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No. 26

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 13, 2018, at 12 p.m.

## Senate

FRIDAY, FEBRUARY 9, 2018

(Legislative day of Thursday, February 8, 2018)

The Senate met at 12:01 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

### PRAYER

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

Let us pray.

O Sovereign Lord, at this midnight hour, show us Your greatness. In these challenging days, be our strength and shield. No one is like You. Your way is perfect; Your promises prove true. You rescue those who look to You for protection. Great and mighty are Your words.

Give wisdom to our lawmakers. Remind them how brief their time on Earth will be. Help them to see that they are moving shadows, who bring nothing into this world and will take nothing from it. Remind us all that time is fleeting, and our hearts, though stout and brave, continue to beat funeral marches to the grave. And so, Lord, where do we put our trust? Our hope is in You.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 9, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The majority leader.

### HONORING HOMETOWN HEROES ACT

Mr. MCCONNELL. Mr. President, I call for regular order.

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 1892, a bill to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the

Senate to the bill, with amendment No. 1930, in the nature of a substitute.

McConnell amendment No. 1931 (to amendment No. 1930), to change the enactment date.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1932, to change the enactment date.

McConnell amendment No. 1933 (to (the instructions) amendment No. 1932), of a perfecting nature.

McConnell amendment No. 1934 (to amendment No. 1933), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, what we have experienced today is a long debate about how we should spend our money, and I have said repeatedly that this is a terrible, rotten, no-good way to spend your money. It is a terrible way to budget your money.

It is a terrible thing to sort of lurch from deadline to deadline. Basically, Congress lurches all the way to a deadline. We approach midnight, and we are either up or down on some bill that is decided by a few people but not by the vast majority. So Congress basically lurches from deadline to deadline, and then Congress waits until the last minute and then gloms all of the spending together in one enormous bill. When that bill comes forward, though, at the very last minute, we are told that we don't have enough time to debate and amend the bill, so no one really is allowed to participate in the process other than a few folks behind closed doors. The consequences of this have not been good, I think, for the country.

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



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All day long, what we have been requesting and what I have been asking for is simply 15 minutes to have one amendment, and my amendment would have said that we should live within our means, that we should live within the budgetary caps we have set and try not to add too much debt. We were denied this amendment even though we have had plenty of time. We probably had time for 40 or 50 amendments today had we actually allowed this to happen.

But make no mistake—the result of this bill today is a bipartisan looting of the Treasury. We are going to now have a bill that will expand spending across the board and will lead to trillion-dollar annual deficits. But it doesn't have to be that way. I think the Senate, if it actually tried harder, could do the right thing. If we were passing individual appropriations bills, no one Senator would ever stop anything, would ever be able to shut down anything. If we had done our job, the appropriations bills would have already been passed or be in the process of passing for the following year, and I think it just takes willpower to do it. Everybody you talk to says: Oh yeah, we should do it that way. Everybody sort of quietly says: This is the last time I am voting for a CR or for one of these enormous spending bills. Yet we are on our fourth one this year.

Even though I have great complaints about how much debt is going to be added with this, I think we also are finding that we will have another one of these in a month. So really I think that is what is disconcerting to a lot of us, is that we don't go through the process of actually looking for waste in government, going through the committee process, and spending the money more wisely.

Earlier today, I went through a series of wasteful projects that are out there. Many of them are very similar to wasteful projects that William Proxmire had started noticing in the late 1960s and early 1970s. Yet we still have many of that same waste that goes on and on and on.

Only four times in the last 42 years has Congress actually passed all the appropriations bills, but it is not impossible even in our modern era. This year, the House actually passed all 12 appropriations bills. Yet we didn't have time, somehow, to take up any of that or do any of the work on our side. But there are real consequences to what happens, and one of the consequences here is that we are accumulating new debt at about \$1 million a minute. We have for some time. The new estimates actually are closer to \$2 million a minute. It is going to be about \$1 trillion a year.

When you look at the debt that was accumulated for the last 17 years or so, George W. Bush doubled the debt from \$5 trillion to \$10 trillion. President Obama doubled the debt from \$10 trillion to \$20 trillion. And now we are on course to exceed \$30 trillion in the next

7 years or so. So there really are signs that the budget process is broken in the sense that we are always doing these short continuing resolutions, but there is also evidence that we are not being very good stewards of the money in putting all the spending together in one bill at one time.

I think the vote tonight is a vote about many things. It is about whether you favor a government accumulating so much debt. It is about whether you can reckon that with your conscience when you—many of us—complain for years and years about the trillion-dollar annual deficits of President Obama. And it really is also a litmus test of conservatism, because some of us have maintained for years that we are fiscally conservative, and we go home to our States and say we are holding the line. Yet it only appears sometimes that we are conservative when we are in the minority, and that is really a good question. Are we to be conservative all of the time or only when we are in the minority?

Some will say we must govern, and my question about governing is, Does governing mean abandoning one's principles? Does governing mean that we are just going to be senseless and spend and throw money at every problem?

Some said this is a great deal because it is bipartisan, but really, in some ways, it is a bipartisan compromise in the wrong direction. Both sides have come together and said: We will spend more money on the sacred cow that each side wants. But in reality, the person who gets shafted is the taxpayer and the next generation that is going to be burdened by this debt.

There are some procedural ways we could try to avoid this. We could all just do the right thing, but that hasn't seemed to work for decade after decade.

There are ideas, such as the Government Shutdown Prevention Act, and what it would do is it would say that if the appropriations committees don't do their job—if they have 12 months to actually come up with an appropriations bill and then the deadline comes and in 12 months they haven't done their job—what would happen is, the government wouldn't shut down; the government would continue spending money, but it would be at 1 percent less than they have been spending money.

I think you have to have that hammer. You have to have some kind of punishment for not doing your job, and the punishment here would be that we would slow the rate of growth of government—slow it down, 1 percent cut. It doesn't sound enormous, but if you actually had a 1-percent cut annually in the balance, you actually would balance your budget within about 5 years. So a 1-percent cut would actually be pretty dramatic and actually going in the right direction.

For those who don't want to cut spending, the 1-percent cut would be an incentive to do their job, to actually process the appropriations bills and have them come out.

Even if we only did 6 out of the 12 appropriations bills, only one-half of the government would cut down. So every appropriations bill that is actually brought through committee and brought to the floor is one step in the right direction. It makes it less likely that we would have a complete shutdown.

I think that drawing attention to how much debt we are accumulating is important. Some will say that it was a mistake to have this debate today. This debate could have been shortened and could have been finished by noon today had we been granted 15 minutes to have one amendment.

So I think part of the process is, even if we were going to do the appropriations bills the way many of us would like, I think they should come to the floor and we should have a week or two of amendments. It is the most important thing we are supposed to be doing. Why couldn't we have amendments? We do sort of the opposite now, and we wait until the very last minute. So we have waited all week long to put this at the end of the week and let it expire toward the end as people get tired, and then everybody says: Well, you don't want to shut down the government, do you? And I really don't. My intention has never been to shut down the government, but my intention is also not to keep it open and borrowing \$1 million a minute. My intention is not to vote for bills that are always just keeping it open, bills that actually spend so much money that I think they endanger our security.

There have been those who say that the greatest threat to our national security is actually our debt. I think that is true. And I think if we don't rectify this, if we don't fix our broken system, if we don't show the American public that we can function in a way better than lurching from deadline to deadline, I think eventually the American people are going to catch on that maybe they need some new people if we can't do it in an appropriate fashion.

I see no reason, on the first day of the legislature, that our leadership couldn't sit in the chair and say to everyone: We are going to do all 12 appropriations bills individually. We will spend 3 months in the committee on all of them, we will bring them to the floor, and we will do a week or two on every bill.

That would be the primary thing we did during the entire year, but we would review all the spending to make sure we are not wasting the money, to make sure there are not programs in there that are wasteful.

Right now, we are going through a Pentagon audit. Instead of actually enforcing things on the Pentagon to spend better, we are actually just giving the Pentagon a pile of more money. So the recent audit had \$800 million that was missing or lost. That is a large amount of money. The recent audit also says that there is over \$100 billion that actually was spent in a

wasteful manner. I would think we would want to take something like that, go through the appropriations process, and try to fix the spending.

But you will never get less waste if you give people more money. So really the bottom line is, you have to give people less money. If you give people more money, they will continue to waste it at the same rate. You can say we are rooting out waste, but if you are always increasing the amount of money you give people, there will be more waste. There are some Departments of government that should be completely cut out, eliminated.

I think there is a lot that can be done, but none of this is happening now. When weglom all the spending together in one enormous bill, there is not enough time to read it, and if there are no amendments, there is no way or no process to go through and try to reform government.

I think this has been a very useful debate, and my hope is that those who mutter and say "Gosh, why are we having to do this so late at night?" will say "Why do we do it at all this way? Why can't we do it in a better way next year? Why can't we begin to do the process of actually sending bills through committee and debating them in a normal fashion?"

So I, for one, think that this is an important debate and that the future of our country hinges on how much debt we are accumulating. I hope those who look at this bill who actually truly do believe that debt is a problem will consider saying: Enough is enough, and I am not voting for more debt.

Thank you.

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

Mr. ROUNDS. Mr. President, I ask unanimous consent that we begin the cloture vote at this time. I believe we are only about 2 minutes away from the scheduled time.

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

#### CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment with a further amendment to H.R. 1892, an act to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Mitch McConnell, John Cornyn, Chuck Grassley, Tom Cotton, David Perdue, Thom Tillis, James Lankford, John Kennedy, Roy Blunt, Richard C. Shelby, Lisa Murkowski, Susan M. Collins, Steve Daines, John Boozman, John Barrasso, James M. Inhofe, Orrin G. Hatch.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with amendment No. 1930, offered by the Senator from Kentucky, Mr. McCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

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

The yeas and nays resulted—yeas 73, nays 26, as follows:

[Rollcall Vote No. 30 Leg.]

#### YEAS—73

Alexander	Hassan	Portman
Baldwin	Hatch	Reed
Barrasso	Heinrich	Roberts
Blumenthal	Heitkamp	Rounds
Blunt	Heller	Rubio
Boozman	Hoeven	Schatz
Brown	Inhofe	Schumer
Capito	Isakson	Scott
Cardin	Jones	Shaheen
Carper	Kaine	Shelby
Casey	Kennedy	Smith
Cassidy	King	Stabenow
Cochran	Klobuchar	Sullivan
Collins	Leahy	Tester
Coons	Manchin	Thune
Cornyn	McCaskill	Tillis
Cortez Masto	McConnell	Udall
Cotton	Menendez	Van Hollen
Cruz	Moran	Warner
Donnelly	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Fischer	Nelson	Young
Gardner	Perdue	
Graham	Peters	

#### NAYS—26

Bennet	Feinstein	Markey
Booker	Flake	Merkley
Burr	Gillibrand	Paul
Cantwell	Grassley	Risch
Corker	Harris	Sanders
Crapo	Hirono	Sasse
Daines	Johnson	Toomey
Dinns	Lankford	Warren
Enzi	Lee	
Ernst		

#### NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 26.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer with instructions falls.

The majority leader.

#### AMENDMENT NO. 1931

Mr. McCONNELL. Mr. President, I know of no further debate.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to amendment No. 1931.

#### AMENDMENT NO. 1931 WITHDRAWN

Mr. McCONNELL. I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

#### VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1930

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with further amendment.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

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

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 31 Leg.]

#### YEAS—71

Alexander	Graham	Peters
Baldwin	Hassan	Portman
Barrasso	Hatch	Reed
Blumenthal	Heinrich	Roberts
Blunt	Heitkamp	Rounds
Boozman	Heller	Rubio
Brown	Hoeven	Schatz
Capito	Inhofe	Schumer
Cardin	Isakson	Scott
Carper	Jones	Shaheen
Casey	Kaine	Shelby
Cochran	King	Smith
Collins	Klobuchar	Stabenow
Coons	Leahy	Sullivan
Cornyn	Manchin	Tester
Cortez Masto	McCaskill	Thune
Cotton	McConnell	Tillis
Cruz	Menendez	Udall
Donnelly	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Whitehouse
Ernst	Murray	Wicker
Fischer	Nelson	Young
Gardner	Perdue	

#### NAYS—28

Bennet	Flake	Merkley
Booker	Gillibrand	Paul
Burr	Grassley	Risch
Cantwell	Harris	Sanders
Cassidy	Hirono	Sasse
Corker	Johnson	Toomey
Crapo	Kennedy	Warren
Daines	Lankford	Wyden
Enzi	Lee	
Feinstein	Markey	

#### NOT VOTING—1

McCain

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### BROADER OPTIONS FOR AMERICANS ACT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 302, H.R. 2579.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 302, H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

#### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 302, H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Mike Crapo, Johnny Isakson, Thom Tillis, Cory Gardner, James Lankford, Bill Cassidy, Marco Rubio, Roy Blunt, Lindsey Graham, Mike Rounds, Richard Burr, Tim Scott, Jeff Flake, Pat Roberts, John Thune, John Hoeven.

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.

WILDLAND FIREFIGHTING  
LEGISLATION

Ms. CANTWELL. Mr. President, I wish to speak about an urgent challenge facing my constituents and my colleagues in the Pacific Northwest that unfortunately was ignored in this massive legislative mishmash we were asked to vote up or down on in the middle of the night: wildfires.

Communities across the West, including my home State of Washington, are being torn apart by these disasters. Last year, the Diamond Creek fire burned 128,000 acres in my State. In 2016, the Okanogan Complex burned 305,000 acres. Just those two fires alone burned an area around two-thirds the size of Rhode Island, and both devastating events spewed ash and toxic smoke across a vast region and destroyed billions of dollars' worth of forest products.

I am very concerned that these are not freak or rare, once-in-a-generation events. According to our best scientists, the killer combination of climate change and decades of inadequate forest management has made these monster infernos the new normal.

The numbers speak for themselves.

Ten thousand, that is the number of houses that have been burned down in wildfires last year.

Eighteen billion, that is the initial estimate of how much damage wildfires caused just in California last year.

Sadly, 54 Americans were killed by these wildfires in 2017.

That is why I have spent years collaborating with other Senators from affected States to hammer out commonsense, bipartisan solutions to this increasingly urgent challenge.

First and foremost is the inadequate funding for fire prevention and suppression programs.

How much longer are we going to shortchange fire programs? The fire

budget Congress allocated for this last year was short by over \$1.4 billion.

Under current law, when there is a funding shortfall like this, the Forest Service has to rob its own programs to make it up. What programs? The ones dedicated to fire prevention and forest restoration that could help prevent future fires. That is crazy and very shortsighted.

Also, we need a better management strategy for our national forests—an innovative strategy to manage our forests in smarter, more efficient, and more sustainable ways. There are many case studies of how we can reduce fire risk and increase local forestry jobs, all while restoring forest ecosystems.

For example, the Colville National Forest has been using innovative management tools to reduce the risk of wildfire in northeast Washington. The forward-thinking restoration work being performed by Vaagen Brothers Lumber in Colville has enabled this small National Forest to be ranked in the top three forest products-producing national forests in the country. Their holistic approach to forest restoration has also earned them the proud spot as the No. 1 national forest for number of culverts replaced to improve fish passage and water quality.

The success of local projects cannot help but inspire me and my colleagues. I am pleased to report that all of the Senators from the Northwest—both Democrat and Republican—have agreed on what is needed to enable the Forest Service to be proactive rather than simply reactive when it comes to wildfires.

Senators RISCH, WYDEN, CRAPO, MURRAY, MERKLEY, and I agree that the Forest Service's fire-borrowing problem needs to be fixed. All of us cosponsored legislation to do that.

Senators RISCH, WYDEN, CRAPO, MURRAY, MERKLEY, and I also all agree that we should treat the most at-risk parts of the national forests before they burn up and do so in a way that is supported by science. All of us cosponsored legislation to also do that.

These bills have been endorsed by environmental groups, timber industry, firefighter organizations, and local governments. All of these local and national stakeholders are in agreement, that we need to supply the Forest Service and impacted communities with funding, provide jobs in rural communities, and reduce the fire risk in our most at-risk forests.

Unfortunately, despite the urgency of the problem, despite the strong consensus on both sides of the aisle and amongst a diverse range of stakeholders, despite the fact that we have hammered out legislative text, it appears the inclusion of our bipartisan measure is being blocked from being included in the pending bill.

It is hard to overemphasize my frustration at the current situation. It took weeks, months, and in some cases years to develop these proposals and

vet with affected stakeholders this suite of bipartisan bills.

The bipartisan consensus legislation we offered last week included a permanent fix to the Forest Service's fire-borrowing problem. That was legislation cosponsored by 15 Senators. Our proposal also included funding for Secure Rural Schools. That bipartisan legislation was cosponsored by 32 Senators.

It turns out there were actors set on blocking our attempts to enact reasonable wildfire legislation. We received a counteroffer at the eleventh hour, and it contained only a short-term funding solution, with eight new radical land management policies that they knew we could not accept.

The new provisions ranged from repealing protections for old-growth trees on the Tongass National Forest to giving away Federal land. Other objectionable provisions included allowing exemptions for large clearcuts from environmental review and removing people's ability to file lawsuits on Forest Service projects in Montana, Wyoming, and Colorado. That is ridiculous.

Instead of working to forward bipartisan ideas, Republican leadership decided to inject "poison pill" environmental riders into the process in a "take it or leave it" midnight offer.

This leaves many of us with a lot of doubt as to whether Republican leadership has ever been serious about fixing wildland fire budgeting. History tonight shows that they see it only as a vehicle to sideline long-established environmental laws that protect people, wildlife, and our public lands.

Well, I want to tell everyone here that we are not giving up. There are so many bipartisan, noncontroversial improvements to Forest Service management that can be enacted.

Members, like my colleagues from the Northwest, want to get something done. Our constituents are demanding it, and we need to do it before the next fire season starts in just a few months.

I want the record to reflect that, while there were many provisions I supported in the underlying legislation, I could not in good conscience vote for a bill that purposely left urgently needed wildland firefighting legislation on the cutting room floor. We can and must do better next time, and I am going to keep working at it until we get this problem addressed.

SUBMISSION OF CONCURRENT AND  
SENATE RESOLUTIONS

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

By Ms. HEITKAMP (for herself, Ms. BALDWIN, Mr. DAINES, Mr. HOEVEN, Mr. TESTER, Mr. ROUNDS, Mr. LANKFORD, Mr. BARRASSO, Mr. THUNE, Ms. HIRONO, Ms. STABENOW, Ms. HARRIS, Mr. MORAN, Mr. PETERS, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. SULLIVAN, Mr. HEINRICH, Mr. SCHATZ, Mr. UDALL, Ms. SMITH, Ms. CORTEZ MASTO, and Mrs. MURRAY):

S. Res. 400. A resolution designating the week beginning February 11, 2018, as “National Tribal Colleges and Universities Week”; considered and agreed to.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 400—DESIGNATING THE WEEK BEGINNING FEBRUARY 11, 2018, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Ms. HEITKAMP (for herself, Ms. BALDWIN, Mr. DAINES, Mr. HOEVEN, Mr. TESTER, Mr. ROUNDS, Mr. LANKFORD, Mr. BARRASSO, Mr. THUNE, Ms. HIRONO, Ms. STABENOW, Ms. HARRIS, Mr. MORAN, Mr. PETERS, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. SULLIVAN, Mr. HEINRICH, Mr. SCHATZ, Mr. UDALL, Ms. SMITH, Ms. CORTEZ MASTO, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 400

Whereas there are 36 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 250 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

(1) enhances Indian communities; and

(2) enriches the United States as a nation;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for—

(1) American Indians;

(2) Alaska Natives; and

(3) other individuals that live in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that effectively prepare students to succeed in—

(1) the academic pursuits of the students; and

(2) the global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 15 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning February 11, 2018, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate ceremonies, activities, and programs to demonstrate support for Tribal Colleges and Universities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1941. Mr. McCONNELL proposed an amendment to the concurrent resolution H.

Con. Res. 104, providing for a correction in the enrollment of H.R. 1892.

SA 1942. Mr. McCONNELL proposed an amendment to the bill H.R. 1301, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

## TEXT OF AMENDMENTS

**SA 1941.** Mr. McCONNELL proposed an amendment to the concurrent resolution H. Con. Res. 104, providing for a correction in the enrollment of H.R. 1892; as follows:

Strike all after the enacting clause and insert the following:

SEC. 101. The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is further amended by inserting after section 165 the following new section:

“SEC. 166. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about February 9, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

“(b) For purposes of this section, ‘employee’ means:

“(1) a Federal employee;

“(2) an employee of the District of Columbia Courts;

“(3) an employee of the Public Defender Service for the District of Columbia; or

“(4) a District of Columbia Government employee.

“(c) All obligations incurred in anticipation of the appropriations made and authority granted by this division for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this division.”

SEC. 102. For the purposes of division D of Public Law 115-56, the time covered by such division shall be considered to include the period which began on or about February 9, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the “Continuing Appropriations Amendments Act, 2018”.

**SA 1942.** Mr. McCONNELL proposed an amendment to the bill H.R. 1301, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes; as follows:

Strike all after the resolving clause and insert the following:

That in the enrollment of the bill H.R. 1892, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike the first section 1 and section 2 immediately following the enacting clause and insert the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the “Bipartisan Budget Act of 2018”.

**“DIVISION A—HONORING HOMETOWN HEROES ACT**

**“SECTION 10101. SHORT TITLE.**

“This division may be cited as the ‘Honoring Hometown Heroes Act’.

**“SEC. 10102. PERMITTING THE FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A FIRST RESPONDER SERVING IN THE LINE OF DUTY.**

“(a) AMENDMENT.—The sixth sentence of section 7(m) of title 4, United States Code, is amended—

“(1) by striking ‘or’ after ‘possession of the United States’ and inserting a comma;

“(2) by inserting ‘or the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty,’ after ‘while serving on active duty.’;

“(3) by striking ‘and’ after ‘former officials of the District of Columbia’ and inserting a comma; and

“(4) by inserting before the period the following: ‘, and first responders working in the District of Columbia’.

“(b) FIRST RESPONDER DEFINED.—Such subsection is further amended—

“(1) in paragraph (2), by striking ‘, United States Code; and’ and inserting a semicolon;

“(2) in paragraph (3), by striking the period at the end and inserting ‘; and’; and

“(3) by adding at the end the following new paragraph:

““(4) the term “first responder” means a “public safety officer” as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).”

“(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

(2) Strike section 1 immediately preceding division B.

(3) In section 30422(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”.

(4) In section 30422(b)(4)(I)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(5) Strike section 30423 and insert the following:

**“SEC. 30423. FUNDING.**

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”.

(6) In section 30442(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”

(7) In section 30442(b)(4)(I)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(8) Strike section 30443 and insert the following:

**“SEC. 30443. FUNDING.**

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”

(9) Strike lines 4-8 on page 232 of the amendment and replace with the following:

“(II) a State false claims act, including a State false claims act with qui tam provisions, or”.

(10) At the end of division G, strike the following: “.”

“(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

**PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1892**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 104, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 104) providing for a correction in the enrollment of H.R. 1892.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, and the motion 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 amendment (No. 1941) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

That in the enrollment of the bill H.R. 1892, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike the first section 1 and section 2 immediately following the enacting clause and insert the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Bipartisan Budget Act of 2018’.

**“DIVISION A—HONORING HOMETOWN HEROES ACT**

**“SECTION 10101. SHORT TITLE.**

“This division may be cited as the ‘Honoring Hometown Heroes Act’.

**“SEC. 10102. PERMITTING THE FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A FIRST RESPONDER SERVING IN THE LINE OF DUTY.**

“(a) AMENDMENT.—The sixth sentence of section 7(m) of title 4, United States Code, is amended—

“(1) by striking ‘or’ after ‘possession of the United States’ and inserting a comma;

“(2) by inserting ‘or the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty,’ after ‘while serving on active duty.’;

“(3) by striking ‘and’ after ‘former officials of the District of Columbia’ and inserting a comma; and

“(4) by inserting before the period the following: ‘, and first responders working in the District of Columbia’.

“(b) FIRST RESPONDER DEFINED.—Such subsection is further amended—

“(1) in paragraph (2), by striking ‘, United States Code; and’ and inserting a semicolon;

“(2) in paragraph (3), by striking the period at the end and inserting ‘; and’; and

“(3) by adding at the end the following new paragraph:

“(4) the term ‘first responder’ means a ‘public safety officer’ as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).”.

“(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

(2) Strike section 1 immediately preceding division B.

(3) In section 30422(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”.

(4) In section 30422(b)(4)(I)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(5) Strike section 30423 and insert the following:

**“SEC. 30423. FUNDING.**

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”.

(6) In section 30442(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”.

(7) In section 30442(b)(4)(I)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(8) Strike section 30443 and insert the following:

**“SEC. 30443. FUNDING.**

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”.

(9) Strike lines 4-8 on page 232 of the amendment and replace with the following:

“(II) a State false claims act, including a State false claims act with qui tam provisions, or”.

(10) At the end of division G, strike the following: “.”

“(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

The concurrent resolution (H. Con. Res. 104), as amended, was agreed to.

**NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 400, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 400) designating the week beginning February 11, 2018, as ‘National Tribal Colleges and Universities Week.’

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

Mr. MCCONNELL. 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. 400) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### SIGNING AUTHORITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the senior Senator from Alaska, the junior Senator from Wyoming, the junior Senator from North Carolina, and the junior Senator from South Dakota be authorized to sign duly enrolled bills or joint resolutions on Friday, February 9, 2018.

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 36, H.R. 1301.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1301) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be 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. 1942) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SEC. 101. The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is further amended by inserting after section 165 the following new section:

"SEC. 166. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about February 9, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

"(b) For purposes of this section, 'employee' means:

"(1) a Federal employee;

"(2) an employee of the District of Columbia Courts;

"(3) an employee of the Public Defender Service for the District of Columbia; or

"(4) a District of Columbia Government employee.

"(c) All obligations incurred in anticipation of the appropriations made and authority granted by this division for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this division."

SEC. 102. For the purposes of division D of Public Law 115-56, the time covered by such division shall be considered to include the period which began on or about February 9, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the "Continuing Appropriations Amendments Act, 2018".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1301), as amended, was passed.

#### ORDERS FOR FRIDAY, FEBRUARY 9, 2018, AND MONDAY, FEBRUARY 12, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 3 p.m., Monday, February 12; 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 resume consideration of the motion to proceed to H.R. 2579, and notwithstanding the provisions of rule XXII, the cloture vote on the motion to proceed occur at 5:30 p.m., Monday. I further ask that if the House of Representatives does not concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 1892, the Senate adjourn until 11 a.m. today; finally, 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 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.

CONDITIONAL ADJOURNMENT  
UNTIL MONDAY, FEBRUARY 12,  
2018, AT 3 P.M.

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.

There being no objection, the Senate, at 1:57 a.m., conditionally adjourned until Monday, February 12, 2018, at 3 p.m.