Senate

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

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

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:


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. McCONNELL. 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 fall 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. ObamaCare: 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 read: “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
Chairman GRASSLEY described, urban areas." " premiums than did people in more one or two insurers from which to pick, ObamaCare? The only way these families deserve relief from ObamaCare—a failing law with limited, even nonexistent, choices that continue to shrink on the collapsing marketplace. These families deserve relief from ObamaCare—a failing law with skyrocketing premiums that have risen by double-digit rate increases all across our country. These families deserve relief from ObamaCare—a failing law with mandates that require people to buy plans that aren't right for their families, even if there are no suitable choices to pick from, even if they are too expensive to actually use. How much will it take for our Democratic colleagues to realize that we have to move beyond the failures of ObamaCare? The only way these families are going to get the help they need—and that so many have called for—is if we actually take action. The Republican Senate has been clear what we aren't OK with standing by and allowing this system to crash completely, dragging down even more families along with it. We know that—just like that collapsing bridge—ObamaCare wasn't built on a sturdy foundation, nor were its policies truly built to last. Just like that bridge, it may have looked really good from the outside. We all remember the lofty claims our Democratic colleagues made about the law, but it never lived up to the fanfare. I know it is a disappointing reality for our friends across the aisle who cham- pioned the failed healthcare law. We know it is not the outcome they had hoped for, but the status quo is simply unacceptable. We expect the Congressional Budget Office to release an updated score of the bill the House passed later today. It is a technical procedural step. Beyond likely reiterating things we already know—like that fewer people will buy a product they don't want the government stops them from even looking at the 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. Unfortunately, her story is not unique. As insurers on the exchanges continue to propose premium increases and announce their intentions 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 continue to shrink on the collapsing marketplace. 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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 promises to deliver a $1 trillion infrastructure plan. But his budget actually cuts money from infrastructure programs than the new money it puts in. The President's proposal is to slash American infrastructure investment by 180-degree turn away from his repeated promise of a $1 trillion infrastructure plan.

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The President has said that education is the civil rights issue of our time, but the Trump budget calls for over $3.2 billion in cuts to higher education. That is $3.2 billion in cuts to higher education. That is his number.

The White House ought to step up investigation with vigor no matter who might stand in the way of it.

TRUMPCARE

Mr. SCHUMER. Finally, Mr. President, a word on healthcare: The Trump administration 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 low for working Americans, has created great uncertainty in our healthcare system. This uncertainty has already caused insurers to raise their rates.

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 we will probably produce something pretty good for the American people, as we did in 2017—as long as Donald Trump and the White House stay out of it.

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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 we will probably produce something pretty good for the American people, as we did in 2017—as long as Donald Trump and the White House stay out of it.
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 represents one-sixth 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 likely 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 is to rush legislation through the Senate without a thorough CBO analysis. It has been and continues to be my position that we should not move forward with any legislation that lacks a thorough CBO analysis. It 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 goals that 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 I 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 to override appropriations 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 health and nutrition programs to those who are struggling most in our communities. Can you imagine, in the wealthiest, most powerful Nation on Earth, we are going to cut out programs to help the people most in need?

Many of the cuts in the Trump budget come from the Medicaid Program, where the President doubles down on the dangerous programmatic changes and cuts included in the TrumpCare bill. Not only would enacting this budget make it harder for low-income families to receive health coverage through Medicaid, but the proposal would nearly fully fund the Children’s Health Insurance Program, which would force near-poverty children off health insurance.

I know in my own State of Vermont—it is not a wealthy State; it is a small State. But when we started a program to make sure children had healthcare, it was costly at first. In the long run, it saved us all a great deal of money. We were rated every year as the first or second healthiest State in the Nation. You have to have people healthy, from the age of children. You cannot suddenly say: Oh, we are going to spend a fortune when you are adults on illnesses that could have been taken care of when you were children.

The President’s budget proposes significant cuts to the Supplemental Nutrition Assistance Program, which supports food assistance for individuals and families in need. How does the President expect to make America ‘great again’ if there are hungry children in our schools? Every parent knows a hungry child cannot learn. How can we be the greatest country in the world if we do not offer a helping hand to the most vulnerable among us?

It has been and continues to be my goal that we complete the appropriation 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 should 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 bipartisanship.

The appropriations process works best when you have bipartisan cooperation. That agent 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 short-sighted.

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 a smorgasbord 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. I hope others do. It eliminates the reality of climate change, but it eliminates all of the Environmental Protection Agency’s climate programs, from voluntary incentives to programs that seek to prevent further damage to public health and safety, to the Climate change is very real, and we are at a critical moment. Now is not the time to turn back the progress we have been making.

The President has promised jobs, jobs, jobs. I would love to see jobs, jobs, jobs in this country, but under his budget, an estimated 4 million people, including veterans, would lose access to employment and training services next year. Four million Americans have no job, and the Bolsa Grant would eliminate almost $4 billion from Pell grants. You do not create jobs by denying young people access to affordable higher education or by slashing job training.

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 bullets, because I am going to need them.

The budget would eliminate life-saving nutrition programs. It would impede our ability to promote stability in increasingly volatile regions of the world. America is not made safer by failing to feed the hungry.

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

The Trump budget would have serious and harmful consequences for our economy, for working families, for those who are struggling, for our environment, for health, for the seed corn of cutting-edge scientific and technological research, and for our national security. This is foolish, and it is not acceptable. You do not turn these things on and off to make a sound bite. Sound bites like “Strong.” I mean, it is strong, and sound bites do not continue the greatness of America. Tough choices keep America great and help the American people.

I would remind the White House that the power to purse reest with Congress. As vice chairman of the Senate Appropriations Committee, I intend to exercise that power, and I will work with Chairman COCHRAN in laying out a bipartisan path forward.

Mr. President, there are far too many illogical, arbitrary, and harmful cuts in spending and wholly unbalanced priorities in the President’s proposed fiscal year 2018 budget to list at one time. I will have plenty more to say about that in the weeks and months ahead, but I do want to take a moment to highlight one, as it illustrates the foolhardy way this Administration has sought to appease right-wing advocates rather than do what is truly in the national interest.

For fiscal year 2017, the Congress—Republicans and Democrats—agreed to appropriate $607.5 million for international family planning programs. And we made the case that these funds can be used for abortion. They are for contraceptives and services like education and counseling to promote voluntary family planning in the world’s poorest countries and, by doing so, to reduce reliance on abortion, reduce child mortality, improve maternal and child health, and increase opportunities for women and girls.

These programs have a long track record. There is abundant, indisputable data that they are effective and save lives, and they illustrate that, while we may have fundamental differences about whether women should have the right to abortion, there is broad agreement about the importance of family planning.

For fiscal year 2018, the Trump Administration proposes to eliminate funding for international family planning as a way to “protect life.” That may be an appealing sound bite, but the evidence is overwhelming that the abortion rates in the poorest countries are actually falling as they save lives, and they illustrate that, while we may have fundamental differences about whether women should have the right to abortion, there is broad agreement about the importance of family planning.

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This is a shocking proposal. They either don’t realize how much harm and suffering it would cause, or they don’t care. Can you imagine if our government, in addition to trying to outlaw abortion, tried to take away the contraceptives Americans rely on to prevent unwanted pregnancies? Tens of millions of Americans depend on access
to modern family planning services every day. The outcry would be immediate, and it would be devastating.

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 supported 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, the late chair of the Senate Appropriations Committee, 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 Democrat 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 pay for and it increases safety on our Nation's roads.

The true beauty of this program is the fact that it might be possible to make the program that is proposed in the Senate Appropriations Committee bill. The Administration will not continue to pay for it. It is up to us to decide if we want to create jobs, that improve science and technology, that improve the flow of goods, materials, and, most importantly, people along our Nation's transportation networks. Through legislation with the 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 chair 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 Regional transportation investments in transportation. The program funnels transportation funds to States and allows them to decide on their terms how to use it. By dedicating funding for rural and urban freight corridors, the program enhances the flow of goods, materials, and, most importantly, people along our Nation’s roads.

The proposal also talks about providing long-term solutions, which is something I have long supported. This is critical for States to develop, construct, and maintain infrastructure. Last week, at a Senate Environment and Public Works Committee hearing, we heard an update report from Transportation Secretary Elaine Chao. She committed to working closely with Congress as we continue to develop commonsense solutions for our infrastructure needs. She outlined some of the proposals the Department of Transportation is reviewing to include in this infrastructure package. During that hearing—the President was there as well—the Secretary told me she is committed to working closely with my colleagues and me to develop a national infrastructure policy.

I also brought up the issue of delays due to burdensome regulations like the National Environmental Policy Act permitting process that directly affects Nebraska projects. To address these delays, the Nebraska Unicameral unanimously passed legislation that would allow the Nebraska Department of Roads to assume the NEPA permitting process. NDOR has sent a letter to the Federal Highway and Transportation Secretary Elaine Chao. She is committed to working closely with and Public Works Committee hearing, we heard an update report from Transportation Secretary Elaine Chao. She committed to working closely with Congress as we continue to develop commonsense solutions for our infrastructure needs. She outlined some of the proposals the Department of Transportation is reviewing to include in this infrastructure package. During that hearing—the President was there as well—the Secretary told me she is committed to working closely with my colleagues and me to develop a national infrastructure policy.

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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 the 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 the FAST Act, this legislation would authorize 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 collections on freight, cargo, and passengers include tariffs, duties, and fees, and uses 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 duties and 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 public 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.

I am confident that with room as the States see fit to allow them to work to bring in projects on time and on budget.

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 transportation 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 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 clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the absence of a quorum be dispensed with.

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

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 reauthorizes 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 provides critical financial assistance to victims compensation fund—provides critical resources to help 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.

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 note 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.

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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 tell-tale 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 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 our friend and the chairman of the Senate Judiciary Committee, Chairman Grassley, for his focus on the need 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 557 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’s nominees for Cabinet positions 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 for key political reasons like good 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 Republican President 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 understood the need for Senator 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 Senate 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 within 100 days, yet the Senate confirmed only two of those nominations on day one because Senate Democrats would not agree to any more than that. A third Cabinet nominee was confirmed on January 31st. To compare, by January 31st in prior administrations, 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 continue their delaying tactics, when President Trump does send sub-Cabinet nominations to the Senate, the President would have every excuse to stop nominating and simply appoint acting officials to about 350 of the 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 come to us the Senate, 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 nomination 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 sizeable 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. 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.

Using 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 the nominee without Senate approval.

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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, and we 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 too often in crises, and far too often the large part of the 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 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 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 will be fed inside the American people and possibly from Congress as well. There is almost never accountability before the public, the press, watchdog groups, or other public institutions that help preserve our democracy. There are almost never debates on the floor of the Senate about the legality of the CIA’s operations. It is all in secret.

The advice of this general counsel will carry especially important heft, given what CIA Director Mike Pompeo said: “The law is my guide and my compass. I will figure it out and again during those confirmation hearings, when asked what boundaries Director Pompeo would draw around the government’s surveillance authorities, the Director responded that he would draw boundaries that the Department—under Director Pompeo—we were going to have to ask the nominee to be general counsel. That is why it is critical that she answer questions about her views of the law and that she answer them now before a confirmation vote.

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 Department. That includes 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 is carefully reasoned and that certain points were 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 under the threat of a mandate that may have begun shortly after 9/11, but it was still going on secretly and without congressional oversight more than 4 years later when it was revealed in the press. That was the context in which she—Ms. Elwood—was the CIA general counsel from 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.

This is—to say, in my view—at the least, dangerous, and it could happen again.

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 that the Congress had authorized war 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 wouldn’t answer 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 allowed for the warrantless wiretapping, in her view, that “seemed reasonable.” That definitely was not encouraging.

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.

I then asked Ms. Elwood 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 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 role as the nominee to be general counsel of the CIA would give her the power to conduct secret programs and operations that rely on case-by-case decisions that have no clear or consistent legal framework. That is why it is so important that the nominee give us some sense of where they stand before they are confirmed.

I started with Mike Pompeo, who is now the Director of the Central Intelligence Agency. He wrote an article—an op-ed piece as it is called in the press—that called for the government to collect the bulk records of law-abiding Americans’ communications and to use it without restriction. That, in my view, is breathtaking. It makes what everybody was talking about with regard to the old phone records collection effort look like small potatoes.

At his hearing, I asked then-Congressman Pompeo whether this database would have any boundaries. In other words, he is setting up a brandnew database—bigger than anything people have seen. He is going to collect people’s lifestyle information and what knows what else. He said “of course there are boundaries. Any collection and retention must be conducted in accordance with the Constitution’s statutes and applicable Presidential directives.”

The real question is, What does that mean?

It means the person who is deciding what, if anything, Director Pompeo’s CIA cannot do is the lawyer, and that is where the nominee—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 if 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 then provided 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 new Director and a nominee to be general counsel of the Central Intelligence 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 and keeps 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 section 702 collection. The number, if we can ever get it, is directly related to whether the intelligence community should be allowed to conduct warrantless, backdoor searches for information about specific Americans. 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 clarity on her interpretation 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 this lack of clarity on how she would interpret the law that the nominee for this critical general counsel position would exercise all of this power.

Another aspect of CIA activities that are authorized by the 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 a modern-day question, 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 the 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 rights 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 outlining 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—that is, 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 illegally voted. As 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 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 Mubarak, former Turkish 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 the root causes 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 endangers 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 role in the world, the challenges we face, and the importance of leading our foreign policy determines his leadership and American strength.

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 honors 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 that 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 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 fiscally 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 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 in this vein. 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 am afraid that even so that paper 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, even with a comprehensive restructuring framework, there is still a real risk of another lost decade.

Ultimately, this debt restructuring framework was coupled with an independent oversight board and it worked 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 an outpouring 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 Plunge It Into Chapter 9” considers 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 “foresee[es] a chaot[ic] 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 like a 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.

Get this straight: 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 “giving Illinois the option of utilising 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 will show 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� if at all it 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 difficult 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.

Obvious[y], 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 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.

The PRESIDENT’S BUDGET

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 making our cities clean, our 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 deportation 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 is inexplicably wanting to cut the Federal Government’s 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. I was particularly disappointed that he would eliminate the Appalachian Regional Commission, which is very important to the people in the western part of my State as an economic tool that can bring badly needed jobs to Appalachia country.

He wants to put the American dream out of reach for would-be homeowners and seekers of safe and affordable housing with the elimination of HUD’s rental assistance and homeowner partnering programs. This is for shifting more than $143 billion in additional student loan payments to hard-working students and their families.

And he recommends ending a vital program that helps first responders, law enforcement, teachers, nurses, librarians, public safety, and military have a chance to reduce the burden of their student loans so that they can continue to serve their communities. The President also continues the ill-conceived Republican assault on Federal workers and retirees with his proposal for wholesale slashing the programs and staff, such as the economic and environmentally important EPA and Chesapeake Bay Program, making it nearly impossible for many departments to carry out their basic mission.

I want to talk a few minutes about the foreign assistance budget. I have the privilege of being the ranking Democrat on the Appropriations Committee. In terms of our Nation’s foreign policy, if the budget is a reflection of values, then what the Trump administration values is an American retreat from the world that would make the United States less safe and less secure. The numbers speak for themselves in the narrow-minded budget release we have received.

What is most perplexing about the administration’s combined 31.7 percent cut of international affairs spending—as Secretary Defense Mattis has said: If you don’t fund the State Department Diplomacy Center, you had
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 around the world. The Middle East helps Europe defend its democratic institutions from Russian interference, helps support countries and international organizations caring for vulnerable refugee populations, helps train the police, and helps train other 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 essential. We have to defend the interests of the American people. And that is why 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 appropriations bills that fund our important programs here in Congress. The Trump budget proposed to eliminate new enrollment in the Conservation Stewardship Program, which helps people who are in need of assistance. The budget eliminated or there were 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 proposed by the White House for vital national security, 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.

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may be entitled "A New Foundation for American Greatness," but President Trump and Secretary of Education Betsy DeVos have severely undercut our students, educators, and public schools. The budget proposes to eliminate the Preschool Development Grant Program. This program has successfully placed more than 2,700 additional 4-year-olds in high-quality preschool programs across my State. The vulnerable children in this program get a boost that helps them to lower the achievement gap among students of color, low-income children, and children with disabilities across my State. We should be expanding these programs, not reducing them. And 85 Members of this body voted in favor of the Every Student Succeeds Act and the Student Support and Academic Enrichment Grant Program. That progress is jeopardized by the President’s budget.

Yes, he finds money for a new program, school choice programs which will undermine the progress we have made in public education. Mr. President, 95 percent of our students get their education through the public schools, and that is jeopardized by the $1.25 billion the President has included in his budget for school choice programs.

Maryland families understand the value of higher education. For too many, the cost of higher education means that it is unaffordable, not available, for their children to have the higher education they need. Yet the President’s budget takes away some of the tools we have in order to afford higher education. That is just not right. We should be making higher education more affordable, not less affordable.

In the environment, the President’s proposed budget would eliminate the Chesapeake Bay Program. The Chesapeake Bay Program and related efforts are delivering encouraging results throughout the watershed and have built a tremendous movement forward. Yet President Trump has still targeted them for elimination. The local governments are doing their job in stewardship of the bay. The States are doing their job. We need to rely upon the Federal Government to monitor and make sure that the programs are there that all stakeholders are doing their fair share. The elimination of the Chesapeake Bay Program would jeopardize all of that progress. We cannot let that happen.

The President’s budget would cut the EPA budget by 31.4 percent, the most severe cut of any major Federal agency. The investment in our Nation’s water and waste water infrastructure has been flattened through this budget proposal.

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 secure.

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 this 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 small businesses, ensuring America 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, or even wants to do. It is a way to really want to work at a highly qualified Federal workforce. On May 5, Donald Trump issued a proclamation declaring May 7 through 13, 2017, as 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 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, cut in budget, 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 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 understand 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 engage in a race to the bottom with respect to our Federal workers? These are the people who make sure our parents’ Social Security checks arrive on time. They make sure the air we breathe, the water we drink, and the food we eat are safe. They 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 that we do not cut too far and too deep, and do not cut too fast, in order 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. HATCH. Mr. President, I rise today 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
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 took effect through 2017, the ObamaCare taxes—the so-called Cadillac tax, the medical device tax, the health insurance tax, the so-called Steven tax, the individual mandate—are being used to fund Republican proposals. In my view, it would be inappropriate, to compromise, and to really do the art of the 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, 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 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. We are losing our counties around Kansas City will have no insurer at this moment, at least, have lost 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 people in Kansas—in the Kansas City area, they have no insurance company. 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 continue to see the doctors you like. It seems a long way from that pledge.

I yield the floor.

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 with their future look at healthcare and what it may mean for their families.

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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, if you get 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 has your policy likely gone 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 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. Now, 77 counties with 42 of the one company offering insurance decides 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. 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 she can’t keep any of those doctors. 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 most 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, nor is it 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 important questions for 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 Obama administration never wanted the American people to see, and it has to do with ObamaCare from 2013 to 2017. This report that the Obama administration would love to hide from the American people makes the point that my colleague from Missouri just made.

In those years, from 2013 to 2017, once ObamaCare came into place, premiums are skyrocketing. In the States that are buying on the Federal ObamaCare exchange went up 105 percent on average—more than double. It more than doubled in 20 States, and it tripled in three States: Oklahoma, Alaska, and Alabama. In Wyoming, it went up 107 percent in just 4 years. Tell me something else that has gone up by that price in our lives anywhere over that short period of time. Those are the numbers that are out today.

More than 7 years ago, the Washington Democrats wrote an enormously costly and complicated healthcare law. They forced it through the Senate, and they made lots of promises. They promised it would provide care for less money. They promised that you could keep your doctor and that you could keep your insurance. They promised that if you just allowed Washington to have more control, everything would be better for you. It hasn’t worked out that way. These are the numbers we are looking at today, and it looks as if prices are going to go up again next year because of the mandates and the requirements of the Obama healthcare law.

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-...
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 senior assistant legislative clerk will call the roll.

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. Thank you, Mr. President. Good afternoon.

PARIS AGREEMENT

Mr. President, there is an African proverb that goes something like this: If you want to go alone; 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 the health and welfare of every nation on Earth and every human generation in 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 the Paris 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.” Asked and willing to accept 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 Administrator 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—now, to meet those commitments.

India is on schedule to be the world’s third largest solar power facility 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 18 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 quote from China’s top climate negotiator. He told Reuters about 6 months ago that if Trump abandons efforts to implement the Paris Agreement, “China’s influence and voice are likely to increase in global climate governance, which will then spill over into other areas of global governance and increase China’s global standing, power and leadership.”

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 rest of the world 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 accords “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 have mentioned earlier—the 1,000 companies that said we ought to do something about climate change. We ought to get on board and lead the way. Businessman Donald J. Trump agreed with them and joined CEOs to run an ad in the New York Times urging then-President Obama “to go faster” and “to play a lead role.”

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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 addresser on the letter, from, again, hundreds of CEOs from around the country, who together tried 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 is 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 1944, the world came together at the Convention on International Civil Aviation to regulate international air travel so planes could avoid flying into one another in the not-so-friendly skies of the future.

In 1968, the Non-Proliferation Treaty helped prevent the spread of nuclear weapons, promote the peaceful use of nuclear energy, and further the goal of disarmament to help keep our world safe.

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 is what was in the best interest of humanity rather than the best interest of one single nation, but even these other historic and frankly commensurate 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 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. 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 themightiest nation on Earth at the time, England, not once but twice, and beat them. A half century later, we survived the bloodied Civil War that took hundreds of thousands of lives and left hundreds of thousands more crippled and wound- ed. 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 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 to get 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 I think it was ABC. 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 that was very well written and a good speech. 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 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 in Iran 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 domestically. As a 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. 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
One 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 the older 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 want 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 of the 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 leaders 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, and we have all heard a lot 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. Navy. 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 and tried to 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. 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—three of the 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 information so we can help them to evacuate 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 is a young man, 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 kept to the letter and spirit of that agreement. They did, and we normalized relations.

When I went back to Vietnam last year with President Obama, I met with 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 were on the wall at 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 with Vietnam. They are not a Jeffersonian democracy, but it turns out that we have worked through our difficulties. They have become a major trading partner with the United States—in fact, a major market. They want to buy things from us, too, like Boeing jets, and a lot of them for a lot of money—billions of dollars.

As long as Iran and I have an airline that is decrepit. We used to joke about an airline in this country that was called Allegheny. We called it "Agony." We had another airline in this country called "Tree Top." In Iran, they do not have an airline to be proud of, as they have very old airplanes and not especially safe airplanes. Like Vietnam, they want to buy our airplanes—a lot of them, for a lot of money. Do they think we will sell them? I do not think we will. I am not sure if they will be able to buy our airplanes.

I would hope that we could be smart enough to say that maybe we should sell to them. We are not going to sell them military equipment. We sell military equipment to Vietnam now, but if Vietnam is not going to be friendly to Iran, then we should start small and go from there, as we have with Vietnam.

I will close, but if I could, I want to just say that our President, who has called for the isolation of Iran, also has, basically, praised the actions of President Duterte of the Philippines, who, I believe, has committed extrajudicial murders and has killed over 8,000 people.

He has warmly welcomed the leader of Myanmar, Aung San Suu Kyi, who may have won or may not have won a tight election that gives him extraordinary powers as the leader of that country.

The President welcomed to the White House Egyptian President El-Sisi, who is using power through military intervention and not an elected government. President Trump has said recently that he would be "honored" to meet with North Korean leader Kim Jong un, and that is despite the repeated threats from the Korean leader to launch nuclear weapons at the United States and our allies.

Somehow all of those things that this President has done and the things that he has spoken out against, including his own kind of relationship with Iran, does not seem, to me, to be consistent. I will be polite and say it is inconsistent. I think we need to be smarter than that.

With regard to the note that I wrote to the former leader of Vietnam when I was, literally, at the Hanoi Hilton—back at the prison in which John McCain and Pete Peterson were imprisoned—I saw a huge picture on the wall when I was there last year, and I wrote the note and gave it to a young Vietnamese who was a hard-liner. Do Muoi. I wrote that same African-American proverb: If you want to go quickly, go alone. If you want to go far, go together.

Ultimately, we found a way with Vietnam. It took a long time. The war pretty much ended in 1975. It took a long time to get to more normal relations. We finally made it, and they are better for it, and we are too. Someday, the time will come to turn a page, I think, with Iran. We are not there yet, but we are getting a little closer.

For now, I just want to say to those people, though, in that country, who
took the time and made the effort to vote and decided to vote for change and to vote for the reformist—the more moderate form of government—and wanted to be more westward looking than would otherwise be the case: Good for you. My hope in doing that is that you will join us in basically turning down the idea of continuing support for Hezbollah and for terrorism that the other part of Iran and some of the others in leadership are determined to sustain.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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.

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 ayes 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, F. Risch, P. Roberts,
Balbun, H. Graham, J. Kennedy, S. Rounds,
Barros, D. Perdue,
Bennet, D. Peters,
Blumenthal, J. Portman,
Blunt, R. Reed,
Boozman, Z. Risch,
Brown, H. Roberts,
Burts, T. Rounds,
Capito, R. Rubio,
Cardin, J. Sasse,
Carrer, J. Schatz,
Casey, J. Scott,
Casidy, N. Shaheen,
Coahen, K. Senate,
Collins, K. Shelby,
Coons, K. Stabenow,
Corker, L. Strage,
Curnyn, L. Sullivan,
Cortez Masto, L. Tester,
Cotton, M. Thune,
Crabo, M. Tillis,
Crus, M. Toomey,
Daines, M. Udall,
Donnelly, M. Van Hollen,
Durbin, M. Warner,
Enzi, M. Whitehouse,
Ernst, M. Wicker,
Feinstein, M. Wyden,
Flake, M. Young,

NAYS—6

Booker, H. Sanders,
Duckworth, H. Warren,

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.

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

The bill clerk read as follows:

CLOTURE MOTION

The question is, Is it the sense of the Senate that debate on the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The bill clerk called the roll.

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

[Rollcall Vote No. 136 Ex.]

YEAS—52

Alexander, F. Perdue,
Barrasso, J. Portman,
Blum, D. Risch,
Boozman, J. Rounds,
Burts, J. Rounds,
Capito, J. Risch,
Cassidy, J. Sasse,
Collins, J. Scott,
Corker, L. Sasse,
Cassidy, J. Sasse,
Crank, L. Sasse,
Crapo, L. Sasse,
Cotton, L. Sasse,
Crano, L. Sasse,
Daines, L. Sasse,
Enzi, M. Sasse,
E. N. Fischer, P. Sasse,

NAYS—48

Balbun, H. Murray,
Barros, D. Murray,
Blumenthal, J. Murray,
Boozman, J. Murray,
Burts, J. Murray,
Capito, J. Murray,
Cassidy, J. Murray,
Collins, J. Murray,
Corker, L. Murray,
Cassidy, J. Murray,
Cranst, L. Murray,
Cotton, L. Murray,
Daines, L. Murray,
Enzi, M. Murray,
E. Fischer, P. Murray,

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

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am deeply concerned by warnings from leading health insurance companies that the Trump administration is now deliberately undermining the Affordable Care Act, leaving insurance plans no choice but to sharply raise premiums or exit the marketplaces.

I understand—I think we all do—that the Affordable Care Act continues to experience stresses and that it needs to be strengthened. There is no doubt about that. I have been saying from the beginning that we need to correct what is not working, that we need to keep what is working, and that we need to work together to change it. Yet, in 2016, there were abundant signs that the law was working and that insurance markets were stabilizing.

For instance, in my State of New Hampshire, health insurance premium increases last year averaged just 2 percent. That is the lowest annual increase in history. Today, it is a very different picture. Because of the efforts of the Trump administration 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.

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 law.

We can see on this poster what is being reported in other parts of the country. In the LA Times, we see that health insurers and State officials say that Trump is undermining ObamaCare and pushing up rates and that health insurers plan big ObamaCare rate hikes, and they blame Trump.

Perhaps the greatest damage has been done by the administration’s refusal to commit to funding cost-sharing subsidies, which are the Federal subsidies that help millions of people pay for coverage. To protect themselves, many insurance companies are preparing two sets of premiums for next year—one premium level if the administration agrees to fund the cost-sharing subsidies and a second, dramatically higher premium level if the administration says no to cost-sharing subsidies.

More broadly, the administration’s mixed signals and erratic management of the Affordable Care Act are causing uncertainty in the marketplace. Paul Markovich, the CEO of Blue Shield of
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 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’s bill to repeal the Affordable Care Act—the bill that 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 care 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 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 has not been forthright with the American people about numbers. This should be about numbers. This should not be about numbers. This should be about people, about their families, and about what the administration is going to do to every American 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, or whatever 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 apart the Affordable Care Act and taking health care 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 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. An annual physical wasn’t included in the high premium, high deductible plans that were available to me on the individual market. They were 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.

I’ve completed my final chemotherapy treatment and my prognosis is very positive. 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 don’t 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 ensure my health and well-being to the hollow promises of it will be replaced by something better; it will be great.” Forgive me if I’m skeptical.

For the record, the Congressional Budget Office estimates that the House Republicans’ bill—the first one—to repeal the Affordable Care Act would take coverage away from 24 million Americans.

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 Medicare 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 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.

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 has access 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, 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. 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: this is going to devastate Medicaid across America. Which of the groups is going to devastate Medicaid? You have somebody in your family who are getting treatment for substance abuse disorders, including alcoholism, and it is not going to be covered under the Republican repeal bill, one-sixth of the population resides in parts of America. We lose more people in New Hampshire to describe her challenge. Mrs. SHAHEEN. Those numbers tell us what is going to happen to the individual market. 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.

The next most expensive part of Medicaid in my State and in most States. The most expensive part is for your mom and your grandmother in the nursing home. That is where most of Medicaid money goes. Two-thirds of it goes to those folks in nursing homes who have no other source of income, not to mention the disabled who count on Medicaid.

What the Congressional Budget Office tells us is that the Republican plan is going to devastate Medicaid across the United States. Which of the groups I just mentioned do we think we can toss overboard—babies born to low-income mothers, or the elderly who have no place to turn and have exhausted their savings and are living in nursing homes, or the disabled who need the help of Medicaid on a regular basis? Those are the casualties of this Republican repeal plan, not to mention the fact that the real driving force behind these terrible healthcare decisions is a tax cut for the wealthiest people in America.

This is from the Congressional Budget Office again: $88 billion in tax cuts for the superwealthy and big businesses—drug companies. Mrs. SHAHEEN. Mr. President, will my colleague yield for a question?

Mr. DURBIN. I am happy to yield. Mrs. SHAHEEN. Those numbers came up in my discussion 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 couldn’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, who would be unable to 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 treatments for addiction and mental health 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.

The Republicans yielded the floor to the Senator from New Hampshire to describe her challenge in New Hampshire. Mrs. SHAHEEN. Well, that was going to be my followup question. In New Hampshire, we have the second highest percentage of overdose deaths in the country. We lose more people in New Hampshire to deaths from overdoses of opioids and fentanyl and heroin than we do to car accidents. And an overwhelming number of those—over 90 percent—are getting treatment for their substance abuse disorders through the expansion of Medicaid, which has been a bipartisan program in New Hampshire that has covered about 60,000 people, many of whom are getting treatment for substance abuse disorders.

So what the Senator from Illinois is telling me, from the CBO, is that based on the plan that passed the House that Republicans have supported, those people who are getting their treatment—lifesaving treatment for mental health issues and substance abuse disorders—they are going to be kicked off of their plan, and they are not going to have any other option for getting that care. Mr. DURBIN. That is what the Congressional Budget Office reports.

We have these discussions on the floor—and the Senator from New Hampshire, I think, would agree with me because of her State’s experience with opioids—and both parties come together and wring their hands and say: What are we going to do about the opioid-heroine crisis in America? And the other side has come up with some good ideas. But here we have the Republican effort repealing the Affordable Care Act, which cuts the legs out from under all of our efforts because it takes away from families’ Medicaid coverage that they are using for drug treatment, as well as coverage in their health insurance plans.

Mrs. SHAHEEN. Mr. President, if my colleague will yield once more, last year we passed the 21st Century Cures Act, which appropriated $1 billion—$500 million this year and $500 million next year—to address the heroin and opioid epidemic we are having, and in the recent passage of the omnibus bill, we got $700-plus million to help us fight this epidemic. So on the one hand, we are putting money in to address it, and on the other hand, we are taking away the treatment people need by passing a healthcare bill that is going to throw people off their treatment and give them no other option to address their substance abuse.

Mr. DURBIN. That is exactly what the Congressional Budget Office reports to us.

This afternoon we had a press conference and we invited four or five families to come in with their kids. The theme of the press conference was, what is going to happen if your child has 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 House passed the bill that said that if you 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 from Republicans 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 the Republicans put into the high-risk pool is absolutely miniscule compared to what is necessary to make it stable. They are stable. That isn’t what the Democrats are saying. They are saying: We need to make sure we make the repairs that need to be made.

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 bills I have ever voted for, but it is far from perfect. We should be sitting down with the other side of the aisle—Republicans and Democrats—not to repeal the Affordable Care Act but to make sure we make the repairs that make a difference.

Each one of us has a list of things we would like to see addressed. The cost of premiums are too high in the individual market. Let’s address that directly, and we should. The fact that pharmaceutical drugs don’t have any regulation or control in terms of pricing is just plain wrong. And third—I will just put on my agenda—I think every American should have the option of a public option plan like Medicare. You could make sure you have a private plan for you or your family, but a not-for-profit plan based on Medicare should be available to every American no matter where you live. Those are the three things I would put on the table right away. To walk away from coverage for 23 million Americans and to endanger the coverage for those who remain with premiums they can’t afford is hardly humane and hardly consistent with American values.

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 more thing: who are we 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 getting care from the Medicare 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 sits in the waiting room 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 for it.

This is bill is 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. I am sure, in the Senate, like in our State of Illinois, there are larger cities with big hospitals that treat all kinds of cases, but were it not for that 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 and emergency care 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—it 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.

How 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 some of 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 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 healthcare 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- nal 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, 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 should 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 work 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 besitting 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 ultra-conservative who could not earn enough support from the courts because under Senate’s 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. Those who would tilt the scales of justice in favor of the rich and the powerful. As in Justice Gorsuch’s case, those radical judges 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. Under their watch, judicial vacancies stacked up, and the courts 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 dozens 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 judges...

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 blister through our political process. They see our political system as a 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 it. What we want our government should work for everyone, not just for the millionaires and billionaires.
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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate 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, which 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 align the rules governing departmental transportation with those governing rental car reimbursements. The amended regulations provide that staff members may be reimbursed for rental car expenses incurred for purposes of interdepartmental transportation regardless of their duty status.

The Committee has also revised the travel regulations to align the rules governing reimbursement of “no show” charges and the use of government-issued charges.

These forms must be personally approved by the chair of the committee involving expenses that are ordered out of said 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 amount advanced or his/her order out of said contingent fund of the Senate, in the form of a check for petty cash transactions of the committee.

The Senate, upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chair of the committee charged with such duty, the receipt of such chairman for any amount advanced or his/her order out of said contingent fund, and the Disbursing Office will make the original advance to the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The advance must be paid out of the contingent fund of the Senate, in the form of a check for petty cash transactions of the committee.

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 advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the unexpended amount advanced to the Disbursing Office no later than the end of the official travel period.

The Senate Disbursing Office will make the original advance to the chair or his/her representative. This advance may be in the form of a check or, in cash, receipted for on the voucher. The advance will be made to the contracting air carriers for reimbursement of air tickets. These forms must be personally approved by the chair of the committee involving expenses that are ordered out of said contingent fund of the Senate, upon presentation of the properly signed statutory advance voucher.

The Senate Disbursing Office will make the original advance to the chair or his/her representative. This advance may be in the form of a check or, in cash, receipted for on the voucher. The advance will be made to the contracting air carriers for reimbursement of air tickets. These forms must be personally approved by the chair of the committee involving expenses that are ordered out of said contingent fund of the Senate, upon presentation of the properly signed statutory advance voucher.
(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, 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 authority.

(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 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. 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 those 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 a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(8) 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 will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(9) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(10) More than two (2) travel advances per traveler may be outstanding at any one time.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise provided for in the rules of the Senate.

(12) Advances to Administrative Offices of the Senate, and their staffs shall be paid from the Office of the Senate Committee for Rules and Administration, the Senate administrative offices, the Senate Office of the Secretary, and the Senate Office of the Sergeant at Arms and Doorkeeper.

(13) The amount authorized for each travel advance shall be in the form of cash, direct deposit, or check. Advances for travel expenses during each fiscal year not to exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator or elected Officer of the Senate shall be $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(14) 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 applicable Officer of the Senate and a staff person designated by authority.

(15) Cash: Advances 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.

(16) 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. 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.
be authorized for official travel expenses is advance should not exceed the estimated committee on Rules and Administration.vidual travel cards approved by the Com-fice. question should immediately return the or postponed indefinitely, the traveler in (i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check. (ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (with ID required), with excep-tions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a traveling employee or the designee of the Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash. (iii) In no case shall a travel advance in the form of cash be paid more than seven (7) cal-endar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office less than five (5) calendar days prior to the commencement of official travel. (d) REPAYMENT OF ADVANCES— (i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for (a) 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 in the account must be paid to the traveler for him/herself to personally reimburse the charge card vendor. (c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administra-tion contract requires payment to the account within thirty (30) days after the conclusion of such official travel. The account is can-celled 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 administered 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, and bus tickets, and rental cars. (a) Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets, and rental car expenses charged to this account. (b) Other transportation costs, per diem expenses, and incidental expenses are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration. (c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder. (1) The General Services Administration contract requires payment to the account within thirty (30) days after suspension is enforced on the account. The account is can-celled and the cardholder’s credit is revoked when a past due balance is carried on the card for 120 days. (1) 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. (ii) Advance should not exceed the estimated total of official out-of-pocket travel expenses for the period of travel, and (iii) The minimum travel advance that can be authorized for official travel expenses is $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 au-thorized by the General Services Administra-tion 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 Administra-tion reserves the right to cancel the an-nual 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 contributions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a traveling employee or the designee of the Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash. (iii) 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 a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office less than five (5) calendar days prior to the commencement of official travel. (d) REPAYMENT OF ADVANCES— (i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses. (ii) When a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corre-sponding travel voucher within twenty-one (21) days of the conclusion of the official travel. (iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days. Any charge card account should satisfy the indebtedness to the Federal Government. (iv) In those instances when a travel advance is being paid for a scheduled trip which prior to commencement is cancelled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office. (e) LIMITS— (i) To minimize the payment of travel ad-advances, whenever possible, travelers are expected to utilize the corporate and indi-vidual travel cards approved by the Com-mittee on Administration. (ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the period of travel, and (iii) The minimum travel advance that can be authorized for official travel expenses is

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987. (a) Unless authorized by the Senate (or by the President of the United States after an ad-journment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mu-tual 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 usual duty station was considered to be the metropolitan area of Wash-ington, D.C.; and (2) in the case of a Member who is not a can-cidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress. (b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by— (1) any employee of the Member; (2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and (3) any employee of a committee whose em-ployment will terminate at the end of a Congress. 2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (in-cluding 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, Offi-cer, or employee use any funds furnished to him/herself to pay for any other purpose other than the purpose or purposes for which such funds were furnished. 3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance re-ceived which is not actually expended for necessary lodging, food, and related expenses. IV. Reimbursable Expenses: Travel exp-en ses (incidental expenses which will be reim-bursed are limited to those expenses essen-tial to the transaction of official business away from the official station or post of duty. A. Member Duty Station(s): The official duty station of Senate Members shall be con-sidered to be the metropolitan area of Wash-ington, D.C. 1. During adjournment sine die or the Au-gust adjournment/recess period, the usual place of residence in the home state, as cer-tified for purposes of official Senate travel, shall also be considered a duty station. 2. A Senate Member shall be considered a duty station at the beginning of each Congress to the Senate Disbursing Office his/her usual place of resi-dence in the home state; such certification shall include, but shall not be limited to, the Senator that the Senator has read and agrees to the pertinent travel regulations on permissible reimburse-ments. 3. For purposes of this provision, “usual place of residence” in the home state shall encompass the area within thirty-five (35) miles of the usual duty station (by the most direct route). If a Member has no “usual place of residence” in his/her home state, he/she may designate a “voting residence,” or any other “usual station of residence,” except in the case of the Seat of the United States (including the area within thirty-five (35) miles of such residence), as his/her duty station.
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 limited to the duty station 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 Senator's home state, on trips which begin and end at the place where such office is located.

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

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

C. 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.

D. Per diem may be charged to 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 by the Senate Disbursement Office. Such designation shall include a statement that the Member or officer has read and agrees to the pertinent travel regulations on reimbursement.

E. The duty station may be the city of the office location or the city of residence.

F. For purposes of these regulations, the metropolitan area of Washington, D.C., shall be defined as follows:
1. The District of Columbia
2. Maryland Counties of:
   a) Carroll
   b) Montgomery
   c) Prince Georges
3. Virginia Counties of:
   a) Arlington
   b) Fairfax
   c) Loudoun
d) Prince William
4. Virginia Cities of
   a) Alexandria
   b) Fairfax
   c) Fredericksburg
   d) Manassas
   e) Manassas Park
5. Airport locations of:
   a) Baltimore/Washington International Thurgood Marshall Airport
   b) Ronald Reagan Washington National Airport
   c) Washington Dulles International Airport

F. 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.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, 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 date, 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 available at the Senate Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by the itinerary, or where 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.

C. “No show” charges, if incurred by Members, staff personnel, or for official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

D. Senate travelers exercising proper prudence may 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 reservation provides the Member in conducting his/her official business.

E. Compensation Packages: In the event that a Senate travel award or a senator's official conference/training fees incurred.

F. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

G. In the event of an officer or employee, the Committee encourages the Senator to use travel awards at the discretion of the Member or officer pursuant to the committee's written request.

H. Frequent Flyer Miles: Travel promotion awards shall be considered a personal expense.

I. Compensation Packages: In the event that a Senate travel award or a senator's official conference/training fees incurred.

J. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

K. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

L. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

M. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

N. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

O. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

P. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

Q. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

R. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

S. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

T. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

U. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

V. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

W. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

X. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

Y. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.

Z. Airline tickets and transportation may include fares and such expenses incidental to transportation such as not limited to baggage transfer. When a claim is made for common carrier transportation, expenses such as fuel and other usual means of conveyance. Transportation may include all expenses associated with official Senate travel on railroads, airlines, helicopters, public transportation, taxis, etc.
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 reimbursable if the direct route had been followed. Personal travel should be noted on the traveler’s expense summary report when it interrupts official travel.

G. Where two or more conveyances are used when traveling on official Senate business, the aggregate cost reimbursable will be subject to the limitation stated above.

1. General: The hire of a conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operators of ferries, tolls, excitement fees, and charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars: a) 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 conveyance. The cost for a vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form ‘Reimbursement Authorization for Travel Conveyances’ is submitted with the voucher, and found in order upon audit by the Rules Committee.

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

C. Necessary charges for the transfer of personnel and office expense account. Committee funds will be charged with any additional travel expenses incurred for the purpose of conducting committee business.

1. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler’s duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred for the purpose of conducting Senate business.

II. Baggage

A. The term “baggage” as used in these regulations includes property of the traveler necessary for the purposes of the official travel.

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

C. Required Equipment for Flight: In case the type of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Travelers and checking baggage at transportation terminals will be allowed.

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. Certain types of conveyances are privately owned, special, and private airplanes.

A. Privately Owned

1. Chairmen 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 expenses, but such amount shall not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or air-planes, whether or not Senate business is conducted within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will provide near reimbursement for the traveler for necessary expenses.

2. In addition to the mileage allowance there shall be reimbursement 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 on the use of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal, or to and from a terminal, or other parking area, while at the 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 said parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental travel. If the traveler is leaving their duty station and entering into a travel status, 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 said 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 air-planes shall be based on charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing the payment. If a charter is necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air-planes mileage shall be reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage should be paid to only one of two or more employees traveling together on the same trip and in the same vehicle. The cost for the government traveler of the government travelers traveling together on the same trip and in the same vehicle.

8. When expenses to a privately owned vehicle occur 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.
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 costs shall be considered by the Secretary 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 security and efficiency of 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 aircraft may be allowed when the availability of the aircraft is not 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 security and efficiency of actions within the scope of their official duties.

b) When charter aircraft is 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/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 444, excess campaign funds may be used to defray official expenses associated with the regulations 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 on an aircraft described in item (ii) shall be 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.

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

(1) 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

(iiib) 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.

(iiic) A flight shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member’s immediate family member (including an aircraft owned or leased by a person that is not a public corporation in which the Member or Member’s immediate family member has an ownership interest), provided that the Member does not use the aircraft for personal or family purposes or in circumstances where the Member or Member’s immediate family member’s proportionate share of ownership allows.

2. Prior to the commencement of official travel on a corporate or private aircraft, the traveler or the traveler’s designee shall contact a charter company in the departure or destination city and, upon an estimate of the cost of a flight between the two cities on a similar aircraft of comparable size being provided by the corporation or private entity,

a) For example, if a Learjet 45 XR aircraft is being provided by the corporation or private entity, the traveler or the traveler’s designee shall provide an estimate of the cost to charter a Learjet 45 XR aircraft from the departure city to the destination city.

b) If no charter company is located in either the departure or destination city which rents a similar aircraft of comparable size, a charter company nearest either the destination or departure city which does so shall be contacted for a written estimate.

3. Following the completion of official travel on a corporate or private aircraft, reimbursement for related expenses may be processed on direct pay vouchers payable to each individual traveler, to the corporation or private entity, to the travel charge card vendor. The estimate of the cost shall be attached to the voucher for processing.

IV. Intersessional Transportation

A. The reimbursement for intersessional transportation is authorized as a travel expense pursuant to 2 U.S.C. 58(c) but only for those expenses incurred within the duty station in the course of conducting official Senate business. Such reimbursement would include the following expenses:

1. Mileage when using a privately owned vehicle.

2. Public transportation, parking, auto rental, taxi, or other mode of transportation hired for a fee.

B. Pursuant to S. Res. 294, agreed to April 29, 1980, section 2(1), reimbursements and payments shall not be made for commuting expenses, including parking fees incurred in commuting.

SUBSISTENCE EXPENSES

1. Per Diem Expenses

A. Allowance

1. Per diem expenses include all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggage employees, hotel servants, dining room stewards and others on vessels, laundry, cleaning and pressing of clothing, and fans in rooms. The term ‘lodging’ does not include the accommodation on airplanes or trains, and these expenses are not subsistence expenses.

a) Laundry: Laundry expenses must be incurred during the mid-day point of a trip. Reimburseable laundry expenses are for the refreshing of clothing during a trip, but not the maintenance of the clothing.

b) Meals: Reimbursable expenses incurred for meals while on official travel include meals and tips for the traveler only and may not include alcohol.

2. Per diem allowances will not be allowed an employee at his/her permanent duty station and will be allowed only when associated with round trip travel outside his/her permanent duty station.

a) Training: Meals in the duty station are only reimbursable when they are incurred during a training session. If the cost of the meal is $25 or more, the meal certification form should be included with the voucher. The Committee on Rules and Administration will consider these on a case by case basis. Meal certification forms are available at the Disbursing Office or on the Senate Intranet.

b) When travel begins or ends at a point in the continental United States, the maximum per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States is the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

B. Rates

The per diem allowances provided in these regulations represent the maximum allowance, not the minimum. It is the responsibility of each office to see that travelers are reimbursed only such per diem expenses as are justified by the circumstances affecting the travel. Maximum rates for subsistence expenses are established by the General Services Administration and are published in the FEDERAL REGISTER. Maximum per diem rates for Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States are established by the Department of Defense and are also published in the FEDERAL REGISTER. In addition, per diem rates for foreign countries are established by the Department of State and are published in the document titled, “Maximum Travel Per Diem for Foreign Areas.”

a) Per diem expenses reimbursable to a Member or employee of the Senate away in connection with official travel within the continental United States shall be made on the basis of actual expenses incurred, but not to exceed the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

b) When travel begins or ends at a point in the continental United States, the per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States is the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. However, the quarter day in which travel begins, in coming from, or ends, in going to, a point outside the continental United States may be paid at the rate applicable to said point, if higher.
incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

d) Ship travel time shall be allowed at not to exceed the maximum per diem rate prescribed by the Committee on Rules and Administration for travel within the continental United States.

c) Privacy: The maximum per diem rate prescribed by the Committee on Rules and Administration for travel begins and ends, must be shown on the voucher. Otherwise, allowed be shown on the voucher but date of arrival and departure at these points need not be shown.

2. For computing per diem allowances official travel begins at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his/her trip.

3. The maximum allowable per diem for an official trip must be computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. 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 Regulation” must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

b) Subsequent to or in connection with an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

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 or money orders for use during official travel is allowable.

III. Communications

A: Communication services such as telephone, telegraph, and faxes, may be used on official travel. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

2. The fee involved (actual or reduced) is not in excess of $500.

B. A prior approval for travel expenses is required by the Committee on Rules and Administration. In the absence of prior approval, the charge card vendor may be charged to the Office of the Senator.

3. The per diem expenses for staff members attending a retreat within their duty station are not reimbursable but should be detailed on the spreadsheet. All expenses for non-staff members attending a retreat are not reimbursable, but their attendance at the retreat must be taken into account when computing a per diem traveler cost on the spreadsheet.

4. An example of this spreadsheet can be found on the Senate Intranet.

V. Funerals: Members who represent the Senate at the funeral of a Member or former Member may be reimbursed for the actual and necessary expenses of their attendance, pursuant to S. Res. 263, agreed to July 30, 1988. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The “Waiver of the Travel Regulations” form does not need to be attached to request voucher(s) for travel expenses.

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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 official travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term “travel expenses” includes actual transportation 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, the 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. USDA 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 will be considered necessary expenses:
(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 reimbursement will be made from the Senate Contingent Fund.

III. Incidental Expenses (committees only)
A. In connection with hearings held outside of Washington, D.C., or in other locations, for travel occurring outside the District of Columbia or outside such other locations, provided:
1. Said hearings are of such a classified or security nature that their transcripts can be accommodated 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 to the hearing, provided that such hearings exceed five days in duration, prior approval (for the payment of reporters’ travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)
A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to September 19, 1979, as amended, are those necessary transportation expenses incurred in traveling from the witness’ place of residence to the site of the Senate examination and all related expenses incurred in returning the witness to his/her residence.

B. If a witness departs from a city other than the witness’ city of residence to appear before the Senate or returns to a city other than the witness’ city of residence after appearing before the Senate, then such committee may reimburse the witness for transportation expenses incurred which are less than or equal to the amount the committee would have reimbursed had the witness departed from and returned to his/her residence. Any deviation from this policy will be considered on a case by case basis upon the written request of, and approval from, the Committee on Rules and Administration.

C. Service fees for the preparation or mailing of passenger coupons for indigent or subpoenaed witnesses testifying before Senate committees shall be considered reimbursable for purposes of official expenses.

D. Transportation expenses for witnesses may be charged to the Committee's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Additionally, per diem expenses for indigent witnesses may be charged to the Committee’s official government travel charge card and direct vouchers to the charge card vendor.

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices
(Adopted by the Committee on Rules and Administration pursuant to S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 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 Committee on Rules and Administration for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or any 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 Committee on Rules and Administration. “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, or other evidence of expenses incurred, and should include all of the following:
(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 actual charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of $50 or less may 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. Handwritten bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract basis shall consist of a contract status report form available from the Disbursing Office. All other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.
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, 2nd session, as amended; and
   d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 47th Congress, 2nd session, as amended; and
   e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100-71 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 Disbursements 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. Reimbursing the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon request by 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. The petty cash disbursements record from the Disbursements Office and should include ALL of the following information:
   a) date expense was incurred;
   b) amount of expense;
   c) product or service provided; and
   d) the person incurring the expense (payee).
Each sheet must be signed by the Senate employee or official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over $50.
Section 9. Petty cash funds should be used for the following incidental expenses:
   a) postage;
   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; and
   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 should not be used for the procurement of equipment.
Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.
Section 11. Vouchers for travel reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Travel" signed by such person or person authorized for the reimbursement to 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 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 as a 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 in some 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 on Force XVIII, one of the III Corps staff and in the 6th Cavalry Brigade as a company commander and brigade adjutant. In 1999, General Richardson was selected to serve as the military aide to Vice President Al Gore at the White House in Washington, DC. 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 Aviation Regiment, including a deployment to Iraq in support of Operation Iraqi Freedom.

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 Myer, 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 Division, in the White House in WTX, 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 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 New Mexicans in recognizing 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 to 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 Gordon’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 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 Ranch’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, with Gifford Pinchot as the chief of the Forest Service, President Theodore Roosevelt signed into law a forest reserve in Nevada. The creation of the forest reserves envisioned partnership 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. Hawes as its 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 and managers.

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 formative 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 Jarbridge Shovel Brigade. Through it all, they have been instrumental in helping range managers 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 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 the 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 integral part of Kansas 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 National Orphan Train Complex, which is headquartered 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 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.

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 for the surviving of certain disabled veterans, and for other purposes.


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.

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.

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.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 366) 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. 366. An act 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.

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 “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 Limited 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; Formamide Emission Standards for Composite Wood’’ (EPA–4530–A415) (FRL No. 9962-85) 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 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 Coordinator of Health Care and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Programs and Coordinating Program Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Chronic Care Coordinating Model” (CMS-5519-F3) received in 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-1654. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of the 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 Standard (NAAQS); Secretaries” (RIN2060-AT4) (FRL No. 9962-89–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 Or-
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 through the Enhanced Payment Option (EPOs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR)" (RIN0560–C970) (CMS–5513–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–2017–0516); 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–2017–0517); 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–2017–0515); 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–2017–0511); 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 "340B Drug Pricing Program Ceiling Price and 340B Federal Potentially awhile 340B Maximum Allowance Program Regulation" (RIN0965–XP29) 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 the Tobacco Products, Tobacco Related Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses'; Further Delayed Effective Date; Request for Comments; Extension of Pendency" (RIN0066–AA19) (Docket No. FDA–2015–N–2002) received in the Office of the President of the Senate on May 23, 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, transmitting, pursuant to law, the Corporation's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Harassment Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–1662. A communication from the Deputy Administrator for Audit Services, 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" (RIN0648–XF587) 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 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" (RIN0648–XP29) 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 Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "340B Drug Pricing Program Ceiling Price and 340B Federal Potentially awhile 340B Maximum Allowance Program Regulation" (RIN0965–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 in the following:

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, United States farmers, ranchers 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 enforced fully on 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 imports from internationally, we urge that the cost of environmental protection, worker safety, wage rules 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 organic farming and the role agriculture plays 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 Chair and the Members 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, Speaker of the House of Representatives, and Members 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 portion of F–35 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 Armed Forces; and

Whereas, Gowen Field, located in the City of Boise, Idaho, has served admirably for decades as an effective, well maintained 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 for the basing of F–35 aircraft in the western United States; and

Whereas, Gowen Field, Boise, and southwestern Idaho possess the facilities, infrastructure, airspace, climate, landscape, skilled personnel, and other essential characteristics that determine the siting of F–35 aircraft; and

Whereas, the Idaho Air National Guard's existing A–10 aircraft flying mission faces the distinct possibility of elimination in the foreseeable future; and

Whereas, the economies of Boise, southwestern Idaho and the entire state would be materially damaged by the loss of an Idaho Air National Guard flying mission at Gowen Field.

Resolved, That the Idaho Air National Guard's flying mission at Gowen Field provides significant economic opportunities for thousands of Idaho citizens, both military and civilian; and

Resolved, That the Idaho Air National Guard's flying mission at Gowen Field is critical to the economic health of southwestern Idaho and the entire state, and that the State of Idaho will oppose any efforts by the U.S. Air Force to relocate any of the Idaho Air National Guard's flying missions from Gowen Field.
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 and aerospace industry which would be supported 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 Forty-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, Nuclear 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 to facilitate an expanded flying mission for the Idaho Air National Guard. 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, to 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 members of the State of Idaho memorializing the United States Congress to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository on the clear waste generated on-site, or were shipped to Idaho, that required storage or disposal using industry-accepted practices at the time, which precludes entry to any of the 890 square-mile federal site and to the underlying Snake River Plain Aquifer, the primary drinking and agricultural water source for more than 300,000 Idaho residents; and

Whereas, elected officials, federal department administrators, environmental interest organizations, Idaho citizens, and the nuclear industry itself recognized the need to change past waste storage and disposal practices and clean up legacy waste sites that posed a potential or confirmed risk to people or the environment; and

Whereas, after several years of assessment and negotiations, the State of Idaho entered into a legally binding agreement with the federal government on December 9, 2001, to assess all potential waste sites at the Department of Energy’s Idaho site and use the results of the risk-assessment study as the basis of a Comprehensive Environmental Response, Compensation and Liability Act to clean up legacy waste sites with the intent of protecting the second-largest contiguous aquifer in the United States and restoring or preserving areas of the site to protect people and the ancestral lands of the Shoshone-Bannock Tribes; and

Whereas, 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 the installation of contaminated sites and saving taxpayers hundreds of millions of dollars; and

Whereas, the Department of Energy and its contractors have made measurable progress removing Cold War weapons waste 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 Strategic Environmental Action Plan, the State of Idaho, by the Department of Energy, the Administration and Congress to identify, commit and sustain the necessary funding to the United States 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, cyber security 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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

POW–31. A joint memorial adopted by the Legislature of the State of Idaho relative to the Helms Canyon Complex; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 3
Whereas, at the direction of the United States government, the U.S. Department of Energy’s Idaho site was established in 1949 to demonstrate peaceful uses of splitting the atom through nuclear reactor research and development in its mission to create electricity for commercial use and propulsion for the United States Navy fleet; and
Whereas, during its history the Department of Energy’s Idaho site designed and built fifty-two research light-water reactor design and operation, proving that reactors could create more fuel than they use, extending the useful life of our country’s nuclear weapons and providing access to the medical community for the elimination of cancer and other diseases; and
Whereas, in its sixty-eight-year history, radioactive and hazardous wastes were generated on-site, or were shipped to Idaho, that required storage or disposal using industry-accepted practices at the time, which precludes entry to any of the 890 square-mile federal site and to the underlying Snake River Plain Aquifer, the primary drinking and agricultural water source for more than 300,000 Idaho residents; and
Whereas, elected officials, federal department administrators, environmental interest organizations, Idaho citizens, and the nuclear industry itself recognized the need to change past waste storage and disposal practices and clean up legacy waste sites that posed a potential or confirmed risk to people or the environment; and
Whereas, after several years of assessment and negotiations, the State of Idaho entered into a legally binding agreement with the federal government on December 9, 2001, to assess all potential waste sites at the Department of Energy’s Idaho site and use the results of the risk-assessment study as the basis of a Comprehensive Environmental Response, Compensation and Liability Act to clean up legacy waste sites with the intent of protecting the second-largest contiguous aquifer in the United States and restoring or preserving areas of the site to protect people and the ancestral lands of the Shoshone-Bannock Tribes; and
Whereas, 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 the installation of contaminated sites and saving taxpayers hundreds of millions of dollars; and
Whereas, the Department of Energy and its contractors have made measurable progress removing Cold War weapons waste 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 Strategic Environmental Action Plan, the State of Idaho, by the Department of Energy, the Administration and Congress to identify, commit and sustain the necessary funding to the United States 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, cyber security 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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

HOUSE JOINT MEMORIAL NO. 2
Whereas, the Snake River, and its surface and ground water tributaries, is the backbone of Idaho’s economy and power; that 76% of Idaho’s population, cities, businesses, dairies, factories and more than 3 million acres of irrigated lands above Idaho Power Company’s Hells Canyon Complex; and
Whereas, in the first half of the 20th century, hydropower development in the mid Snake and Hells Canyon spurred economic development, irrigation, industry and growth in Southern Idaho and has provided Idahoans with clean electric energy at rates that are among the lowest in the nation; and
Whereas, the Snake River, and its surface and ground water tributaries, is the backbone of Idaho’s economy and power; that 76% of Idaho’s population, cities, businesses, dairies, factories and more than 3 million acres of irrigated lands above Idaho Power Company’s Hells Canyon Complex; and
Whereas, in 1964, the State, recognizing its sovereignty over Idaho’s water resources and potential intrusions upon that sovereignty, approved through constitutional amendment, Section 7, Article XV, Constitution of the State of Idaho, the establishment of the Idaho Water Resource Board (IWRB) whose members are appointed by the Governor with the advice and consent of the Senate, and empowered the IWRB to formulate a comprehensive State Water Plan as described in Section 42–1734A, Idaho Code; and
Whereas, pursuant to Section 42–1734A, Idaho Code, the State of Idaho has adopted a State Water Plan (“Plan”); and
The Plan provides that: “The State, pursuant to Section 42–1734A, Idaho Code, the State of Idaho has adopted a State Water Plan (“Plan”); and

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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 and policy.

Whereas, Policy 2B of the Plan provides that: “The State asserts primacy over the management of its fish and wildlife and water resources, and prohibits any further introduction of or alteration of existing stocks of species or other aquatic species without state consultation and approval is against the policy of the State of Idaho because it would impair or impede the state’s primacy 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 Governor of the State of Idaho in a letter to the Federal Energy Regulatory Commission (FERC) in 2017, stated that the minimum stream flows and electric rates remain beneficial to its citizens; and

Whereas, in 1976 the State of Idaho in partnership with the State of Oregon entered into the 1976 Snake River Water Rights Agreement, that provide the citizens of Idaho with certainty regarding the water supply and operating conditions in the reaches of the Snake River upstream from the Hells Canyon Complex; and

Whereas, the Governor, by letter to the Governor of Oregon dated January 17, 2017, addressed that the introduction of any species without the express consent of the Idaho State Legislature and executive branch, . . . Based upon state law, the Idaho Department of Fish and Game cannot and will not, agree to the reintroduction of salmon or steelhead above Hells Canyon Dam; (C) the introduction of salmon, or steelhead into the 2004 Snake River Water Rights Agreement identified specific actions to the prevention of fish passage to the Hells Canyon Complex to protect upstream water users, water rights, landowners and economic development from the State of Oregon’s efforts to pass and introduce salmon and steelhead above Hells Canyon Dam into waters of the State. And 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 regard for the Hells Canyon Complex to protect the water users, water rights, landowners and economic development from the State of Oregon’s efforts to pass and introduce salmon and steelhead above Hells Canyon Dam into waters of the State. And 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 other agencies or any other entity acting on behalf of a federal agency, or other groups, entities or individuals to require the passage or introduction of 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 the introduction of steelhead or any such species into the waters of the State of Idaho. And be it further

Resolved, That, the State of Idaho supports the licensing of Hells Canyon Dam, in violation of Sections 67-6318 and 67-6302, Idaho Code, stating in part: “Such occurrence would violate long-existing laws of the State of Idaho relating to the introduction of any species without the express consent of the State’s Legislature and executive branch. . . . Based upon state law, the Idaho Department of Fish and Game cannot and will not, agree to the reintroduction of salmon or steelhead above Hells Canyon Dam; (C)
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 dam sites. Migration regulations are adopted in the license for salmon and steelhead comply with the terms of the 1980 Settlement Agreement. And be it further
Resolved, That the 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 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. Now, therefore, be it
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 Eastern United States and have spread through the Great Lakes and to water bodies in Eastern Europe near the Black Sea, and now having spread to 32 states, including a large number of lakes and rivers in Montana in November 2016; 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, spread through the Great Lakes and to the Pacific Northwest region. Until recently, 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 were detected at Canyon Ferry Reservoir and Tiber Reservoir, located 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 cause significant and in many cases fatal ecological damage, having reached 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 state lines; and
Whereas, the presence of quagga and zebra mussels would be devastating and could have a significant effect on the economy and environment; and
Whereas, the State of Idaho seeks to foster cooperative efforts between the western states and the Federal government for the establishment of a coordinated effort to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, 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. Now, therefore, be it
Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legis-
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 potential disposal of billions of dollars of nuclear waste is a concern to nuclear power advocates and to the citizens of the states surrounding the waste sites. The Nuclear Regulatory Commission, the Clean Air Act, and the 1982 Nuclear Waste Policy Act, among other regulations, prohibit the development and implementation of pyrochemical processing, which could extend the productive life of uranium and cut down on nuclear waste. The Nuclear Regulatory Commission must prioritize the development and implementation of technical specifications and licensing requirements to enable the construction of generation IV reactors capable of performing pyrochemical processing; and

Whereas, The Department of Energy’s National Laboratories have pioneered a method of reducing low-level nuclear waste from electric power reactors and factories, known as pyrochemical processing, which could extend the productive life of uranium and cut down on nuclear waste. The Nuclear Regulatory Commission must prioritize the development and implementation of technical specifications and licensing requirements to enable the construction of generation IV reactors capable of performing pyrochemical processing; and

Whereas, The federal government needs to build a permanent repository and promote the construction of pyrochemical processing facilities. Spent nuclear fuel continues to pile up at temporary sites around the country, and the ongoing problem of permanent disposal is an impediment to the potential of nuclear power to meet our nation’s energy needs. Our nation can only continue to safely store high-level waste at temporary sites for so long, now�

Resolved, that copies of this resolution be transmitted to the Secretary of Energy, the Nuclear Regulatory Commission, the President and the U.S. Senators, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Sixthteenth Idaho Legislature passed Senate Joint Memorial 106, sponsored by the Governor J. David 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 codified 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 the constitutional right of 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 29% and 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, nearly 90,000 Idahoans can afford coverage only with the assistance of an ACA premium tax credit or advanced Premium Tax Credit, 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, transitional plans were clearly and consistently articulated by the President of the United States; to the Committee on Finance.

Resolved, that copies of this resolution be transmitted to the Secretary of Health and Human Services and the Speaker of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this resolution to the President of the United States, the Secretary of Health and Human Services, the President of the Senate and the Speaker of the House of Representatives of Congress, and the Oregon Governor, J. David Otter, to the following action: Allow individual states to once again serve as the primary regulator of health insurance plans and immediately permit the free market availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; and be it further

Resolved, that the Idaho Department of Insurance issue guidance allowing for competitive, innovative, nonsubsidized health insurance plans in the individual marketplace. The State of Idaho is and shall be free from the regulatory system are threatened by the American Health Care Act under consideration in Congress; and

Whereas, The American Health Care Act will result in the elimination of all federal funding for Planned Parenthood, a reduction of tax credits and an increase in premiums for many low- and moderate-income Californians, the elimination of cost-sharing subsidies, a repeal of the Medicaid entitlement to coverage, the elimination of federal funding for new enrollment in Medi-Cal in 2020 resulting in a massive shift of costs to the state, more uninsured Californians, and for Californians receiving affordable coverage; and

Whereas, California’s strong consumer protections for health care coverage, access to comprehensive health coverage, including reproductive health care services, and vigorous regulatory system are threatened by the American Health Care Act under consideration in Congress; and

Resolved, that the Senate affirms its strong considerations of ways and means to ensure the ongoing well-being of millions of Americans and that the federal government needs to take the following action: Allow individual states to once again serve as the primary regulator of health insurance plans and immediately permit the free market availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; and be it further

Resolved, that the Idaho Department of Insurance issue guidance allowing for competitive, innovative, nonsubsidized health insurance plans in the individual marketplace. The State of Idaho is and shall be free from the regulatory system are threatened by the American Health Care Act under consideration in Congress; and

Resolved, that the Senate affirms its strong considerations of ways and means to ensure the ongoing well-being of millions of Americans and that the federal government needs to take the following action: Allow individual states to once again serve as the primary regulator of health insurance plans and immediately permit the free market availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; and be it further

Resolved, that the Idaho Department of Insurance issue guidance allowing for competitive, innovative, nonsubsidized health insurance plans in the individual marketplace.
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 plan that meets the standards clearly and consistently articulated by President Trump: that no one American will lose coverage and that coverage will be more affordable, stable, and guarantee a higher quality for all Americans; and be it further

Resolved, That the Senate urges Congress to not 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 transmit a copy of 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 President of the United States 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 allow 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 license fees, more than five times the amount paid by 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 seizes 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 risk 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 impacted 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, with amendments:

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 stationary gas turbine and gas-sweeting electric utility and gas-turbine power plants; and for other purposes (Rept. No. 115–76).

S. 195. 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. 115–77).

S. 226. A bill to exclude power supply circuits, drivers, and devices to be connected to, and powered directly or organically light-emitting diodes providing illumination or ceiling fans using direct current motors from energy conversion standards for external power supplies (Rept. No. 115–78).

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 a project 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. 743. 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 of the 115th Congress were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROUNDS (for himself and Mr. HOPEN): 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. KUSTER): 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 Missouri; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, and Mr. BLEMMENTHAL): S. 1212. A bill to provide family members of an individual who they fear is a danger to themselves or others, or of law enforcement, with new tools to prevent gun violence; to the Committee on the Judiciary.

By Mr. PIETERS (for himself and Ms. STENBERG): 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 line, on a publicly accessible website; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Ms. NELSON): S. 1214. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain substances; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. REID): 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. WHITEHOUSE, Ms. 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 a citizen or lawful permanent resident of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. COULTER, Mr. COWYNN, Mr. HATCH, Mr. MCCONNELL, Mr. PERRDUE, Mr. RISCH, Mr. ROBERTS, Mr.
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. BLUNT) — 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. 171. 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 in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 253 At the request of Mr. CyRUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 222 At the request of Mr. PETERS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 222, a bill to amend title XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through the Children’s Health Insurance Program, and for other purposes; to the Committee on Finance.

S. 121 At the request of Mr. Young (for himself and Mrs. Robin Morgan) — S. 121. 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. 122. 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 in certain land in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself, Mrs. FEINSTEIN, Mr. Kaine, Ms. Cortez Masto, Ms. Murkowski, and Mr. SCHATTZ) — 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. COONS) — 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 spills, and for other purposes; to the Committee on Environment and Public Works.

By Ms. 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. Robin Morgan) — S. 1228. A bill to require a National Diplomacy and Development Strategy; to the Committee on Foreign Relations.
S. 1090

At the request of Ms. Duckworth, the name of the Senator from California (Mrs. 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.

S. 1081

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.

S. 1092

At the request of Mr. Sanders, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1092, a bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes.

S. 1107

At the request of Mr. Coons, the name of the Senator from North Carolina (Mr. Burr) 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.

S. 1111

At the request of Mr. Grassley, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 1119, a bill to amend title XIX of the Social Security Act to refine how Medicare pays for orthotics and prosthetics and to improve beneficiary experiences and outcomes with orthotic and prosthetic care, and for other purposes.

S. RES. 109

At the request of Mr. Coons, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. Res. 109, a resolution encouraging the Government of Pakistan to release Asiai Noren, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

S. RES. 112

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.

S. RES. 174

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.

STATEMENTS 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 fear they are 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 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 drove rampages 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 in journal to the 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 wellness check. At Rodger’s home, 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.

Order of the day: The date is 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 acts 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 a court for a 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 and the Department of Justice and incentivize States to take intervening measures to prevent gun violence. Specifically, this legislation would ensure that families and others can seek a gun violence prevention warrant from a court to temporarily stop someone close to them who poses a threat to themselves or others from purchasing a firearm. This legislation also ensures that a court can issue 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 Wumi, Cheng Yuan Hong, George Chen, Veronika Weiss, Katherine cooper, and Christopher Michaels-Martinez.
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 Act of 2017 is a step we can take to protect communities across America and ensure that other 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. 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.

Mr. Kaine, from the Senate:
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 region 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 estimated that only 9–10 miles of 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. McCaskill, and Mrs. Gillibrand) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 176
Whereas June 7, 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 identity;
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) as United States law, and reaffirms the longstanding, bipartisan policy of the United States Government that a just resolution to the Israeli-Palestinian conflict can only be achieved through direct, bilateral negotiations restricted to the peace process and the mutual willingness of the Israeli and Palestinian sides to accept a two-state solution;
Whereas Congress has consistently reaffirmed its support for Israel’s commitment to religious freedom and administration of holy sites in Jerusalem;
Whereas Congress continues to support strengthening the mutually beneficial American-Israeli relationship;
(4) commends Egypt and Jordan, former combatant 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.

SENIOR 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; and
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; and
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 from across the United States and around the world: 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; and
(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 combatant 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 178—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION REGARDING BREACHED STATES V. KEVIN LEE OLSON

Mr. McConnell (for himself and Mr. Schumer) submitted the following resolution; which was considered and agreed to:

S. Res. 178
Whereas, 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 restricted to the peace process and the mutual willingness of the Israeli and Palestinian sides to accept a two-state solution: Now, therefore, be it
Resolved, That the Senate—
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. Kevin 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 assert the privileges 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, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Kobye Noel, an employee in the Office of Senator Heidi Heitkamp, and any other current or former employee of the Senator’s office from whom relevant evidence may be necessary, are authorized to testify and produce documents in this action, with representation by the Senate Legal Counsel.

AMENDMENTS SUBMITTED AND PROPOSED

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

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.

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 HOMELAND SECURITY AND GOVERNMENT AFFAIRS

The Committee on Homeland Security and Government Affairs is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 10 a.m. in order to conduct a hearing titled “Border Insecurity: The Rise of MS-13 and Other Transnational Criminal Organizations.”

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 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.” The witness list is attached.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship 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. Coe 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–219 of the Senate Hart Office Building to hold a closed hearing.

COMMITTEE ON SEAPOWER

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 CRIME AND TERRORISM

The Committee on Crime and Terrorism, Subcommittee on Crime and Terrorism, is authorized to meet during the session of the Senate, on 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 Subcommittee on East Asia, the Pacific, and Critical Infrastructure Security Policy 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.”

SUBCOMMITTEE 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 a 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 the following be granted privileges of the floor for the balance of the day.

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 PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR
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 notwithstanding the provisions of rule XXII, the vote on confirmation of Judge Thapar occur at 1:30 p.m. on Thursday, May 25; 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 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 further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 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. on 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 use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of 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 being sent by our friends in the House—our Republican friends in the House—increases the cost 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 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 say there is a low-income senior, somebody who hasn’t gotten to Medicare eligibility yet. 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 Virginia 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’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 every joint in my body.

Then, I began to experience painful spasms in my back, my shoulders, my neck, and even my jaw. I started having blurred vision and constant shooting pain in my eyes. I also began 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 complications of my systemic illness. Eventually, I was forced to file a claim for long-term disability insurance. I had been undergoing multiple tests and examinations and I thought physicians would soon determine what was wrong and prescribe the appropriate treatment so I could get back my life and get back to work.

That didn’t happen. 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 Spinal 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 forced to go without 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) for health insurance and I was very familiar with the ACA 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 to my former employer’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 basically against me. I am underreported. Many deaths are reported as suicide or accidents. I 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, egos, 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 work for affordable 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 I have been involved in 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.

There are a lot of things that we can do, but one thing that we can all be doing is working together as Republicans and Democrats and putting our parties aside in this case will actually save human lives. I ask you all not to repeal and replace the ACA and instead to work for affordable coverage.

So, as I have promised, I have read this letter. Stephanie’s story. I am hoping that Stephanie is listening and watching, but also for all the people that she represents—people who have serious illnesses, who are going to be left out or who are afraid they are going to be left out, elderly people who are going to not be able to afford insurance.

There are a lot of things that we can do, but one thing that we can all be doing is working together as Republicans and Democrats and putting our country first and people in our States and fixing this. We know it needs to be fixed. Get off the political rhetoric and quit blaming each other and sit down and say: OK, this needs to be repaired. This private market doesn’t work the way it was intended to.

We need to get more young people involved. We need the market forces to work. We need for everyone who has insurance for the first time to use it in the most efficient, effective, and appropriate way. 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 preamble to S. Res. 178 be agreed to.

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

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 so agreed to.

(For the resolution, previously agreed to, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

SECURING OUR AGRICULTURE AND FOOD ACT

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.

The senior assistant legislative clerk read as follows:

A 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”.

The PRESIDING OFFICER. The PRESIDING OFFICER.
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 1(b) 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 inserting the following:

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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.
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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 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, as well.

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 should be unclassified, given the threat 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 II 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 chart, they are developing the capabilities for intercontinental ballistic missiles. That is how it works in the rocket business.

Let me give you another one that I think is really significant. In fact, as both his father and grandfather did many years ago, as my next chart shows, Kim Jong Un has dropped on Hiroshima. While this yield 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.

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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. The United States has been working on 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. 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? It is. 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 our 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. It would be a very smart way 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 headlines or stories 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 knew what we do, 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—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 legislative focus should be.

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 300 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 we have a versatile defense, a viable defense, 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 development. Allow 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 like 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 describe “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. America turned that on its head with our system of government. Our system of democratic republic governance.

Therefore, we are at a very strange moment right now because, just 20 days ago, 217 Members, a small majority over in the House, voted for a bill that was all about government of and by the powerful, for the powerful, of and by the privileged, for the privileged, not by the people, for the people. They voted for TrumpCare.

We witnessed the House passing this horrific piece of legislation that will ensure that millions of low-income and middle-class Americans are worse off, while those less fortunate have to pay more for their healthcare, assuming they can even get it. But, on the other hand, the bill delivers $900 billion in platinum-plated tax benefits to the richest Americans.

Picture the situation: our President holding a celebration at the White House, standing on a platform, crushing more than 20 million people in terms of their access to healthcare, while celebrating a $900 billion bill with platinum-plated gifts to the wealthiest Americans. That is what happened 20 days ago in the House of Representatives. That is not a pretty sight and certainly doesn’t fit the mission of our Nation.

Franklin Roosevelt shared his vision of how we progress in the following fashion. He said: “The test of our progress is not whether we add more to the abundance of those who have much; its whether we provide enough for those who have little.”

But the Trump principle is that the test of our progress is whether we add more to the abundance of those who have most, while taking away from those who do not have enough. That is what happened. That is the difference between Franklin Roosevelt and the people, for the people, for the people, and President Trump and 217 House Members who passed a bill of, by, and for the powerful and the privileged.

It is astonishing to me that this happened to our citizens, when they heard about the first version of this bill, TrumpCare 1.0, they overwhelmed the inboxes, they proceeded to fill the streets, they flooded the phone lines, and people up here heard them and said: We understand. We don’t have the votes to pass this TrumpCare 1.0 in the House because we hear you telling us how horrific this bill is.
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, “is uniquely concerned 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 bill.’’

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 Heart Association; the American Academy of Pediatrics weighed in; 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 in TrumpCare 2.0, 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 principle of what people ‘‘owed’’? 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 powerful 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—would be impacted 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 affects 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—strips the healthcare of about 400,000 Oregonians. That’s 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 how many 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 not only been able to afford the surgery, but 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 own way and continue to grow and succeed rather than someone who is slipping 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 a smart economic decision. Even in compas­sion in our leadership’s healthcare plan, I would have hoped someone would have injected 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 spend your money and you 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.

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 prescriptions that keep me healthy so I can continue 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 still require 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 prescriptions. He would fail 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 past 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 hospitalization and could not be discharged. He was weaned off ventilators, followed by residential treatment, followed by a brief period in a transinstitutional 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. Is there a good healthcare system, one that has 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.

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 them out of the New Health 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 needs in order to be able 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 have certainly prevented her from getting healthcare without her having the ACA. The 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—story 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 promises after promise on healthcare. But, let’s face it—care 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 lose their healthcare 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.

Over and over again, President Trump said his plan would make healthcare cheaper. The CBO estimates that premiums under TrumpCare 2.0 will go up 20 percent next year. Check this out. Here is the basic math. A 64-year-old couple that was able to go on Medicaid, that couple would have his monthly cost for healthcare go up from about $140 a month to about $1,200 a month. When you are earning $26,500, by the time you pay for your rent and your utilities and your car payment and your groceries, you do not have much left, but you can still get health insurance if it is costing you $140 a month. But if out of that little more than $2,000 a month you earn, you would have to pay $1,200 a month, there is no way you can afford health insurance. So, President Trump promised that healthcare would be more affordable—promise broken.

The President promised that under his plan, Americans would have better healthcare. Currently you are guaranteed essential benefits, including emergency services, rehabilitation services, maternity and newborn care, mental health and addiction treatment, hospital treatment, pediatric services—essential benefits. Those are the things you expect in a healthcare system, to be covered.

But TrumpCare throws out the requirement to have essential care benefits. It means a State could choose to let insurers sell barebones plans that cover virtually nothing.

So you are making your payment and you think you have insurance, and then you get injured or you get sick and you find out it is not anything. That is not healthcare. That is predatory insurance policies, and that is what is allowed under TrumpCare.

So, Mr. President, you promised better healthcare and you delivered predatory policies—promise broken.

The President said he would make sure we kept the protections for preexisting conditions. He promised it. He repromised it. He triple promised it. He continued to promise it. But the amendment that he accepted for TrumpCare 2.0—passed 20 days ago by 217 Members of the House, in favor of government of, by, and for the powerful and the privileged—broke that promise and said States could allow the elimination of community pricing. So you are making your payment if you have preexisting conditions, but you can get the policy at the same price as everyone else. If you destroy community pricing, it means that when you file for your policy, the insurance company is going to ask you your health problems. We are going to charge you more because you are a mother. We see that you had an episode of cancer. It is in remission—good news—but the odds of your getting it are higher than someone else; so we are going to charge you more.

That is because their goal is to make sure those people who have preexisting conditions are not in their insurance pool, because they will make more money. That is an assault on the poor. It is an assault that everyone will be able to create health problems. We are going to charge you more because you are a mother. We see that you had an episode of cancer. It is in remission—good news—but the odds of your getting it are higher than someone else; so we are going to charge you more. The charges will be so high—and will be intended to be so high—that they will not be able to buy insurance, so they won’t be covered.

That is part of the reason that the CBO has analyzed the fact that there will be 23 million more people without insurance come 2026 under TrumpCare than under current law. Can you think of this as a tax. For those who actually can summon the funds, it is a set tax on sick people, and the sicker you are, the higher the tax bill you pay under TrumpCare.

As I was waiting to speak last night, I was watching a local television channel, and they were playing tapes of one rally after another where
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. He cut $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 touch 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 is the largest payer for nursing 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 the Senate 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 yearlong 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 the last 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, including roundtables, and public and markups. 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, and no public disclosure. The TrumpCare 3.0—Not one, the HELP Committee—the Health, Education, Labor, and Pensions Committee—held 47 hearings, roundtables, and walkthroughs. How many hearings has the Finance Committee held 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. So, 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 we 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.

Remember—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 compete. They are trying to destroy the marketplace. They are saying 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 insurance. 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 preventable.

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 against “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 for 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 are hearing them all say: 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.