is coming, and I think we should be doing everything we can in our power to focus on it, so we will be safe, and we will be able to say yes to all three of those questions if we begin to seriously focus on America’s missile defense, which is what our legislators are tasked to do.

Unfortunately, our Nation has not always been focused on funding our missile defense system, and in many ways the funding has been erratic. As the Center for Strategic and International Studies put it recently, such funding for America’s missile defense has been marked by high ambition, followed by increasing modesty. I think the time for modesty on an issue of this importance is over.

From 2006 to 2016, homeland missile defense funding, adjusted for inflation, declined nearly 50 percent, and homeland missile defense testing declined more than 83 percent. The goal of our bill is to change that and change it significantly. Among its other elements, Advancing America’s Missile Defense Act will grow our U.S. base missile interceptors from what we have now, which is about 44, to as many as 72 and will require our military to look at having up to 32 interceptors distributed across the United States.

The bill will also authorize the more rapid deployment of new and better kill vehicles. These are the bullets, essentially, on top of the warheads. It will allow a layer of space-based sensors and radars to track missile threats from launch to intercept, a technological advancement that would improve all missile systems to make sure they are effective and enhance our capabilities, whether it is THAAD in Asia, Aegis Ashore and on ships, or our missile system here at home—all of it integrated. Right now we don’t have that.

The bill also will increase the pace of missile defense testing. It allows U.S. forces to learn from actual launches of our defense systems and increase the confidence we have in our system and its effectiveness. This is very important. The Department of Defense needs to change the culture around missile defense, testing regularly and conducting more flight tests. Unfortunately, every test is not always going to be a success. It is OK to fail because we learn from failure.

I don’t have to admit on the floor of the U.S. Senate that we could learn something from the North Koreans, but that is the approach they are taking. That is why their missile and nuclear programs are advancing so rapidly. They are not afraid to fail.

What we need to do is enhance our testing, enhance our missile defense, enhance our capabilities because, as I mentioned at the outset, it is no longer if, but when. That day is coming, and we need to be ready for it, and the United States Senate can lead in addressing this very significant challenge to America’s national security.

I am encouraged that our bill has already gotten strong bipartisan support from Democrats and Republicans because they know how important it is. I hope my colleagues on both sides of the aisle truly understand the significance and seriousness of this threat, and I hope they can continue to support our Advancing America’s Missile Defense Act of 2017. There are very few foreign policy and national security issues that are more important than making sure we address this threat to America’s security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TRUMPCARE

Mr. MERKLEY. Mr. President, our Nation and our government were founded on a principle that can be summed up in three words: “We the People.” The first three words of our Constitution, the three words that our Founders wrote in supersized font so that no matter who you were you would remember that this is the guiding mission of our form of government. This is the guiding mission of the Constitution.

From across the room, you can’t read the fine print of article I and article II and so forth, but you can see what the Constitution is all about: we the people. Lincoln captured that notion when he spoke in his Gettysburg Address and said: “We are a nation of the people, by the people, and for the people.” He didn’t describe our system of government as of, by, and for the privileged. Our Founders did not use the words “the powerful and privileged” at the start of our Constitution. That is what makes us different from the governments that dominated Europe, where the rich and powerful governed on behalf of the rich and powerful.

As we pursue outer space capabilities to enhance our capabilities because, as I mentioned at the outset, it is no longer if, but when. That day is coming, and we need to be ready for it, and the United States Senate can lead in addressing this very significant challenge to America’s national security.

I am encouraged that our bill has already gotten strong bipartisan support from Democrats and Republicans because they know how important it is. I hope my colleagues on both sides of the aisle truly understand the significance and seriousness of this threat, and I hope they can continue to support our Advancing America’s Missile Defense Act of 2017. There are very few foreign policy and national security issues that are more important than making sure we address this threat to America’s security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.
So they went back to work. But in TrumpCare 2.0 they produced a bill that is even worse than TrumpCare 1.0. They took an already bad bill, they made it more painful and more damaging, and they jammed it through without a hearing on the House side. They jammed it through without a CBO estimate of how many people it would hurt or what it would cost. They jammed it through because they didn’t want to listen to the American people who said: What you are doing is diabolically wrong. They didn’t want to listen to the experts who said the same thing.

The experts weighed in from every direction—nonpartisans and analysts, health policy experts, the associations that work in healthcare, the groups that represent doctors, nurses, and patients. The American Medical Association said: “We are deeply concerned that the AHCA,” which I will simply call TrumpCare to keep away the confusion, “would make it very unlikely that TrumpCare would result in millions of Americans losing their current health insurance coverage.” and that “nothing in the MacArthur amendment remedies the shortcomings of the underlying legislation.”

The AARP called the bill “a bad deal for older Americans ages 50-64,” because it “would significantly increase premiums for all older adults and spike costs dramatically for lower- and moderate-income older adults.”

The AARP went on to state that the amendment that converted TrumpCare 1.0 into TrumpCare 2.0 was making “a bad bill worse” because it “establishes state waivers that allow insurance companies to charge older Americans and people with preexisting health conditions higher premiums and weaken critical consumer protections.”

The American Cancer Society Cancer Action Network weighed in; the American Association of Retired Persons, the American Academy of Plastic Surgery, the American Heart Association; the American Lung Association; the March of Dimes and many, many, many other groups that are familiar household-known organizations. These groups that understand our healthcare system all came out and made it public that this plan, this TrumpCare 2.0, is a bad plan. It endangers Americans’ health.

But 217 members of the House didn’t listen. The 217 Members voted for the Trump principle of crushing ordinary Americans to deliver $600 billion in platinum-plated benefits to the richest Americans. If the House had listened and put that bill 6 feet under with a stake through its heart, I wouldn’t be standing here today, but they sent that bill over to the Senate. It is here for the Senate to consider. There are 100 Senators who now have to decide: Are they bound by the principles of the people? or have they decided that they want a different constitution—one that is about “we the privileged” and “we the powerful”?

I know that when I took my oath of office, I liked the Constitution the way it was written. I liked the principle behind this Constitution. So it is of major concern that the Senate might proceed to adopt TrumpCare 2.0 or modify it into TrumpCare 3.0. Today, the Senate Budget Office’s score was released, which told us of and evaluated TrumpCare 2.0. It found that more than 20 million Americans—in its estimate, 23 million to be exact—will be uninsured under TrumpCare than under the Affordable Care Act. That would bring the total of uninsured to a much higher total of 51 million people under the age of 65 by the year 2025—nearly double the number of uninsured. That hurts real people. It hurts every single one of those individuals who lose their healthcare.

In my State of Oregon, just one piece, one provision of this bill, which crushes the expansion of Medicaid—in Oregon, it is the Oregon Health Plan—strikes the healthcare of about 400,000 Oregonians. That is a lot of human carnage. It is enough people that, if they were standing hand to hand, they would stretch 400 miles from the Pacific Ocean to the border with Idaho. That is enough by Oregonians would be impacted by this.

That is just the people who lose access to healthcare. There are many others who would go to their clinics or go to their hospitals and find that the clinics and hospitals have either limited their services or shut down because you see, our clinics have gained tremendously from the investment under ObamaCare. In addition, they have gained tremendously from the fact that the people who came in the door had insurance to pay their bills. It is the reduction in uninsured individuals who come through the door—the ones who cannot pay for their care—that has dropped so much. With more people paying for their care, the finances of the clinics and the hospitals are stronger. So TrumpCare not only hurts the 23 million who will lose insurance, but it hurts everybody, every American, by degrading our clinics and degrading our hospitals.

Individuals share their stories and their concerns, people like Lauren Rizzo in Portland. She is a single mother and small business owner who is alive today thanks to the health insurance she received through ObamaCare.

About 2 years ago, Lauren was not feeling well, so she went to get checked out at a clinic. Lauren figured she would be given a prescription for antibiotics and sent on her way. Instead, she was told to head straight to the emergency room, where she received emergency surgery to remove a 7½-inch mass from her abdomen. If Lauren had not gotten insurance through the Affordable Care Act, ObamaCare, she would have had to pay $40,000 out of pocket, and she certainly could not have afforded the $40,000 surgery bill and the nearly $60,000 in followup care without going bankrupt. Very likely, without insurance, she would have had this mass continue to grow in her abdomen and maybe threaten her life. This may have been a life-and-death issue for her.

Here is what Lauren has to say in her own words:

I am a healthy and contributing member of society who is able to contribute and pay my way and continue to grow and succeed rather than being someone who is pushed through the cracks and needing assistance to get by. It seems to me that turning people who are getting by into people who are falling behind is getting no one. Even if one accepts the compas-

sion in our leadership’s healthcare plan, I would have hoped someone would have in-

jected a note of common sense.

Her point, made very poetically and poignantly, is that if you cannot get healthcare, you cannot remain a productive member of society. It is not just about your quality of life, and it is not just about the fact that you might suffer and that you might die. It is also about the fact that you are not able to succeed and contribute. That is an important piece of why healthcare is so important.

Paul Bright of Sweet Home wrote to my office to share his story about finally having healthcare thanks to the Medicaid expansion. Paul wrote:

I’m one of those hardworking Americans the Republicans praise mightily—an entrepreneur, self-employed, buying American—and I’m on Medicaid thanks to the ACA. Without the ACA—that is ObamaCare—I’d have no insurance at all to cover my pre-

scriptions that keep me healthy so I can con-

tinue to work.

Do I want to be making so little income that I qualify for Medicaid? No. I want to be making a good income.

The only way I can continue working 60 hours a week to increase my household income is if I can keep my prescriptions and doctor appointments.

Without the medicine I need, I will become permanently dependent on government services, not just health insurance, but I will start requiring food stamps, housing assistance, utilities assistance.

He concludes:

The smart economic decision is to keep me healthy so I can grow our economy.

Paul is right. Keeping him healthy isn’t just the moral thing to do; it is a smart economic decision. Yet, under TrumpCare 2.0, Paul probably would not stay healthy because he would not be able to afford the appointments and he would not be able to afford the pre-

scriptions. He would fall through the cracks.

Then there is a grandmother in Lake Oswego, OR, who wrote to me about her 12-year-old grandson who is living with a neurological disorder and who has been hospitalized three times over the last 5 years. The first time this woman’s grandson was hospitalized at the age of 8, his father’s insurance covered a 3-week hospital stay. At the time, that was enough to get the care he needed. But then we fast-forward to last year. Her grandson, now 12, needed to be hospitalized another 5 weeks, followed by residential treatment, fol-

lowed by a brief period in a transi-

tional school—a 10-month period in
total. Those 10 months were covered because of ObamaCare, because of the ACA. For the past several months, this young boy has been home and recovering successfully. The ACA made that possible.

Carol Nelson of Turner, OR, writes to me and shares her words. She does not know how she will manage if her husband is kicked out of his nursing home because of TrumpCare 2.0. She writes:

My husband lives in a nursing home. He does not remember me after 33 years of marriage. Will the new healthcare laws and Medicare, which I will get in 2018, cover us? Will he have to come home for me to take care of him even though I cannot stand for more than a few minutes due to congestive heart failure?

Carol continued:

I think there should be incentives to do what’s best for your health written into the law but not to take it away. Without the ACA, I surely will die.

So here is a woman who has been married to her husband for 33 years, but he has dementia so badly that he does not recognize his wife. She would love to care for him at home, but she cannot. She has congestive heart failure, and his condition is extremely severe.

Medicaid funds more than half of the nursing home admissions in the United States of America. It is not simply about assisting struggling families or hard-working or low-income families; it is also about taking care of our seniors. She has a double challenge—her own care and her husband’s care. “Without the ACA,” she said, “I surely will die.”

Should that be the healthcare system we have in the United States and because of which people are at the point of losing their access to healthcare and putting their own lives at stake?

I think back to that issue of peace of mind that we need. A good healthcare system, all have the peace of mind that their loved ones will get the care when they are sick and that their loved ones will not go bankrupt when they get sick. We have made big strides in that direction. In Oregon, the 400,000 folks who are covered by the expansion of Medicaid alone represent a big stride in that direction, the tens of thousands who have gained access to care on the exchange because they can now get community pricing and not be fended off by a preexisting condition or blocked by the new ACA. They have more peace of mind.

We can do better. We could have a much simpler system, and we could have a much more efficient system, but let’s not kick off the new healthcare legislation and throw millions and millions of Americans off of healthcare.

Last night, I had the pleasure of speaking with Carol on the phone and talking to her a little more about her life. She told me about the cataract surgery she had a few months ago, in order to continue to see. She said that without that, she would have lost her license, and if she had not had a license, she could not have gone to the grocery store to feed herself and her son, because they live out in the country—an hour’s drive from everything. She told me about the various preexisting conditions she has had to manage—conditions that would certainly prevent her from getting healthcare without her having the ACA, conditions that, without medical appointments and prescriptions, would cause her health to deteriorate rapidly without the ACA. That is what she means when she says: “I surely will die.”

It is a powerful story, but it is certainly not unique. Every day, I am receiving stories like Carol’s—stories after story of folks who just want the peace of mind of having access to healthcare—as well as stories from constituents who are angry at President Trump and who are, quite frankly, angry at the 217 Republicans who voted for a government by and for the powerful and privileged over in the House 20 days ago.

They are also upset about the breaking of promises to the American people. They heard the promises over the past campaign year. The President made promise after promise on healthcare, saying: “If healthcare bill breaks promise after promise.

President Trump promised his plan would provide healthcare for all, but it does not. According to the analysis we received just today, 14 million Americans would go without health coverage immediately. Within another 10 years, that would grow to about 23 million Americans. That is not healthcare for all; that is healthcare for 23 million fewer. Promise broken.

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President Trump went out there and said: I am different; we will not touch Medicaid or Medicare or Social Security. He was emphatic. He was passionate. He was convincing.

He broke that promise under TrumpCare 1.0. It promised $800 billion out of Medicaid. On top of that, the budget he released yesterday calls for $600 billion more on top of the $800 billion. If you cut $1.5 trillion from Medicaid, that is the promise broken. It is not broken by a little. When the President said he would not, he did not include Medicaid, he didn’t proceed to break that promise in a tiny little way. No, he smashed it with a sledge hammer. He demolished it. He turned it into dust because he cuts $1.5 trillion out of Medicaid.

Medicaid doesn’t just help provide healthcare to hard-working, struggling families. It pays for nearly half of all births in America. It provides coverage for one out of three children—healthcare for one out of three children in America. It was the marketplace for nursing home care for more than half of the American seniors who need nursing home care. Medicaid is the single largest payer for mental health and substance abuse disorders.

A lot of folks here have come down to this floor—from both parties—to talk about taking on the opioid epidemic, a substance abuse epidemic, a highly addictive drug doing great damage across America. Medicaid is the largest payer for substance abuse disorders in America, and TrumpCare cuts it by $1.5 trillion.

Two out of three school districts rely on Medicaid funds to provide services to children with disabilities.

So there we have it—one broken promise after another.

Now we turn to the Senate because it is time for this Chamber to respond. The only appropriate response is for us all to get together, dig a deep hole here on this Chamber, throw that House bill—TrumpCare 2.0—into it, light it on fire, drive a stake through it, and make sure it never sees the light of day. That is the only reaction that honors our ‘we the people’ government. That is the only action that would honor the promises that President Trump made to the Nation while campaigning.

Now, a group of my colleagues are holding secret meetings far from the public to work out a new version of TrumpCare—TrumpCare 3.0. There is no bipartisan dialogue on this, and I am certainly not invited to listen in. So I can’t tell you what they are coming up with, but I can tell you this: It is a process completely different than when we had a bipartisan, over a year-long process to debate and examine the question of the Affordable Care Act—ObamaCare. The Finance Committee held 53 hearings. They spent 8 days marking up the bill. That was the committee markup in over two decades. They considered 135 amendments. That was one of the two major committees that worked on ObamaCare. The other was the Health, Education, Labor, and Pensions Committee, known as the HELP Committee. They held 47 hearings—not secret meetings in some room but public and bipartisan meetings with all committee members welcome, public roundtables, and public walkthroughs. Then, they had a month-long markup—a month long. I was there. I was on the committee. We had a square table—two sides with my Republican colleagues and two sides with Democrats. During that markup, amendment after amendment was considered. Three hundred amendments were considered—bipartisan amendments, amendments from Democrats, amendments from Republicans—and 160 amendments were adopted from my Republican colleagues—160 amendments from across the aisle. That is the type of bipartisan work that was done.

Let’s compare that to TrumpCare: no hearings about the Affordable Care Act, no public display of the bill for a lengthy period for it to be publicly analyzed. There was virtually no chance for the public to see the actual text and weigh in. It passed under a process of rapid transit through the floor of the House, and then it came over here to the Senate.

Is the Finance Committee now holding hearings similar to what we did years ago on ObamaCare? We had 53 hearings. How many hearings has the Finance Committee held on TrumpCare 3.0? None, not one. The HELP Committee—the Health, Education, Labor, and Pensions Committee—held 47 hearings, roundtables, and walkthroughs. How many hearings has the HELP Committee had here in the Senate on TrumpCare 3.0? Not a single one.

Secrecy is the guiding principle of the day—secrecy that might produce another version of TrumpCare that will be devastating to millions and millions of Americans. And not just here, but of course, they don’t want the public to watch that process. Of course, they don’t want to have weeks of hearings and markups that enable people to have hundreds of bipartisan amendments. If you are trying to push through something to destroy healthcare in America, you want to do it as secretly as possible. That is what is happening in the Senate at this very moment.

That is not the kind of process you should have in a democratic republic. That is the kind of process you have when you are about to do something diabolical and destructive that will hurt the people.

ObamaCare, or the Affordable Care Act, isn’t perfect. We could work together to make it much better. We could say no to all of the strategies that the Trump administration is doing right now to undermine the success of the marketplace.

Remove the marketplace was the Republican idea. That was the Republican plan: Have a marketplace where private healthcare insurance companies could compete. That is what came from across the aisle. But now the Trump administration is doing everything it can to undermine that particular strategy. They are hesitating about whether to provide the cost-savings funds that allow the companies to succeed. They are considering higher deductibles. That hesitation means the insurance companies can’t price out their policies for next year. So they either have to exit the exchange or they have to raise the price of their policies a little more.

The Trump administration is deliberately sabotaging the marketplace.

Then there is the fact that the whole point of the markets was to make it simple for an insurance company to go from one State to another State, to reach all of the customers at the same time of year—all making decisions—and you can reach out and talk to them. You can sell your policy easily. But the point is, a new company coming in from one State to another State, they will get a disproportionate share of those who are very ill, so there is an adjustment that takes place to say: No. You can come into this marketplace, and we will guarantee that you will get the same treatment if you end up being sicker than the average patients.

That is intended to make multiple insurers come in and compete with each other. But my Republican colleagues destroyed that provision. It is an adjustment that would have kept insurance companies from coming into that marketplace.

I will do all I can to make sure we don’t throw out healthcare for 23 million Americans. I hope every single Senator here, having come to this body and I know holding dearly this Constitution, will fight for “we the people” and not “we the powerful and privileged” and will fight against a bill that not only hurts healthcare for those 23 million people but also destroys healthcare institutions for everybody else because it undermines the financing of both the clinics and the hospitals.

In our own States, we are all hearing our Lauras and our Pauls and our Carolines and our grandmothers talking about their 12-year-old grandsons. We call them by name: Just say no. Do your job. Make our healthcare system work better. Live up to your commitment to “we the people,” a democratic republic, to fight for a nation of, by, and for the people.

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

The PRESIDING OFFICER. Will the Senator withhold his request?
Mr. MERKLEY. I withhold my request.

ADJOURNMENT UNTIL 10:30 A.M.

TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 7:17 p.m., adjourned until Thursday, May 25, 2017, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 24, 2017:

DEPARTMENT OF STATE

JOHN J. SULLIVAN, OF MARYLAND, TO BE DEPUTY SECRETARY OF STATE.