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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Patrick J. Conroy, the Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Lord God, we are astounded by the bountiful flow of Your blessings. We thank You for the gift of this day that we receive from Your generous bounty.

Inspire our lawmakers to use these precious hours and minutes for Your glory. Help them to understand that when they have an awareness of the brevity of their days on Earth, it will provide them with hearts of wisdom.

Bless also and strengthen the many staffers who provide the wind beneath the wings of our leaders.

We pray in Your Holy Name.

### 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 4, 2017.

To the Senate:

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

ORRIN G. HATCH,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### HIRE VETS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 244, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 244, a bill to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 210 (to the House amendment to the Senate amendment), to change the enactment date.

McConnell amendment No. 211 (to amendment No. 210), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on

Health, Education, Labor, and Pensions, with instructions, McConnell amendment No. 212, to change the enactment date.

McConnell amendment No. 213 (to the instructions) amendment No. 212), of a perfecting nature.

McConnell amendment No. 214 (to amendment No. 213), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

### RELIGIOUS FREEDOM

Mr. BLUNT. Mr. President, I will speak in a few minutes about the business before the Senate today, but first I wish to speak about what is happening at the White House today.

President Trump is expected to sign an Executive order to protect religious freedom. Many times during the last year, the President has talked about his commitment and our commitment as a nation to religious freedom, but I expect that today he will lay down, specifically, by Executive order the policy of this administration to protect and to vigorously promote religious liberty—not to vigorously promote religion but to vigorously promote religious liberty.

Reports are that the President will tell the IRS that we can't challenge churches and what they say, as well as challenge their not-for-profit status, simply because of what that pastor or that rabbi or that imam believes in the place where they deliver their message and how they live out their faith. It also tells Federal agencies to stop forcing religious organizations to pay fines if they don't want to cover certain healthcare items that conflict with their faith views.

In fact, just this week, Senator STRANGE and I sent a letter to the Attorney General after we saw that in the Fifth Circuit the Attorney General's office had said that they want 60 more days for all of these pending cases on this very matter. In the letter that Senator STRANGE and I sent to our former colleague, the Attorney General, we just pointed out to him that the President repeatedly said, as a candidate for President, that this sort of

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



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continued action of taking religious organizations to court that simply want the ability to practice their faith is going to stop, and we hope it stops and we hope it stops now.

Lastly, I think this order has the potential to be either more specific or to really instruct the Attorney General to look throughout the agencies of government and issue guidance, so that in all of those agencies, as they go about the work that they do, one of the things they want to be sure they are doing is promoting religious liberty; so that religious organizations that have traditionally or are hoping in the future to be delivery services for adoption, delivery services for addiction, delivery services for other problems that people face, would continue to have the ability to be competing to provide those services.

We know this hasn't happened over the last several months. Religious groups that have had contracts for a long time and the availability to provide those services, even when they scored the highest on the scoring of the competitive bids for these contracts, were not given the contracts because they were faith-based.

Well, if there is any country in the world that has understood the importance of religious liberty, it has been the United States. Religious freedom is the first freedom in the First Amendment to the Constitution, the first right in the Bill of Rights, and I don't believe that is by accident. No other country in the history of the world ever committed itself to religious freedom as our country did from the very first weeks of the government under the Constitution. No country ever held this as a principled tenet of what they would stand for as a country prior to the United States doing that.

We might recall how we come to the place today where the President has to issue an Executive order protecting religious freedom. In 1993, President Clinton signed into law the Religious Freedom Restoration Act. That act really affirmed that the Federal Government shouldn't infringe on individual religious beliefs unless there was an overriding public purpose to do so. If, in fact, it was found to be necessary to infringe on somebody's religious beliefs because of that overriding public purpose—if there was justification that there was one—then we should really only interfere with it in the least intrusive way and we should do the minimum necessary to meet whatever that greater public need might be.

It is unbelievable to me that in recent years, groups like the Little Sisters of the Poor, Christian colleges, or other groups that are traditionally providing services are suddenly finding themselves in court defending who they are and who they hope to be. The order issued today would finally provide that relief in a case like the Little Sisters of the Poor. I looked a few months ago at their stated purpose and it is, for the Little Sisters of the Poor,

to receive older people without means, regardless of their faith, and treat them like they were Jesus Christ. Now, that doesn't sound like a group that the Federal Government would have to crack down on. But the Federal Government, in recent years, decided that, in fact, they should force this group to do things that violate its faith principles. There is no possible greater good to be accomplished by that. Hopefully, this Executive order makes it clear today that harassment of religious groups is going to stop and that the Religious Freedom Restoration Act principles are still principles in our country and, more importantly, that the First Amendment is still a founding principle in our country.

There is no question in the mind of any American, I think, that the U.S. Government should do everything in its power to defend and protect religious freedom. Whether you are a person of faith or a person of no faith at all, you should be able to pursue those beliefs.

When Jefferson was asked in the last year of his Presidency which freedom is most important, he said that the right of conscience is the freedom that we should most vigorously defend—the right to believe what we believe and pursue what we believe. That has been further defined over the years by this: If there are times when that creates a true hazard to others, others have a right to come in and explain that, and the government has a right to see what can be done about that and still maintain in every way possible the essence of belief that people have.

So I commend the President for the action that he is reported to be taking later today. I continue to be not only supportive of the President's view that religious freedom is a critical tenet of who we are, but also I look forward to working with his administration as they further put this Executive order into place throughout the agencies of government.

Mr. President, I also wish to speak for a few minutes while I am here about the bill before the Senate today. I think the fact that we are moving forward with an update on how we spend our money and a prioritization of how we spend our money is incredibly important. I would have been and would be, if somehow we failed to do our job today, very disappointed if we think that the priorities of a year ago have to be the exact same priorities today.

Now, many of them will be the same, but many of them will not. So all of these appropriating committees have worked together, House and Senate, and have come to a process where we will have 12 bills—not debated on the floor as intensively as I would have liked to have seen them debated—that should be our goal for this year—but 12 bills where House Members and Senate Members, Republicans and Democrats, came together and decided what our priorities should be.

The subcommittee that I chair—the Labor, Health and Human Services, Education, and Related Agencies Subcommittee—dollar-wise, after we take Defense off the table, that is the biggest of the committees and, in some ways, it has the most challenging debates as to where we wind up in these areas, but I think we have made good choices that hopefully can be improved on next year, but I am absolutely confident they are better than last year.

It is really important for the people we work for to understand that we had to make choices. There is very little difference in the money that will be spent this year and the money that was spent last year, but there is a difference in priorities. I think in the Labor, Health and Human Services, Education, and Related Agencies Subcommittee, we have either eliminated or consolidated in a dramatic way 28 programs so that we could find that money and use it for what we now believe to be a better purpose.

One of those better purposes would be an increase for the second year in a row, and the second year in the last 14 years, in health research at the National Institutes of Health. There were 12 years with no increase at all, and now, for 2 back-to-back years, we are trying to get us back to the research buying power we were at 12 years ago. Again, as to the programs that weren't performing, many of them wound up with zero appropriations in both of these last 2 years so that the NIH appropriation could increase.

At a time when we are looking at precision medicine, when we are looking at immunotherapy, when we no longer look at cancer as just cancer and throw everything at it we want to throw at it, in fact, we look at the individual cancer, and we are at that moment because we understand now what we didn't understand a decade ago. We can look at the individual cancer and the individual patient and figure out how that patient has a unique potential to fight that cancer in their body. We looked at things that may not be required for people with cancer and other diseases, and if we can figure out which people need this procedure and which people don't, not only do you not pay for the procedure for people who don't need it, but also people don't go through the physical challenge of procedures they don't need.

As to Alzheimer's, one of the growing concerns in American families today—right up there now with cancer as one of the things that people worry about most as they look to the future—if we could reduce the onset of Alzheimer's by an average of 5 years, we would be spending almost 50 percent less in 2050 than we will be otherwise. In 2050, spending of tax dollars on Alzheimer's care will overwhelm the budget, but research commitments can do something about that.

The Labor, Health and Human Services, Education, and Related Agencies Subcommittee bill puts us back, for

the school year that begins next fall, where we will be back to year-round Pell. What does that mean? What is year-round Pell as opposed to what we have now? Right now, we have two semesters where you can qualify for the Pell grant. A Pell grant is given based on income and need. If you qualify for a full Pell—I believe, in the Acting President pro tempore's State and, I know, in my State—there is no community college where full Pell doesn't pay for all tuition, all books, all fees. If you are at the level of need where you qualify for the full Pell grant, you have other things you have to worry about to sustain yourself, but paying for school is not one of them. As an adult going back to school and someone paying for your own school with your own effort, if you are the first person in your family to hope to graduate from school, anything that disrupts whatever pattern you are in minimizes the chances to achieve your goal. So if you have things working in the fall and the spring and you can also stay in a summer term, not only do you get done quicker, but you don't disrupt the pattern you found yourself in.

For 8 years now we haven't had year-round Pell. This vote we will take today allows that to happen, and it will make a big difference. It will also make a difference when you are in a program where you are being prepared to do a job that is uniquely available or available in your community. It is pretty hard to explain why we can do this and we have ways to pay for it through the fall and spring, but by the summer we just have to take a break. That is not a very easy thing to explain to an employer who has come to the community because you have that training potential in your community.

The third major allocation of money that had to come from somewhere else is opioid abuse. This bill will increase by 430 percent our commitment on this issue. It is not because we had 650 million new dollars to spend on opioid abuse. It is because in many places in our country today and in many States in our country, more people die from opioid overdoses than die from car accidents. It is because many families are destroyed by addiction to prescription drugs that leads to other drugs when those prescription drugs can't be available and, frankly, the abuse of prescription drugs, in some cases, where they are available. So we are looking at new ways to deal with pain and looking at new ways to deal with this growing problem.

In 2014 and 2015, each year more than 1,000 people in Missouri died of drug overdoses. In my State and most States, a fire department that also has a first responders unit is three times more likely to respond to a drug overdose than the average fire department to a fire. So there is a third area where this bill prioritizes what needs to be done.

In the Individuals with Disabilities Education Act, title I, charter schools,

all those things have a new focus as this bill passes. The mental health initiatives, rural healthcare, and Head Start are all benefited by a reprioritization of what happens here, as are veterans workforce issues and Job Corps issues.

I think this bill is far from perfect, but it is better than the way we are spending our money today and better than we were spending our money a year and a half ago. Hopefully, it will not be quite as good as the way we spend our money starting October 1.

So we need to get this work done and get started immediately doing the business of setting priorities, making difficult choices, and spending people's money in a way that has a long-term plan to benefit them, their families, and our growing economy. I look forward to that vote later today, and then to have, I would hope—as I know the majority leader hopes—a greater effort this year than ever before to get these bills on the floor and to have them fully debated. The best possible thing would be to pass them one at a time and put them on the President's desk one at a time. But the next best thing is to look at the bills and reach individual conclusions about these individual bills. That is what the bill before us today does, and I urge its passage.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### U.S. WANTS TO COMPETE FOR A WORLD EXPO ACT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 48, H.R. 534.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 534) to require the Secretary of State to take such actions as may be necessary for the United States to rejoin the Bureau of International Expositions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "U.S. Wants to Compete for a World Expo Act".*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) The Bureau of International Expositions (BIE) is the organization responsible for governing World Fairs and International Expositions.

(2) Section 1(a) of Public Law 91-269 (22 U.S.C. 2801(a)) found that "international expositions . . . have a significant impact on the economic growth of the region surrounding the exposition and . . . are important instruments of national policy".

(3) The United States has not been an active member of the BIE since 2001.

(4) State and local governments and private entities in the United States have continued to participate in international expositions held in foreign countries as a means of promoting United States exports and creating jobs, but face significantly higher costs for such participation because the United States is not an active member.

(5) State and local governments and private entities in the United States have expressed interest in an international exposition being hosted in the United States, but the bid of a United States city, region, or State to host an international exposition is unlikely to be successful if the United States is not a member of the BIE.

##### SEC. 3. SENSE OF CONGRESS.

*It is the sense of Congress that—*

(1) the United States should rejoin the BIE immediately to promote domestic job creation, global branding, and tourism to the United States; and

(2) the Secretary of State, in partnership with the Secretary of Commerce, State and local governments, and private and non-profit entities, should take all necessary steps to facilitate the timely submission of a request to rejoin the BIE.

##### SEC. 4. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of State is authorized to take such actions as the Secretary determines necessary for the United States to rejoin and maintain membership in the BIE.

(b) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In addition to funds otherwise available to the Secretary to carry out this section, the Secretary is authorized to accept contributions for such purpose.

(c) NOTIFICATION.—The Secretary of State shall notify the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate upon taking any action under subsection (a).

##### SEC. 5. CONTINUATION OF PROHIBITION ON USE OF FEDERAL FUNDS FOR WORLD'S FAIR PAVILIONS AND EXHIBITS.

(a) CONTINUATION OF PROHIBITION.—Nothing in this Act may be construed to authorize any obligation or expenditure prohibited by section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b) (relating to limitations on the obligation or expenditure of funds by the Department of State for a United States pavilion or exhibit at an international exposition or world's fair registered by the BIE).

(b) PROHIBITION ON SOLICITATION OF FUNDS.—Section 204(b)(1)(C) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b(b)(1)(C)) is amended by inserting after "expositions" the following: ", except that no employees of the Department of State may, in their official capacity, solicit funds to pay expenses for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions".

Ms. KLOBUCHAR. Mr. President, I further ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was agreed to.

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. 534), as amended, was passed.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. CORNYN. Mr. President, I thank my friend and colleague from Minnesota for working with us on this piece of legislation. People sometimes say nothing ever gets done around here on a bipartisan basis, and this proves that is wrong. While that isn't one of the biggest pieces of legislation to come down the pike, it is important because of the importance of the State Department's rejoining the Bureau of International Expositions in order to preserve the possibility, in my case, for Houston's world fair bid to be considered. I know the Senator from Minnesota has a similar interest in her State. So it was a pleasure to work with her on it, and I am happy we are able to see this accomplished today.

#### HIRE VETS ACT—Continued

Mr. CORNYN. Mr. President, if I may speak on the bill before the Senate, yesterday the House of Representatives passed the Omnibus appropriations bill. Of course, this is the legislation that keeps the Congress and the government up and running through the end of the fiscal year, the end of September. It actually represents the first demonstration of Republicans and Democrats in both Houses of Congress working with the White House in order to pass an important piece of legislation and keep the government up and running through the end of the fiscal year.

Over the last few weeks, we have had many productive conversations and debates about how best to establish our priorities, how much we should spend—particularly my concern about underfunding our military and our national security funding but also to update our priorities because that is one of the things that happens in an appropriations bill. When programs are obsolete or ineffective, there is no way to eliminate them while operating under a continuing resolution. It takes a positive piece of legislation like an appropriations bill—like this appropriations bill—to eliminate those obsolete or no longer effective programs.

I am hopeful that once we pass this bill and after the President signs it, we will continue to plot a course toward a long-term strategic budget that reflects the priorities of the American people. I firmly believe we were elected to govern, not to shut down the government. In my view, that is an abdication of our responsibilities. I hope we will continue to follow on now after we

have been able to accomplish this bipartisan, bicameral negotiation with the White House, and we will continue to govern and to demonstrate our sense of responsibility to the American people for doing just that.

This omnibus package includes a good blueprint for how we can order our priorities and take care of our country.

Yesterday I mentioned the increases in resources to better shore up border security. This is the largest increase in border security funding in 10 years. That is a significant accomplishment. This funding will help the Department of Homeland Security hire more Border Patrol agents and Customs officials to improve the infrastructure at our ports of entry and checkpoints and hire more immigration judges to process more immigration cases.

It also creates funding for our troops fighting abroad and for our military in general and includes a pay raise for our men and women in the military, which is very important as well, particularly in an All-Volunteer military and one that has been stressed by 15 years of continuous conflict around the world.

This bill also takes a more strategic look at the threats we are facing, including resources to shore up technology and equipment that will help our military stay No. 1. After years of putting military improvements and readiness on the back burner, actually cutting defense spending by 20 percent during the two terms of President Obama, this bill is a solid first step toward regaining our readiness and maintaining a capable and modern military.

While I never will doubt the American people responding or our military responding to the needs or the threats to our security, we don't want to be roused out of our complacency by a crisis occurring somewhere in the world, whether it is North Korea, Syria, Ukraine, Crimea, or elsewhere. We want to be ready on day one. Some of that readiness has seriously been called into question by some of our lack of prioritizing defense spending and military readiness generally.

In addition to those two important topics, many across the country have been impacted by severe weather, including violent storms and tornadoes. Of course, Texas has been a part of that sad story. Several in Texas have lost their lives due to these storms and the flooding caused by them. Of course we mourn for those who have lost loved ones and those who have been injured, but we have to do more than just grieve for them—we have to help them as well. This omnibus bill includes funding for previously approved disaster relief, which will help communities in Texas and throughout the country rebuild and recover following a natural disaster.

This legislation also includes money to help reduce the rape kit backlog. This is a topic which most people are not all that familiar with, but years ago we passed something called the

Debbie Smith DNA Backlog Reduction Act, named for a heroic woman, Debbie Smith, who championed the use of forensic evidence and the tracing of DNA samples in order to solve sexual assault cases.

The amazing thing about this great technology and DNA testing is that it is enormously powerful. Even as long as 20 years later, we have had rape kits taken out of evidence lockers at law enforcement agencies and tested and come up with a hit on the FBI's database, which is the purpose of the testing. It also has the power to exonerate people who are perhaps falsely accused by excluding them scientifically from the possibility of being the assailant in a given case.

It is very important for us to fund important programs like the Debbie Smith DNA Backlog Reduction Act. I know at one point there was an estimate that there were 400,000 untested rape kits in America. The problem was that we didn't really know how many there were because some of them were sitting, as I indicated earlier, in police evidence lockers, and others were sitting in the laboratory and not tested.

The question arose, when the identity of the assailant was known, what purpose could be served by testing the rape kit, which is not inexpensive? What we found is that the assailant, even if identified in the present case, is very likely to have been engaged in a course of conduct or serial assaults, and it helps us solve not only the present case but also other cases as well. Some of them are very old. That is important so that criminals can be brought to justice.

This bill also funds the National Aeronautics and Space Administration, NASA. It funds a Federal study for a Gulf Coast protection project and active-shooter training for first responders—all priorities important to my home State of Texas.

This legislation also represents changes in Washington since November. It is the first major piece of bipartisan legislation negotiated with the new Trump administration. Instead of pushing more regulations and rules that cripple our economy and disregarding the needs of our military and the stark realities of the border, this legislation begins to steer our country in a better direction.

I know that no piece of legislation is perfect, and perhaps the best definition of a negotiation is that both sides are dissatisfied because nobody gets everything they want. I look forward to voting for this legislation because I believe we were elected last November 8 to govern, not to abdicate those responsibilities or somehow engage in a shutdown narrative, which I don't think serves anyone well, certainly not the American people. I look forward to voting on this legislation and encourage all of our colleagues to do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STRANGE). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. 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 remarks of Mr. FLAKE pertaining to the introduction of S. 1039 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FLAKE. Mr. President, I yield back the remainder of my time.

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. YOUNG. 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, the Senator from Indiana will be recognized for up to 20 minutes.

#### WORKING FOR THE COMMON GOOD

Mr. YOUNG. Today, Mr. President, I rise to speak from the floor of this proud Chamber for the first time. My message today is, at once, a warning and an invitation.

Dear colleagues, as our Senate increasingly grows more partisan, we move further and further away from the practical governance our Founding Fathers espoused, and so today I would like to talk about the principle of the common good in the hopes that this body might be reminded that is our unifying purpose for serving.

Two Hoosiers exemplify the principle of working for the common good that I believe our Founding Fathers envisioned.

Governor Ed Whitcomb was the 43rd Governor of Indiana. A hero from World War II, he twice escaped capture from the Japanese, making it to safety by swimming through shark-infested waters all night to get to safety. Whitcomb pursued the common good in the midst of a rift in his own Republican Party. He successfully led Indiana in improving our State's highways, mental health services, and creating our State's Higher Education Commission. He bucked his own party's interests frequently to do what he thought was right for Hoosiers. Governor Whitcomb has been described as Indiana's most amazing Governor. He passed away this past year and in tribute Republicans and Democrats alike acknowledged that he served all Hoosiers well.

Coach John Wooden was born and raised in Indiana, and he learned to coach basketball there before heading to UCLA where he became one of the most successful college basketball coaches of all time. Wooden understood the importance of working together as a team, that working together as a team was better than working as indi-

viduals. Wooden acknowledged this principle in saying, "Ten field horses couldn't pull an empty baby carriage if they worked independently of one another." He also said, "If you want to go fast, go alone. But if you want to go far, you need a team."

These two Hoosiers remind us that we are here not to work for ourselves or our parties, but the interest of all Americans for the common good of the American people.

Can we perpetuate our Founders' brilliant system to safeguard our liberties by vesting power in the American people themselves?

Our charge is simple, but it will not be easy: for our republican system to endure, we must breathe life back into the notion of the "common good" through the relentless application of common sense.

Now, I don't profess that Hoosiers have a monopoly on the common good, but rather than allowing ideological labels to guide policymaking decisions, we should instead be guided by what we in Indiana call Hoosier common sense. It is the notion that we should be guided by the facts, and that we are open to change or new ideas, regardless of ideology, when presented with results.

The common good—I happen to know from personal experience that any young boy or girl who grows up in Indiana already has a keen sense of the thing.

I was raised in a place where neighbor cared for neighbor. This is the common good in practice.

I lived among people of character who made others' concerns their own concerns. This is the common good.

I benefited from the selfless contributions of Americans who invested their own time, their own attention, their own resources and talents into helping their fellow Americans. This is the common good.

I came to know rank-and-file citizens who quietly took the initiative to care for the forgotten Hoosiers who needed a hand up. This is the common good.

With respect, my colleagues, I note that this outline of the common good would fully satisfy any ordinary rank-and-file Hoosier, and most ordinary Americans, but sadly, in our modern politics sometimes our most stubborn partisans resist even the most self-evident truths. Forgive me as I must demonstrate that what works in practice also works in theory.

I will borrow from 18th century political theorist and English statesman Edmund Burke, for he brightly illuminated this notion of a common good. Burke argued that the common good could only exist where rule of law exists. Rule of law, properly understood, requires a shared allegiance by which people entrust their collective destiny to others who can speak and decide in their name. This, said Burke, is a partnership between the living, the unborn, and the dead.

The common good requires individual cooperation and compromise.

Burke noted that individuals are not simply a compendium of human wants and individual happiness is not realized by merely satisfying those wants. Our own happiness is linked to one another's happiness.

Our purpose, then—our duty—in both our private and public capacities, is to preserve a social order which addresses the needs of generations past, present, and future. This is our duty.

In the Marine Corps, I learned something about duty and practice. Marine leaders of every rank teach through the power of their example that every marine has a duty to serve a cause greater than themselves. Marines learn to venerate sacrifice for the greater good. We are trained to refrain from self-indulgent behavior, to check our egos at the door, and to never let ambition interfere with judgment.

For marines, our comrades' lives and our country's future depends on embracing uncomfortable facts and then improvising, adapting, and overcoming those facts together.

Of course, in the marines, there was no red State or blue State. Every marine fights for red, white, and blue. Marines don't have the luxury of stubbornly clinging to false doctrines or failed practices, and neither do we. Every day our men and women who wear the uniform from every branch take up arms "to provide for the common defense"—come what may.

Colleagues, if we are to keep the Republic, we too must remain open to fact-based conversations, to new information, and to new, better approaches.

Now look, I understand that this is not the United States Marine Corps. We have been issued a pen and a microphone, not rifles, but like the marines, we should be working to advance a common mission, common goals. We are the trustees of the common good.

Now, please don't misunderstand me. As a marine, I like a good fight as much as the next guy, but let's resolve whenever possible to fight together because I know most assuredly we are fighting for the same people—and, in most cases, we are fighting for the same ends.

I am fighting for Steve, a self-employed laborer from Indianapolis. Steve's in his fifties, but he hasn't seen his takehome pay increase in decades. Colleagues, you are fighting for Steve, too.

I am fighting for Whitney, a high school student from Gary. Whitney doesn't come from money, and she worries about the future. She is a hard-working student who helps her family how she can through a part-time job, but Whitney doesn't know if she can afford a college education. Colleagues, you are fighting for Whitney, too.

I am fighting for David, an Army helicopter mechanic from Evansville who spent nearly 15 years in uniform. David is exhausted by his countless overseas deployments, and he prays that his family will find relief from the stresses and strains of an overstretched force.

Colleagues, you are fighting for David, too.

I am fighting for Carrie, a single mother of three young children from Paoli. Carrie is addicted to opioids. Her aging mother tries to make a bad situation better, but she is fearful the family will not find a way out of the crisis. Colleagues, you are fighting for Carrie, too.

I am fighting for Sherman, a trucker from Fort Wayne. Sherman is quickly approaching retirement. Sherman has put a small nest egg away for retirement, but in a few years, he and his wife will depend on Social Security and Medicare to make ends meet. Colleagues, you are fighting for Sherman, too.

I am fighting for Bob, a single father of two boys from South Bend. Bob's been able to pull together care for himself and his children by piecing together various forms of public assistance. Bob wants a better life for himself and his boys. I hope we are all fighting for Bob—I hope we are fighting for every single American.

Let's resolve to fight for these people. Let's renew our vow to fight for them more than we fight with one other.

Let's come together to grow our economy by simplifying our Tax Code and reducing the burden of Federal regulations. I ask you, colleagues, to join me in supporting the REINS Act, which I championed in the House of Representatives. Let every proposed major regulation come before this body for a vote before it can take effect, then let the American people hold us accountable when those regulations kill jobs and constrain household incomes.

Let's come together to help Americans acquire the skills to meaningfully participate in this 21st century economy. If we cooperate, we can develop new solutions for financing higher education that liberate students from avoidable student debt, like income share agreements. ISAs keep score with outcomes, so people aren't punished if they are unemployed or have low incomes.

Let's come together to better serve the poor, the vulnerable, those on the margins of society. My social impact partnership bill passed unanimously out of the House last Congress.

This Congress, the Senate should come together to allow private investors to provide operating capital to those social service providers with the proven capacity to achieve measurable improvements in chronic social problems like homelessness and long-term unemployment.

If targeted improvements are achieved, government saves money and repays the project's initial investors, plus a modest return on investment.

Let's come together to restore confidence in our foreign policy and protect our men and women in uniform. While we rebuild our military, let's ensure we are optimizing every instru-

ment of national power. The American people won't tolerate wasteful or ineffective foreign aid expenditures, but they will continue to support investments in smart, effective diplomacy.

Let's work with this administration to reform the State Department and foreign bodies like the United Nations.

Earlier, colleagues, I spoke of a former Republican Governor of Indiana, Ed Whitcomb—but there was another Whitcomb who was Governor, James Whitcomb, a Democrat, who also went on to serve in this body before passing. He also made his mark as Governor, saving the State from insolvency, establishing institutions for the physically and mentally handicapped, and advancing the first system of free public education.

But even more impressive is his dedication to those Hoosiers who fought from Indiana in the Mexican-American War. With Indiana's budget broke and our credit in shambles, Whitcomb took out personal loans to purchase arms and send these Hoosiers out in service of our Nation. Two Whitcombs, one Republican and one Democrat, who served our State and Nation for the common good.

In closing, colleagues, allow me to acknowledge that folks in your States probably feel a lot like those in Indiana: they are frustrated by our failure, and the Federal Government's failure to live up to the high expectations Americans have for other pillars of our public life—our churches, our State governments, and so on. Where good old Hoosier common sense seems to inform work in those areas, in Washington, our common sense is too often crowded out by stale partisan battles and unyielding ideological biases.

Colleagues, our charge, our duty, is to advance the common good by identifying common goals and then using common sense to further advance those goals.

In spite of our principled disagreements, let us disagree without questioning each other's motives; let us work through tough problems. Let us be principled in our beliefs but pragmatic in advancing those beliefs. Let us adapt to new realities. Let us have the courage to change our minds. Let us put results over rhetoric. Let us find practical solutions to pressing challenges. Let us, first and foremost, never forget that we are custodians of the common good.

My fellow Americans, let us rededicate ourselves to remain one nation, under God, indivisible, with liberty and justice for all.

Thank you.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATING SENATOR YOUNG

Mr. McCONNELL. Mr. President, I congratulate Senator YOUNG on his first major speech in the Senate. It was truly inspirational. Our colleagues who are here on the floor have had an opportunity to listen to a very important speech.

I also acknowledge a former Senator who is with us in the Chamber, Richard Lugar of Indiana, who also was an extraordinary representative of the people of Indiana.

I congratulate Senator YOUNG.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I also congratulate my colleague from Indiana. He is a terrific partner. The theme of his speech of working together and building on Hoosier common sense couldn't be more important, couldn't be more timely, and couldn't have been presented any better.

I am fortunate to work with such a good partner for our State and for our Nation. Both of us have benefited from the wisdom, the advice, and the counsel of Senator Lugar, who, in our State, has set a benchmark for all of us to aspire to in terms of decency, intelligence, ability, craftsmanship, and leadership.

For a maiden speech, it was an extraordinary effort, a terrific job, and I am proud to be his partner from Indiana.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, the Senate will soon vote on the government funding bill the House passed yesterday, and with it, critical resources to address a number of issues facing our country.

As I have noted over the course of this week, the bill includes a number of provisions that are important to our country, and today I would like to take a closer look at the positive impact they can make in the lives of the men and women we represent.

Our country is suffering from a terrible epidemic. Heroin and prescription opioid abuse is destroying families and communities all across our Nation. On average, overdoses from these drugs claim 91 lives every day—91 lives every day. Drug addiction can even devastate the lives of babies before they are born.

States like mine have been hit particularly hard by this epidemic. I have heard countless stories from Kentuckians who have experienced the heartbreak of addiction firsthand.

Here is one story that a grandmother from Independence, KY, shared with my office: "[M]y granddaughter is growing up without a father due to this evil drug," she wrote. "Our children are the future of this country and deserve all the help and support we can give them."

Unfortunately, her story is similar to thousands more all across the land. Grandparents and other family members are increasingly taking care of children when parents fall into addiction. As too many families have experienced, addiction can have long-lasting and damaging effects on children and can be financially challenging for the caregivers.

A mom in Florence, KY, contacted my office about her son who is battling



addiction and frequently runs into trouble with the law. "There are so many lives lost and so many more headed in that direction," she said. "It's an epidemic, not a crime spree."

We took decisive action against heroin and opioid abuse last year with the passage of the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act. This bill before us, when we pass it, will provide significant new resources to combat this crisis as well.

These critical funds will go to prevention, treatment, and enforcement programs that can help our communities heal from this scourge and help keep more families from ever knowing the suffering associated with this epidemic.

Look, there is still more work to do to get the opioid crisis under control, but this funding legislation will take another critical step in the right direction. That is why substance abuse treatment organizations support it, including one local group that recently contacted my office in support of the bill. This legislation, in their words, will help "[enhance] the ability of front lines providers to more effectively deploy resources and tackle this epidemic within our communities."

That is making a positive and meaningful impact in the lives of the men and women we represent.

Healthcare benefits for thousands of retired coal miners were set to expire across the country at the end of this week. Men and women who dedicated their lives to providing an affordable and reliable source of energy to this Nation would have lost their healthcare, many of them when they needed it most.

I have met with retired coal miners numerous times in my office about this issue, including one retiree from Georgetown, KY, who worked as an underground miner for 10 years. He suffers from diabetes and heart disease, and his wife is a breast cancer survivor. "There is no question whether or not we need our health insurance to continue," he said. "Without it, we would probably lose our home, [which] would be catastrophic not to mention what might happen to our health because we could not afford to get coverage or our medicine."

These coal miner retirees clearly needed our help, which is why I have been fighting for their healthcare at every step of the way. Today I am proud that this funding legislation includes my proposal to permanently extend healthcare benefits for thousands of retirees across the Nation and in Kentucky. These coal miners and their families can live with the peace of mind they have been looking for. That is making a positive and meaningful impact in the lives of the men and women we represent.

For too long, Federal bureaucrats in Washington imposed one-size-fits-all education policies on our children. Dis- tant bureaucrats dictated nationwide

policies, even though the needs of a student in Kentucky are different from of a student in Maine or California. For this reason, we enacted the Every Student Succeeds Act education reform law last Congress, which sends power back to the States, parents, and teachers, and this funding bill will support its implementation, giving our schools the resources they need to prepare our students.

This funding legislation also supports school choice through reauthorization of the DC Opportunity Scholarship Program and through increased Federal funding for charter schools. Both of these school choice provisions will help expand opportunities for parents to send their children to the school that best meets their needs.

In my home State of Kentucky, the increased support for charter schools will be very important, as the new Republican majority in Frankfort recently passed a charter schools law.

Yesterday I met with State Representative Carney and charter school advocates who were key to shepherding this legislation into law down in Kentucky. I thank them for their efforts on behalf of Kentucky's students and families, and I look forward to working with them to support charter schools in Kentucky going forward.

By funding the implementation of the Every Student Succeeds Act and supporting school choice across the country, this legislation will help parents and students achieve strong educational outcomes. That is making a positive and meaningful impact in the lives of the men and women we represent.

Of course, this bill contains other important wins for the country as well. It includes the largest border security funding increase in a decade, allowing our country to better support border security agents, enhance technology, and update critical infrastructure down at the border. It includes important resources to help us begin rebuilding our military, allowing our country to give servicemembers more of the tools that they need, and fund a much needed raise for our men and women in uniform.

On military funding, we broke out of the years-long insistence by our colleagues on the other side that every increase in defense had to be met by an increase on the domestic side. That is no longer the law.

As I have outlined several times this week, this legislation includes other conservative priorities as well. Importantly, it achieves these things while conforming to spending caps and reducing bureaucracy, even consolidating, eliminating, or rescinding funds for over 150 government programs and initiatives.

Because of hard work from both Chambers and both sides of the aisle, we have a funding bill before us that can make many important and positive impacts in the lives of the people we represent. I know I will be supporting

it, and I urge colleagues to do the same.

I look forward to its passage so we can send the agreement to President Trump for his signature.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUL-LIVAN). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the time until 1:45 p.m. today be equally divided in the usual form and that at 1:45 p.m., the motion to refer with amendment be withdrawn, the motion to concur with amendment be withdrawn, and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 244.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, yesterday afternoon the House approved the Omnibus appropriations bill that will fund the government through September. The bill is the result of weeks and weeks of bipartisan, bicameral negotiations, and the final product reflects the give-and-take of those negotiations. Again, I want to thank the majority leader for all of his hard work and his desire to come to a good agreement, as well as the House leaders and the leadership of the Appropriations Committees. It has proved to many that Washington can work when we work together.

In my view, this is a very good bill for the American people. Not only does it explicitly preclude funding for an unnecessary and ineffective border wall, it excludes over 160 poison pill riders, it increases investments in programs that the middle class relies on, such as medical research, education, and infrastructure.

The National Institutes of Health will get an additional \$2 billion—part of the Cancer Moonshot. Pell grants will be restored for over 1 million students. Infrastructure programs like CDBG and TIGER will get an increase. Programs to combat the terrible scourge of opioid abuse will receive an increase. Clean energy research will receive an increase. Ninety-nine percent of the EPA's budget was protected.

In addition, there is a permanent extension of miners' health benefits, thanks to the hard work of JOE MANCHIN and so many others; funding to shore up Puerto Rico's Medicaid Program and a mechanism to allow the island to restructure its debt; and funding to help States like California, West Virginia, Louisiana, and North Carolina recover from natural disasters. It

has a very good increase for NASA, which I will talk about at the end of my remarks before my colleague from Florida speaks about the hard and successful work he has done on the NASA budget.

Of course, the bill doesn't include all of the things we wanted. It doesn't include all of the things our Republican colleagues wanted. That is the nature of compromise. But at the end of the day, this is an agreement which reflects our basic principles, and it is something both Democrats and Republicans should support.

The bill shows how bipartisanship in Congress should work—both parties negotiating in good faith in order to find consensus. It passed in the House with an overwhelming bipartisan majority of 309 votes, and I expect it will receive the Senate's approval later today.

More broadly, I hope this deal provides a blueprint for future budget negotiations between our two parties here in Congress. If the four corners—the Senate and House Democrats and Republicans—work as well on the 2018 budget as we did on the 2017 budget, we will have a product we can be proud of, with no worries about any kind of government shutdown.

#### TRUMP CARE

Mr. President, on healthcare, as the House plans to vote on their new vision and version of TrumpCare later today, I just want to remind the American people of a few things.

We are now on the second major attempt to pass TrumpCare. While all the focus in the media has been on the changes to the bill, we shouldn't forget the bad things that stay in the underlying bill and what they would mean for millions of Americans.

Under the new bill, as under the old, TrumpCare would mean that premiums go up 20 percent in the first few years. Average costs go up by over \$1,500 a year on the middle class.

It would mean that if you are struggling to make it into the middle class with an income, say, around \$30,000 a year, your costs could go up by \$3 or \$4,000.

It would mean insurers could charge older Americans five times or more the amount charged to younger folks. Even the 1-to-5 ratio, as bad as it was, as much as it raised the hackles of the members of the AARP and senior citizens, the 54- through 64-year-olds throughout America—this bill makes that worse.

It would devastate Medicaid, a program that covers 68 million Americans. That would affect poor people in the inner cities, but it would also affect people in nursing homes, and the young men and women aged 45 to 50 who have parents in nursing homes are going to have to face an awful choice—more money out of their pockets or their parents having to find another place to live.

It would still mean, worst of all, that 24 million fewer Americans will have health insurance.

All those things stay the same. This minor change made by the House at the last minute doesn't change any of those things.

For the same reasons TrumpCare 1 only got the support of 17 percent of the American people, TrumpCare 2 will probably have even less support.

All the while, these cuts end up giving a massive tax break to the wealthiest Americans—those making over \$250,000 a year, multimillionaires, billionaires. Even insurance executives who make over \$500,000 a year will get a tax break, while middle class and older Americans get the short end of the stick. Here we are telling average Americans they are going to get less coverage, they are going to pay more, so we can give the multimillionaires a huge tax break. Who would be for that?

As more and more Americans find out, the vote over there is going to be much less popular even than it is today, and it is very unpopular today, with only 17 percent of Americans liking the bill. It is hard to get lower than that, but I think, as people learn more about this bill, it will get even lower.

The House Republicans have added an amendment that makes the bill even more cruel. It would allow States to opt out of the requirement to cover folks with preexisting conditions for the services they need. God forbid you have a preexisting condition and live in a State that doesn't keep the requirement. Your only option might be a poorly subsidized high-risk pool where you might be forced to wait in line for virtually unaffordable coverage. Remember the death panels scare tactic used against ObamaCare? They didn't actually exist in ObamaCare, but they might in TrumpCare. These high-risk pools, with long lines and unaffordable coverage, are the real death panels.

That same amendment means an insurance company can charge an older American even more than five times the amount they are charged under the base bill. It would take us back to the days when insurance companies could price sick people out of insurance and drive older Americans to bankruptcy by charging outlandish rates. That is what House Republicans did with the bill to win more votes. It is unfathomable.

We don't even know how large the negative impact of these changes will be because we don't have a CBO score. Does anyone imagine this amendment will result in even more Americans being insured? Does anyone imagine it will provide better coverage for Americans with preexisting conditions? I don't think so.

That explains why Republican colleagues in the House are rushing it through with hardly any debate, no hearings, and no CBO score. They don't want the American people to see this bill. The leaders of the House were panicked that if they didn't pass the bill today, their Members would go home for 2 weeks—they are on recess over in the House—get beaten up by their con-

stituents who hate this bill, and they would back off.

Only 17 percent of Americans approved of TrumpCare. The rest of them packed townhall meetings and public forums to demand that their House Members reject it. They wrote and called, emailed, and contacted Members on social media. Those were the voices of average Americans who stopped the first TrumpCare proposal from even receiving a vote.

Now Republicans are trying to sneak through their second, even worse version of TrumpCare without debate or any analysis of what it would mean for our country. Maybe it raises costs on working Americans even more. Maybe it doubles the amount of uninsured Americans. The House won't know before voting on the bill.

I sincerely hope that if this bill passes—I pray it doesn't—the Senate won't mimic the House and try to rush a bill through without hearings or debate or analysis.

Mr. President, regardless of the process, TrumpCare is a breathtakingly irresponsible piece of legislation that would endanger the health of tens of millions of Americans and break the bank for millions more. I don't know what my friends in the House would say to their constituents if they vote for this bill.

What would you say to a 56-year-old in your district, who is already struggling to balance the cost of medicine and rent and groceries, when she has to pay more than five times as much in healthcare as someone who is 35 and healthy?

What would you say to the mother in your district whose daughter has cancer and who is worried that if she ever lapses in coverage, the insurance company can raise the rates so high on her family that she couldn't afford to get health insurance for her daughter and would have to watch her suffer? The agony a parent would go through. What do you say to that mother?

I don't know how any of my Republican colleagues here in the Senate when we get this bill and now in the House can explain why they voted to rip away people's healthcare.

If there were a Hippocratic Oath for Congress, "Do no harm," TrumpCare would never come up for a vote. It harms the American people in so many ways. It doesn't have to be this way. Republicans could drop these efforts for repeal, drop these attempts that are undermining our healthcare system and causing insurers to flee the marketplace, and come work with Democrats on improving the healthcare system. Our door is open.

So I would just make one final plea to my Republican friends in the House. I know they rarely listen to Senate leaders, especially Democratic ones, but this is an issue where so much is at stake that I hope they forget party labels at the moment. I ask them to do what representatives should do, something very simple: Think about your



constituents. Consult your conscience before you vote for this bill.

I believe if they truly do and consider what every independent expert and medical association is saying about this bill and what it would mean for our healthcare system, they will come to the right conclusion and vote no today.

On one final issue, Mr. President, I see my friend from Florida about to take the floor. I would like to yield to him for a moment, but before I do, I would like to recognize his outstanding efforts in securing additional funding in the appropriations bill for NASA.

NASA had actually been targeted for certain cuts by the Trump administration in their budget that would nix the program to send a mission to Europa, a Moon of Jupiter. Thanks to the advocacy of Senator NELSON, NASA will get an overall increase of \$368 million in the appropriations bill—enough to fund that mission.

I know this issue is near and dear to BILL's heart. As a young Congressman, he was the second sitting Member of Congress and the first Member in the House to serve on a NASA mission, aboard the space shuttle *Columbia*. He has a passion for and a deep knowledge of our space program. There is no one in the Senate who has done more for it than BILL NELSON. He has worked hard ever since he got to the Senate, and he has had great success.

Once again, he has had a success here today. His constituents in Florida and all Americans should be grateful that BILL is a real leader on both of these issues in our caucus and in the whole Senate.

I yield to my friend, the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, many, many thanks to the leader for his kind remarks.

The final bill was negotiated by the big four—the two leaders in the Senate and the two leaders in the House. It was not going to happen this way unless the leaders all agreed, so my profound thanks on behalf of the explorers and the adventurers of the United States—the “can do” little agency, NASA, that is now on its way to Mars.

On behalf of all of the NASA family, I thank the leaders and especially the Democratic leader. A personal thanks for his very kind comments.

Mr. President, we have approached the NASA bill in a bipartisan way. As a matter of fact, I give great credit to both the chairs and the ranking members on the House Science, Space, and Technology Committee, as well as on the subcommittee on appropriations in the House that handles NASA appropriations. All of those leaders were absolutely key.

Of course, the same thing is true here in the Senate. As the ranking member, I have the privilege of sharing the leadership with our chairman, JOHN THUNE, on the Commerce, Science, and Trans-

portation Committee. It is that subcommittee's chairman and ranking member, as well as the chairman and ranking member from the subcommittee on the Appropriations Committee, from whom we will hear momentarily—to all of them, I am very grateful.

What it says is that NASA—America's civilian space program—should not be a partisan subject. What it says is that the leaders of NASA should not be partisans. As a matter of fact, they should even be more than bipartisans—they should be nonpartisans. That has been the tradition of NASA's, so like that of the Secretary of Defense. One considers that appointment to be a nonpartisan. So, too, we consider the Administrator of NASA to be a nonpartisan. I think, in this interim, with the Acting Administrator of NASA, that they are conducting themselves in a very significant way in keeping all of the advancements that they have done but that are now to be accelerated with this appropriations bill.

I congratulate the whole NASA team. It has been my argument to the Vice President and to the President that in the selection of the next leader of NASA, they need to do it in a nonpartisan way so that we can keep going for this human mission that is going to the planet Mars in the decade of the 2030s.

With the increase in NASA funding, we now stand on the precipice of a new golden age of exploration and discovery. In March of this year, several of us were at the White House when the President signed the NASA authorization bill. What we have worked on for the better part of 2 years keeps NASA on a steady course, with a balanced and ambitious mix of science, technology, and exploration initiatives. Let's not forget that the first “A” in “NASA” is “aeronautics.” It keeps all of that moving forward.

This additional \$368 million of funding for NASA gives that little agency the ability to build off of the momentum that is already there. For example, in the White House, the Vice President—and I have commended him both privately and publicly—is bringing about the reestablishment of the National Space Council. I shared with him that all of us look forward to working with him and the Council to develop and carry out the ambitious civil, commercial, and national security space agenda for this country.

The \$19.65 billion appropriation for NASA, coupled with the NASA authorization bill that we already passed a month or two ago, demonstrates our firm commitment to one day putting humans on Mars and permanently expanding our civilization out into the cosmos. We will soon have a regular cadence of missions that will be launching into deep space using the Space Launch System—the largest rocket ever, a third more powerful than the Saturn V rocket that took us to the Moon. Its spacecraft—the *Orion*—and

other systems will be assembled and launched, and a lot of that is being done at Florida's Space Coast. The first rockets and spacecraft that will start the journey are being assembled right now at various sites across the country. Right now, the Space Launch System—the SLS rocket, the *Orion* spacecraft that sits on top of it—and the launch infrastructure at Cape Canaveral or, more specifically, the Kennedy Space Center, are all in the most challenging stages of their development.

These complex systems are all very intertwined, and it is vital that we make sure that NASA has the funding flexibility that it needs to address issues as they come up so that they can bring these systems together for the launch in early 2019 of the largest rocket ever.

We have asked NASA to look for new ways to expand commercial space activities in Earth's orbit, and we are providing NASA with the tools and the direction it needs to expand our commercial space activity. We are right on track to begin launching astronauts to the International Space Station on American rockets, commercially made, and that is going to start next year.

People do not realize—they thought the space shuttle was being shut down in 2011. They thought that was the end of the space program. No. No. All of this is being developed aside from the robotic missions that there have been with the rovers on Mars and all of the pictures of the cosmos. I mean, it is just unbelievable. Next year we are going to replace the Hubble Space Telescope, which has peered back into the beginning of time. We are going to look back almost to the beginning of time with the James Webb Space Telescope.

All of this is strengthening a flourishing U.S. space industry, especially in the areas in which NASA centers are located around the country. What is happening at the Kennedy Space Center is that it is being transformed into a commercial as well as a government spaceport—into a busy civil, military, and commercial spaceport.

This appropriations budget allows us to continue all of this going on at the same time. We are going to put up gee-whiz things like the Wide Field Infrared Survey Telescope, as well as additional Mars rovers. The rovers that are up there show that Mars, at one point, was warm and wet. We are going to find out whether there was life there. If there were, was it developed? If there were, was it civilized? If there were, what happened? These are lingering questions as we peer up into the night sky. The funding included in this budget deal moves us ever closer to answering that burning question: Are we alone in the universe? This budget helps us better understand our own planet by funding NASA's Earth Science Program, as well as funding aeronautics and education programs for our youth.

The investments that we as a country make in our space program pay immediate dividends to our quality of life

right here on Earth. Of course, the space program creates thousands and thousands of jobs for skilled workers to build machines that help us explore the heavens and jobs for the researchers to understand and interpret what we discover and jobs for the engineers and the entrepreneurs to develop new technologies. These public investments also stimulate complementary investments of private capital and the thousands of jobs that follow from that, and those are companies that will partner with NASA.

Again, I thank our colleagues in both the House and the Senate for their continued support of our space program. In this time when we find ourselves far too divided in our politics, the exploration of space continues to be a powerful force that brings us together into our search as we explore the universe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I compliment our colleague from Florida on his articulating this powerful vision for humankind, which is the ability to look into the night sky and ponder the mysteries of the universe, the mysteries of life, in the most complete way. America has led this scientific adventure, this scientific journey, and we must continue to be at the lead of this journey for all of the reasons he has laid out today.

I thank my colleague from Florida for leading Congress in pursuing and advocating for this vision and for developing the instruments on the ground and the instruments in space that will advance our knowledge.

#### EQUALITY ACT

Mr. President, I rise to speak about a different vision, the vision articulated in our Constitution, those first three words of our Constitution, "We the People."

It is this vision of a nation founded on the principle of a government that would serve not the privileged, not the powerful, not the few, not the elite, but serve the entire set of citizenry. Those powerful words were put in supersized font in our Constitution. So from across the room, you might not be able to read the details, but you can read the mission: "We the People"—a government of, by, and for the people, as President Lincoln so eloquently said.

But this vision in the Constitution followed up on the principles articulated in the Declaration of Independence. In 1776, 56 of our Nation's best minds, our best leaders, gathered together in Philadelphia to debate, to work out a document unlike any other in history—a document that changed the course of world history—the Declaration of Independence. It said: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Together, the Declaration of Independence and the Constitution laid out

the vision for our grand experiment in democracy, our grand experiment in establishing a democratic republic—a nation, of, by, and for the people, where each and every person is equal, each and every person has the ability to pursue their happiness, to pursue opportunity. We may not have always succeeded, but for centuries, the story of our Nation—the American story—has been one of striving to live up to that promise of a more perfect union, where every citizen is equal, every citizen has opportunity, and every citizen can pursue happiness.

Martin Luther King said in the midst of the civil rights struggle:

Human progress is neither automatic nor inevitable. . . . Every step toward the goal of justice requires sacrifice, suffering, struggle; the tireless exertions and passionate concern of dedicated individuals.

And it is with that type of tireless exertion and passionate concern that we have been on this path toward equality and opportunity for all.

We have made a lot of strides. We have broken down a lot of barriers in overcoming discrimination and in advancing opportunity for one group of Americans after another. For women, for African Americans, for indigenous peoples, for immigrants, for Americans with disabilities, the journey goes on and on. But regardless of how far we have come, it is clear we still have a long way to go.

There are still too many of our friends, too many of our neighbors, too many of our coworkers, our brothers and sisters who don't enjoy the same rights and protections as everyone else. They are members of the LGBTQ community, and they continue to go through every single day confronting discrimination simply because of who they are or whom they love. That is simply not right. There should be no room for that kind of hate, for that kind of discrimination here in the United States of America.

That is why this week I have reintroduced the Equality Act. I have reintroduced it with powerful support from Senator TAMMY BALDWIN and Senator CORY BOOKER, who have really been the leaders who have driven this forward here in the Senate. We have been joined now by 43 additional colleagues, so that is 46 Senators, original cosponsors, in support of this vision of equality. That is a powerful stride from where we were just a few years ago, when we didn't even have an Equality Act to be presented here in the halls of Congress.

We launched this act in partnership with the House, where Congressman DAVID CICILLINE has been the leader, and he has been joined by 194 of his colleagues as original cosponsors.

JOHN LEWIS said during the civil rights struggle: "If not us, then who? If not now, when?" All of us should be called to action in this fight for the fundamental principle of equality, for us to stand up together and declare once and for all that discrimination

based on sexuality and gender identity is not welcome in this country. We must make nondiscrimination the law of the land here in the United States of America.

It is certainly true that we have made some progress in recent years. We passed the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, which expanded the definition of a Federal hate crime to include assaults based on sexual identity or gender orientation. We repealed don't ask, don't tell, a policy that banned LGBTQ soldiers from serving openly in our military for 17 years and that forced more than 13,000 servicemembers out of the military with dishonorable discharges.

What we did was undermine the effectiveness of our military by taking away the enormous talents and skills of those individuals. And 6 years after repealing that policy, our military is stronger for it.

In the Affordable Care Act, we make sure that no one can be denied healthcare because of their sexual orientation or gender identity. Then, in 2013, the Supreme Court ruled that the Defense of Marriage Act, which defined marriage as a union between a man and a woman, was unconstitutional, it was discriminatory, it was in fundamental violation of the vision of our Constitution.

Then, in 2015, the Supreme Court found, in *Obergefell v. Hodges*, that love is love, regardless of gender or sexual orientation, and required all States to recognize same-sex marriages and issue marriage licenses to same-sex couples.

One barrier after another—one barrier after another of discrimination, one barrier after another that presented an obstruction to opportunity has fallen in a relatively short period of time, and that is something all of us should celebrate in the vision of equality and opportunity embedded in the vision of our Nation. But we cannot allow ourselves to lose sight of the fact that as much as these have been steps forward, we are still far from ending discrimination to the LGBTQ community here in America.

Today, every State is required to recognize same-sex marriages and issue wedding licenses to same-sex couples. But 30 of those States still do not have a legal framework that ends discrimination. In 30 of those States, the legal framework of the State does not prevent someone from being fired from their job for being gay or lesbian or transitioning; those States do not have a structure which prohibits a same-sex couple to be refused services, to be evicted from an apartment, to be banned from a restaurant, to be denied opportunities to serve on a jury, to be turned away at the door in pursuit of a mortgage.

We hear these stories from individuals. Ask the science teacher who was fired after telling her principal that she and her wife were planning to get

pregnant or the same-sex couple that was forced to leave a park after kissing in public or how about the woman who was fired from her job as a security guard in a Savannah hospital, and when she took the hospital to court, she lost under the framework of law in that State.

Or ask the LGBTQ community in Orlando. What we see is that when we have discriminatory laws, a discriminatory legal structure, that engenders discrimination, and the discrimination facilitates and engenders hate, and hate leads to violence. So we saw in Orlando when last summer a crazed gunman attacked those who were at the Pulse Nightclub and took the lives of 49 innocent people.

The States that have no framework are many. They cross our country—Idaho and Montana and Wyoming, North and South Dakota, Nebraska, Kansas and Oklahoma, Arizona, Alaska and Texas, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Virginia, North and South Carolina, Georgia, Alabama and Florida—no legal structure to end this sort of discrimination.

At some point in their lives, approximately two-thirds of all LGBTQ Americans face discrimination because of their sexuality or gender identification. Roughly a quarter of lesbian and gay and bisexual working Americans have lost a promotion because of nothing more than who they are or whom they love. And nearly—in fact, more than a quarter of transgender, working Americans report that in just a single year, they have been fired or not hired or denied advancement.

There is no Federal framework to end discrimination. Today, only 20 States and the District of Columbia have passed laws banning discrimination based on sexual orientation and gender identity in the workplace, in housing, in public accommodations. Another three States have a partial set of protections. But instead of seeing the remaining States that still have a framework that provides for discrimination, we have seen more and more discriminatory legislation—laws like North Carolina's HB2, the so-called bathroom bill, which said that transgender individuals had to use a bathroom that matches their birth certificate and which blocked local jurisdictions from passing antidiscrimination measures to protect LGBTQ citizens; or Senate bill 149 out of South Dakota, signed into law in March, saying that LGBTQ people who want to adopt or foster children can be rejected by State-funded agencies based on the religious beliefs of the agency.

Already this year, there have been more than 100 discriminatory pieces of draft legislation offered in State legislatures across our country.

As long as people in our Nation are afraid to put their spouse's photo on their desk at work, as long as citizens are worried about being evicted from

their apartment, as long as Americans can be denied service at a restaurant or a hotel room or kicked out of a public park or denied the right to use a bathroom just for being who they are or for whom they love, we need to keep fighting. We need to keep pushing to end discrimination.

Imagine, if you will, when you open a business in America, the principle, since the 1964 Civil Rights Act, has been that you open the door to all. You don't let in a person with one color of skin and slam the door on the next who has darker skin. You don't let in one gender and slam the door on the other gender. You don't let in one ethnicity and slam the door on the other ethnicity.

These fundamental provisions of equality, where the door is open to each citizen by those who provide services to the public—that is the foundation for each individual to be able to live their life fully, to be able to fully pursue their potential, to fully pursue their opportunity, to fully pursue happiness as envisioned in the Declaration of Independence.

A former Senator of this body, who served here when I was an intern in 1974, who served here in 2009 when I came to the U.S. Senate, Ted Kennedy said: "The promise of America will never be fulfilled as long as justice is denied to even one among us." Yet justice is denied every day—every day—in 30 States across our Nation where the door of discrimination is slammed shut on lesbian, gay, bisexual, and transgender individuals.

We the people in America understand that it is time to stop slamming the door of discrimination shut and open the door to full opportunity and full equality as envisioned in our founding documents. Sixty percent of Americans support same-sex marriages. More than half oppose North Carolina's bathroom bill and other similar bills that discriminate against transgender individuals.

According to one study by the Public Religion Research Institute, more than 70 percent of Americans support comprehensive Federal legislation. Public opinion is in support of moving forward—moving forward to keep the door of opportunity open and to stop slamming the door of discrimination in the face of our citizens. It is time for us to stand up for our fellow citizens, time for us to speak out against this discrimination, time for us to declare once and for all that every American, no matter who they are or whom they love, deserves to live free from fear, free from violence, and free from discrimination. It is time for us to stand with our friends, our neighbors, our co-workers, and our brothers and sisters in the LGBTQ community. It is time for us to move forward and create non-discrimination legislation based on the same sound foundation that has served so well in regards to addressing discrimination in other parts of our society, and that is the 1964 Civil Rights

Act. It is time to consider the Equality Act in the Senate of the United States.

At a time when so much discrimination, so many daily assaults occur on our fellow citizens, shouldn't we be holding a hearing to have these citizens speak up and share their stories? Shouldn't we be holding a vote to determine whether or not we truly believe in our constitutional vision? Shouldn't we have to confront the fact that we still have discrimination in housing, in employment, in schools, in restaurants, and in theaters? In fact, in every walk of life in America, in 30 States, we still have this discrimination without a legal framework in those States to provide protection.

Under the Equality Act, sexual orientation and gender identity receive the same clear level of protection that race, religion, gender, and ethnicity already enjoy, thanks to the 1964 Civil Rights Act. The Equality Act will help us fulfill the promise of America, as Ted Kennedy presented it, that justice under the law is not complete when it is denied to even one among us.

I am a steadfast believer in our Nation's founding principle that all of us were created equal, that we are "endowed by our Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." But you don't have liberty if the door of discrimination is slammed in your face when you seek an apartment. You don't have liberty when the ugly face of discrimination blocks you from an opportunity to serve in a job. You don't have pursuit of happiness when you face a discriminatory framework in 30 of our 50 States.

We all ought to have the same freedom to be who we are, to love whom we love, to pursue our lives and careers free of discrimination. I will not rest until that is true for everyone in our country. I say to my colleagues: Let us all not rest until we complete this vision of opportunity and equality for all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REPUBLICAN HEALTHCARE BILL

Ms. CANTWELL. Mr. President, I come this morning to talk about the impending passage of a very failed healthcare bill in the House of Representatives and to remind my colleagues that this legislation moving through the House of Representatives is the first time in the 50-plus years of the Medicaid Program that they are going to pass legislation to cap and cost-shift Medicaid costs to States.

This is an \$839 billion cost shift from the Federal government to States and a one-quarter cut to the Federal Medicaid investment over a period of ten

years. Some 14 million Americans will lose Medicaid coverage. These draconian and arbitrary budget caps will leave States with impossible choices to cut people from care, cut provider reimbursements, or reduce benefits. Overall, 24 million Americans will lose their health insurance. That is according to a recent Congressional Budget Office analysis.

Why do I say this is a broken promise? Because it was very clear that, when President Trump was a candidate, he said he was not going to cut Social Security, Medicare, or Medicaid.

Why is that important? Because these are trusted programs that have worked cost effectively for so many Americans in giving them access to care. Now is not the time, as we have seen a Medicaid expansion, to now cost-shift Medicaid to the States by breaking this promise and putting in it, for the first time in 50 years, a substantial change to the way Medicaid works. It does represent, in my opinion, a war on Medicaid—one that we cannot afford to wage.

Communities that have benefited from Medicaid expansion have seen the value of coverage and a healthy population. All you have to do is to talk to healthcare providers, hospitals, chambers of commerce, and others to get them to say that, yes, having more people with healthcare coverage in our community has helped us in raising the standard of living.

Why is that? First of all, uncompensated care is no longer put at the hospital's doorstep. Secondly, the population with healthcare coverage is healthier, getting treatment in advance as opposed to waiting for a crisis. It represents an investment in the community that allows a community to stabilize.

These are important issues for us to discuss. I hope my colleagues in the Senate will not fall for this ploy or that they will not go back on promises made by this administration not to cut Medicaid.

There are other aspects of the bill coming over from the House of Representatives, obviously, dealing with preexisting conditions, and we know from our own experience in the State of Washington that high-risk pools have covered only a tiny portion of people with preexisting conditions and are inadequate unless properly funded. As an article from the Seattle Times, from 2009, entitled "Dozens of patients cut from state's high-risk insurance pool" stated: "with premiums that can top \$20,000 a year, patients don't exactly clamor to join the state's high-risk health-insurance pool—a public insurer of last resort for patients with cancer, AIDS and other serious diseases . . .," and "the premiums cover only about 30 percent of the patients' medical and prescription expenses."

There are many things that are working in the Affordable Care Act. We have done great things on rebalancing; that is, to rebalance people from nurs-

ing home care to community-based care.

This chart shows how many States in the United States of America are doing this. This is in the Affordable Care Act. We wrote a provision encouraging States to try to rebalance their population, not encouraging so much nursing home care because it is so expensive, and instead, trying to deliver the long-term care people need in their individual communities.

The great success of this is that many States in the Affordable Care Act took us up on it—States like Nevada, Iowa, Missouri, Texas, Arkansas, Mississippi, Georgia, Kentucky, Ohio, Pennsylvania, New York, and Maine. I saw in our own State, over a 15-year period of time, that we saved roughly \$2.7 billion. That is \$2.7 billion of cost. Instead of paying for a Medicaid population in expensive nursing home settings, we instead innovated and put them into what was a cost-effective delivery system in which people love to stay in their home as they age as opposed to the notion of expensive nursing home care.

I mention that because that \$2.7 billion could be the kind of savings we would see in these States. So I tell my colleagues from the House: Innovate; don't capitate. Don't try to say that you have an ingenious idea on how to take care of healthcare costs by simply capitating, for the first time in 50-plus years, the Medicaid Program and then leaving the States to pick up the bill.

It won't work. Follow the ideas and strategies that are much better in helping us cut costs for an aging population that is living longer, and look for fixes that are already there in the Affordable Care Act to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. 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. CANTWELL. Mr. President, I note, too, that we are going to be moving today, before we leave here, to what is the Omnibus resolution to keep the government open.

I wanted to mention an important aspect of the legislation we are going to be voting on. Pursuant to provisions in the Customs bill, we are now going to put funding into trade enforcement—a very important aspect of our trade agenda.

We know that more than 96 percent of the world's customers live outside the United States. By some estimates, at least 70 percent of the world's purchasing power is outside the United States. That means that we need to keep working hard to reach these new markets and these customers. The growing middle class has great purchasing power.

In 2015, the global middle class spent \$33 trillion. By some estimates, the middle class could surpass 4 billion people by the year 2021, making it a majority of the world's population.

Approximately one in three jobs in the State of Washington are tied to international trade. Washington State exported approximately \$80 billion in goods in 2016—from airplanes and coffee to apples and software. I know this about our State: we understand that we are in a global economy and that we have great products to sell in international markets.

Agriculture exports are very important to our State. Agriculture adds about \$51 billion a year to our State's GDP, and the agricultural sector makes up more than 13 percent of our State's economy. In 2016, Washington exported \$15 billion worth of food and agriculture products with \$7 billion being of Washington origin. We are No. 1 in the nation in production of apples, hops, spearmint oil, wrinkled seed peas, concord grapes, sweet cherries, pears, green peas, raspberries for processing, blueberries and aquaculture. We are No. 2 in production of potatoes, certain kinds of grapes, nectarines, apricots, prunes, plums, sweet corn for processing, and a variety of other things.

This is to say that in the State of Washington, we grow a lot for overseas markets. Why am I talking about this important aspect of this bill that is passing to keep our government open today? Because in our State and across our country, we need to encourage more small businesses to export. And we need to make sure we have enforcement of a level playing field so that U.S. companies of all sizes and U.S. workers are protected as they compete in that global economy.

That is why, in the previously passed Customs bill, I created a Trade Enforcement Trust Fund at the Office of U.S. Trade Representative. Now, with this legislation passing today, we are putting \$15 million toward that trust fund to be spent exclusively on enforcing trade agreements. We need to enforce the agreements and make sure Washington and businesses around the country get a fair deal as we work on trade. And \$15 million in the fund would help us fight trade issues we have seen all over the globe.

For example, sometimes people try to sell their products by taking the great labels we have on Washington apples and putting them on foreign apples making them seem like Washington apples, when in reality they are not. This bill gives us money for trade enforcement to address these challenges.

Sometimes we have intellectual property that is hijacked or stolen from companies in our State. This bill puts more enforcement in place to fight those crimes and to make sure we are enforcing our trade agreements. The trust fund gives the framework and workforce to enforce trade laws governing exports to that burgeoning,

as I said, growing middle class outside the United States. We must make sure our products are sold and sold correctly and any disputes that are happening are resolved and resolved quickly so our trade with those countries can be cost-effective to our growers, to our manufacturers, and to the workforce within our State.

I am sure every Member here who has companies that have done trade in this global economy can tell you stories of how the lack of trade enforcement has cost them business. This fund is a very positive shot in the arm to our U.S. trade office, so they have the resources to do more enforcement and make sure our products are winning in the overseas markets.

I yield the floor.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate is considering H.R. 244, the Consolidated Appropriations Act, 2017. This measure provides full-year appropriations for Federal Government agencies and con-

tains spending that qualifies for cap adjustments under current statute.

This measure includes \$93,470 million in budget authority that is designated as being for overseas contingency operations/global war on terrorism pursuant to section 251(b)(2)(A)(ii) of BBEDCA. Of that amount, \$76,985 million is for spending in the security category, and \$16,485 million is for non-security spending. CBO estimates that this budget authority will result in \$41,444 million in outlays in fiscal year 2017.

Division F includes \$6,713 million in nonsecurity discretionary budget authority that is designated as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA. This designation makes the spending associated with this provision and its associated outlays of \$336 million eligible for an adjustment.

This legislation includes language that increases nonsecurity discretionary budget authority by \$1,444 million this year and designates it as emergency funding pursuant to section 251(b)(2)(A)(i) of BBEDCA. CBO estimates this budget authority will result in \$497 million in outlays in fiscal year 2017.

Finally, division H provides \$1,960 in nonsecurity discretionary budget authority for program integrity efforts. This funding is designated pursuant to section 251(b)(2)(C) and section

251(b)(2)(B) of BBEDCA. CBO estimates that this budget authority will result in \$1,635 million in outlays this year.

As a result of the aforementioned designations, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised security budget authority by \$76,985 million, revised non-security budget authority by \$26,602 million, and increasing outlays by \$43,912 million in fiscal year 2017. Further, I am increasing the budgetary aggregate for fiscal year 2017 by \$103,161 million in budget authority and outlays by \$43,541 million.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

REVISION TO BUDGETARY AGGREGATES

(Pursuant to Sections 311 and 314(a) of the Congressional Budget Act of 1974)

\$s in millions	2017
Current Spending Aggregates:	
Budget Authority .....	3,226,128
Outlays .....	3,224,630
Adjustments:	
Budget Authority .....	103,161
Outlays .....	43,541
Revised Spending Aggregates:	
Budget Authority .....	3,329,289
Outlays .....	3,268,171

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2017

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

\$s in millions	2017				
Current Allocation:					
Revised Security Discretionary Budget Authority .....					557,015
Revised Nonsecurity Category Discretionary Budget Authority .....					526,951
General Purpose Outlays .....					1,187,014
Adjustments:					
Revised Security Discretionary Budget Authority .....					76,985
Revised Nonsecurity Category Discretionary Budget Authority .....					26,602
General Purpose Outlays .....					43,912
Revised Allocation:					
Revised Security Discretionary Budget Authority .....					634,000
Revised Nonsecurity Category Discretionary Budget Authority .....					553,553
General Purpose Outlays .....					1,230,926
Memorandum: Detail of Adjustments Made Above	OCO	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority .....	76,985	0	0	0	76,985
Revised Nonsecurity Category Discretionary Budget Authority .....	16,485	1,960	6,713	1,444	26,602
General Purpose Outlays .....	41,444	1,635	336	497	43,912

JOINT EXPLANATORY STATEMENT FOR THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. BURR. Mr. President, this explanation reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

The explanation shall have the same effect with respect to the implementation of this act as if it were a joint explanatory statement of a conference committee. The explanation comprises three parts: an overview of the application of the annex to accompany this statement, unclassified congressional direction, and a section-by-section analysis of the legislative text.

I ask unanimous consent that the joint explanatory statement for the In-

telligence Authorization Act for fiscal year 2017 be printed in the RECORD.

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

DIVISION N—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The following is the explanation of the Intelligence Authorization Act for Fiscal Year 2017.

This explanation reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereinafter, “the Agreement”). The explanation shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a conference committee.

The explanation comprises three parts: an overview of the application of the annex to accompany this statement; unclassified congressional direction; and a section-by-section analysis of the legislative text.

PART I: APPLICATION OF THE CLASSIFIED ANNEX

The classified nature of U.S. intelligence activities prevents the congressional intelligence committees from publicly disclosing many details concerning the conclusions and recommendations of the Agreement. Therefore, a classified Schedule of Authorizations and a classified annex have been prepared to describe in detail the scope and intent of the congressional intelligence committees’ actions. The Agreement authorizes the Intelligence Community (IC) to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President’s budget, subject to modification under applicable reprogramming procedures.

The classified annex is the result of negotiations between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. It reconciles the differences between the committees’ respective versions of the bill for the National Intelligence Program (NIP) and the

Homeland Security Intelligence Program (HSIP) for Fiscal Year 2017. The Agreement also makes recommendations for the Military Intelligence Program (MIP), and the Information Systems Security Program (ISSP), consistent with the National Defense Authorization Act for Fiscal Year 2017, and provides certain direction for these two programs.

The Agreement supersedes the classified annexes to the reports accompanying: H.R. 5077, as passed by the House on May 24, 2016; H.R. 6393, as passed by the House on November 20, 2016; H.R. 6480, as passed by the House on December 8, 2016; S. 3017, as reported by the Senate Select Committee on Intelligence on June 6, 2016; and S. 133, as reported by the Senate Select Committee on Intelligence on January 20, 2017. All references to the House-passed and Senate-reported annexes are solely to identify the heritage of specific provisions.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The classified annex supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations. The classified annex shall have the same legal force as the report to accompany the bill.

#### PART II: SELECT UNCLASSIFIED CONGRESSIONAL DIRECTION

##### *Managing intelligence community personnel*

This Agreement by the congressional intelligence committees accepts the Senate's recommendations that IC elements should build, develop, and maintain a workforce appropriately balanced among its civilian, military and contractor workforce sectors to meet the missions assigned to it in law and by the president. The Agreement recognizes that the size and shape of the IC's multi-sector workforce should be based on mission needs, and encourages the IC to adjust its reliance on contractors when appropriate, both as a matter of general policy and as a way to conserve resources. The flexibility afforded in this provision should support this position. In addition, section 103 provides an increase in the number of civilian personnel authorized in the Schedule of Authorizations for the purposes of such contractor conversions in the interim for the remainder of fiscal year 2017. Nothing precludes the Congress from addressing the end strength for any element or office of the IC in the annual authorization bills.

Therefore, the committees direct that the ODNI provide the congressional intelligence committees briefings on the workforce initiative as directed in section 306, beginning July 1, 2017, and each 120 days thereafter until July 1, 2018, with benchmarks and milestones, for IC elements to manage a multi-sector workforce without personnel ceilings starting in fiscal year 2019. The ODNI, in coordination with the IC elements, shall establish a common methodology for collecting and reporting data, and include new exhibits in the annual congressional budget justification books that display full-time equivalents (government civilians, core contractors, non-core contractors, and military personnel), by program, expenditure center and project.

In the absence of authorized position ceiling levels, agencies will be bound to authorized and appropriated personal services funding levels.

Further, the transfer of non-personal services funding in below-threshold reprogramming is a concern to the committees. Therefore, the committees direct agencies to provide a written notification to the committees of any realignment and/or reprogramming of funding between personal services and non-personal services.

##### *Commercial Geospatial Intelligence Strategy*

The congressional intelligence committees applaud the National Geospatial-Intelligence Agency (NGA) for issuing its October 2015 Commercial Geospatial Intelligence (GEOINT) Strategy, which states a goal of fostering a "more diverse, resilient, agile, and responsive GEOINT program that provides seamless user access to the best mix of commercial GEOINT . . . to fulfill National System for Geospatial-Intelligence (NSG) and Allied System for Geospatial-Intelligence (ASG) mission needs." The committees also find merit in the NGA's "GEOINT Pathfinder" project, which seeks to maximize the use of unclassified and commercially available data sources that can be easily and rapidly shared with a variety of military, United States and allied government, and non-government customers, and supports the project's continuation and expansion.

The committees further commend the NGA for pursuing new methods of intelligence collection and analysis to inform, complement, and add to its support of warfighter requirements by looking to emerging commercial technology providers, including small satellite companies, which hold the promise of rapid technological innovation and potentially significant future cost savings to the U.S. taxpayer. The committees further encourage the Director of the NGA to ensure sufficient funding is available to acquire new, unclassified sources, including commercial satellite imagery providing unprecedented global persistence, as well as products and services that provide information and context about changes relevant to geospatial intelligence. The committees also encourage the NGA to pursue new business models, including commercial acquisition practices, to enable the NGA's access to data, products, and services in ways consistent with best commercial practices.

The committees fully support the NGA's course of action in partnering with the commercial GEOINT industry to meet future warfighter intelligence requirements, while recognizing the need to take appropriate steps to protect national security, and encourage the Director of the NGA and the Under Secretary of Defense for Intelligence to keep the committees informed of their progress in implementing this strategy. Therefore, this Agreement directs the Department of Defense (DoD), in building future-year budgets, to ensure continued funding is provided for implementation, through at least Fiscal Year 2021, of the Commercial Geospatial Intelligence Strategy issued by the NGA in October 2015.

##### *Space Launch Facilities*

The congressional intelligence committees continue to believe it is critical to preserve a variety of launch range capabilities to support national security space missions. Spaceports or launch and range complexes may provide capabilities to reach mid-to-low or polar-to-high inclination orbits. The committees believe an important component of this effort may be state-owned and operated spaceports that are commercially licensed by the Federal Aviation Administration, which leverage non-federal public and private investments to bolster U.S. launch capabilities. Additionally, the committees believe that these facilities may be able to provide additional flexibility and resilience to the Nation's launch infrastructure, especially as the nation considers concepts such as the reconstitution of satellites to address the growing foreign counterspace threat. The committees note recent testimony by the Chief of Staff of the U.S. Air Force, General Mark Welsh, who stated,

As we look at this space enterprise and how we do it differently in the future, as we

look more at disaggregation, microsats, cube sats, small sats, things that don't have to go from a large launch complex all the time, I think proliferating launch complexes is probably going to be a natural outshoot of this. I think it's commercially viable, it may be a way for companies to get into the launch business who could not afford to get into it or don't see a future in it and for large national security space launches, but I think this has got to be part of the strategy that this whole national team puts together as we look to the future.

Therefore, the Agreement directs the IC, in partnership with the U.S. Air Force, to consider the role and contribution of spaceports or launch and range complexes to our national security space launch capacity, and directs the Office of the Director of National Intelligence, in consultation with the Department of Defense and the U.S. Air Force, to brief the congressional intelligence committees on their plans to utilize such facilities within 90 days of enactment of this Act.

##### *National Reconnaissance Office Workforce Optimization Strategy*

The congressional intelligence committees have had longstanding interest in, and support for, a permanent government cadre to provide the National Reconnaissance Office (NRO) with a stable, expert acquisition workforce. The committees applaud the substantial progress that the NRO has made in the past year in this regard. The committees have parallel interests in providing the IC with flexibility to manage a multi-sector workforce and in continuing the reduction in the reliance on contractors.

Therefore, the Agreement directs the NRO to conduct a workforce review to optimize the mix between government civilians and contractors and report to the committees with a strategy within 90 days of enactment of this Act.

##### *Guidance and reporting requirement regarding interactions between the intelligence community and entertainment industry.*

The congressional intelligence committees believe that there are important, valid reasons for elements of the IC to engage with the entertainment industry, among other things to ensure the correction of inaccuracies, demonstrate the IC's commitment to transparency, and to ensure that the IC recruits and retains highly qualified personnel to the fullest extent possible. The committees further believe that IC engagement with the entertainment industry should be conducted in the most cost effective and deliberate fashion possible, while ensuring that classified information is protected from unauthorized disclosure.

These engagements—some of which have been described in partially-declassified inspector general reports—cost taxpayer dollars, raise potential ethics concerns, increase the risk of disclosure of classified information, and consume the time and attention of IC personnel responsible for United States national security. Neither the production of entertainment nor the self-promotion of IC entities are legitimate purposes for these engagements.

##### *Review of the National Intelligence University*

The National Intelligence University (NIU) has made significant progress in recent years in its transition from a defense intelligence college to a national intelligence university that provides advanced education in a classified format. Such advanced education is integral to making intelligence a profession with recognized standards for performance and ethics and fostering an integrated IC workforce. While progress has been significant since the Director of National Intelligence (DNI) and Secretary of Defense



agreed to redesignate Defense Intelligence Agency's (DIA) National Defense Intelligence College as NIU in 2011, the institution must continue to adapt to functioning as a university with a robust research agenda, and to serving the entire IC, not just elements of DoD.

Fiscal years 2017 and 2018 are of great significance for NIU, as it moves its principal facility to the IC Campus at Bethesda, completes activities associated with its 2018 decennial regional accreditation reaffirmation, and receives a new president. The congressional intelligence committees believe that these developments position NIU to make further progress in its vision to become the center of academic life for the IC.

To guide these next steps, the Agreement directs DIA, in coordination with ODNI and the Office of the Under Secretary of Defense for Intelligence, to, no later than 30 days after enactment of this Act, select a five member, external, and independent panel to conduct a review of NIU. The panel shall submit a report detailing the results of such review to the congressional intelligence and defense committees within 180 days of enactment of this Act. The panel should be composed of recognized academics, personnel from other DoD joint professional military education institutions, national security experts, and at least one member of NIU's Board of Visitors.

This review and the resulting report shall, among other things, assess:

(1) Methods for ensuring a student body that is more representative of all IC elements;

(2) Incentives for IC elements to send personnel to NIU to earn a degree or certificate, to include designating attendance at NIU as positions reimbursable by ODNI and requiring IC elements to employ the workforce concept of "float" for personnel enrolled in higher-education programs;

(3) How certificate programs align with NIU's unique value as an institution of advanced intelligence education;

(4) Methods to enhance NIU's research program, to include publication of a journal, hosting of conferences and other collaborative fora, and more formalized relationships with intelligence studies scholars;

(5) Whether and how educational components of other IC elements could provide educational offerings as part of the NIU curriculum;

(6) Potential advantages and risks associated with alternative governance models for NIU, to include moving it under the auspices of ODNI; and

(7) The feasibility and resource constraints of NIU tailoring degree offerings to meet the needs of IC personnel at different stages in their careers, similar to DoD's joint professional military education model.

#### *Cost of living consideration*

The congressional intelligence committees are concerned with the high cost of living for military, civilian, and contractor personnel at overseas Combatant Command intelligence centers. Although the committees recognize the benefits of co-locating intelligence analysts with the operational commander, the intelligence centers for both U.S. European Command (USEUCOM) and U.S. Africa Command (USAFRICOM) are located over 600 miles from their Combatant Command headquarters. Combatant Commanders based in the United States regularly communicate with forward deployed units, and the USEUCOM and USAFRICOM intelligence centers have developed mechanisms to effectively employ various teleconferencing and virtual communication tools to ensure collaboration across large distances.

The congressional intelligence committees are concerned that despite the utility of these virtual collaboration tools, DoD has not taken action to reduce the number of intelligence personnel stationed in high cost of living areas. These costs can exceed \$65,000 per person, per year in annual cost of living allowances compared to the continental United States (CONUS) expenses. The additional costs associated with stationing intelligence personnel in high-cost overseas locations detract from other critical intelligence priorities. The committees are further concerned that DoD does not adequately account for the long-run expense of high costs of living when selecting locations for intelligence facilities.

Therefore, the Agreement directs the DIA to evaluate alternate mechanisms for staffing overseas Combatant Command intelligence centers, particularly those that are not co-located with Combatant Command headquarters, and to identify cost-savings opportunities by shifting personnel to lower cost locations, including in the continental United States.

#### *Defense Intelligence Agency education opportunities*

DIA presently allows DIA employees to receive pay for a single year only while attending certain graduate degree programs on a full-time basis. Employees may pursue such opportunities at the National Intelligence University and similar institutions; and, in certain circumstances, also at public and private civilian universities. However, the one-year limit discourages DIA personnel from pursuing multi-year graduate degree programs. Expanding DIA's program to allow highly qualified DIA employees to pursue multi-year graduate degree programs from accredited civilian universities would further improve retention, recruitment, and foster diversity of thought at DIA.

Therefore, the Agreement directs DIA, no later than 180 days after the enactment of this Act, to:

(1) Provide for and fund a program that allows for DIA employees to attend civilian graduate degree programs for up to two years each, based on the standard length of the relevant program, provided that:

(a) Where DIA deems appropriate, employees may pursue academic programs extending beyond two years. Consistent with current practices, the program should be made available to at least five employees each year, with each employee receiving a full-time salary while participating in the program; and

(b) Each DIA participant shall be subject to any program approvals, service obligations, repayment obligations, and other requirements pertaining to academic programs, as prescribed by applicable laws and policies.

(2) Brief the congressional intelligence committees on the status of the program's implementation.

#### *Mental health prevalence*

The congressional intelligence committees are committed to supporting the men and women of the IC, who bravely risk their lives serving their country as civilians in conflict zones and other dangerous locations around the world. These individuals often serve next to their military counterparts in areas of active hostilities. As such, they are often exposed to many of the emotional stresses generally associated with a tour of duty abroad. The committees believe there are deficiencies and inconsistencies in the pre- and post-deployment mental health and wellness services available to civilian employees.

Therefore, the Agreement directs the National Security Agency (NSA), NGA, the Central Intelligence Agency (CIA), and DIA,

no later than 180 days after the enactment of this Act, to provide a joint briefing to the congressional intelligence committees on the mental health screenings and related services that these agencies offer employees, both before and after they deploy to combat zones. Such briefing shall include a description of:

(1) Existing services available;

(2) Agency resources for and analysis of these services, including the frequency of use by employees compared to the total number returning from deployment; and

(3) How agencies with deployed civilian employees are sharing best practices and leveraging services or resources outside their agencies.

#### *Review of the Office of the Director of National Intelligence*

It has been more than ten years since the Congress established the position of the Director of National Intelligence (DNI) in the Intelligence Reform and Terrorism Prevention Act of 2004, building on its predecessor, the Director of Central Intelligence. Given this experience and the evolving security environment, the committees believe it appropriate to review the DNI's roles, missions and functions and adapt its authorities, organization and resources as needed.

Therefore, the Agreement directs the President to form an independent, external panel of at least five individuals with significant intelligence and national security expertise to review ODNI's roles, missions and functions and make recommendations, as needed, regarding its authorities, organization and resources. The panel shall:

(1) Evaluate ODNI's ability to fulfill the responsibilities assigned to it in law given its current scope and structure;

(2) Assess whether any roles and responsibilities currently assigned to the DNI could be more effectively or efficiently executed by other IC components or government agencies outside the IC;

(3) Analyze the personnel, funding, and authorities required for each component of ODNI to perform each of its assigned responsibilities;

(4) Evaluate the organizational structure of ODNI;

(5) Review the size, role, purpose and function of ODNI's mission centers;

(6) Assess the value of the national intelligence manager construct;

(7) Review the size and mix of the ODNI workforce—to include the ratio between cadre and detailees, the balance between government and contractors, and grade structure—to perform its roles, missions and functions; and

(8) Make recommendations regarding the above.

The Agreement directs the President, no later than 30 days after the enactment of this Act, to select the individuals who will serve on the external panel and notify the congressional intelligence committees of such selection.

In addition, the Agreement directs the panel, no later than 180 days after the enactment of this Act, to provide a report on this review to the congressional intelligence committees. This report shall be unclassified, but may contain a classified annex. The Agreement further directs ODNI to reimburse the Executive Office of the President for any costs associated with the review.

#### *Improving pre-publication review*

The congressional intelligence committees are concerned that current and former IC personnel have published written material without completing mandatory pre-publication review procedures or have rejected changes required by the review process, resulting in the publication of classified information. The committees are particularly

troubled by press reports suggesting that officials are unaware of the existence or scope of pre-publication review requirements.

The committees are also aware of the perception that the pre-publication review process can be unfair, untimely, and unduly onerous—and that these burdens may be at least partially responsible for some individuals “opting out” of the mandatory review process. The committees further understand that IC agencies’ pre-publication review mechanisms vary, and that there is no binding, IC-wide guidance on the subject.

The committees believe that all IC personnel must be made aware of pre-publication review requirements and that the review process must yield timely, reasoned, and impartial decisions that are subject to appeal. The committees also believe that efficiencies can be identified by limiting the information subject to pre-publication review, to the fullest extent possible, to only those materials that might reasonably contain or be derived from classified information obtained during the course of an individual’s association with the IC. In short, the pre-publication review process should be improved to better incentivize compliance and to ensure that personnel fulfill their commitments.

Therefore, the Agreement directs that, no later than 180 days after the enactment of this Act, the DNI shall issue an IC-wide policy regarding pre-publication review. The DNI shall transmit this policy to the congressional intelligence committees concurrently with its issuance. The policy should require each IC agency to develop and maintain a pre-publication policy that contains, at a minimum, the following elements:

- (1) Identification of the individuals subject to pre-publication review requirements (“covered individuals”);
- (2) Guidance on the types of information that must be submitted for pre-publication review, including works (a) unrelated to an individual’s IC employment; or (b) published in cooperation with a third party, e.g.—
  - (a) Authored jointly by covered individuals and third parties;
  - (b) Authored by covered individuals but published under the name of a third party; or
  - (c) Authored by a third party but with substantial input from covered individuals.
- (3) Guidance on a process by which covered individuals can participate in pre-publication reviews, and communicate openly and frequently with reviewers;
- (4) Requirements for timely responses, as well as reasoned edits and decisions by reviewers;
- (5) Requirements for a prompt and transparent appeal process;
- (6) Guidelines for the assertion of interagency equities in pre-publication review;
- (7) A summary of the lawful measures each agency may take to enforce its policy, to include civil and criminal referrals; and
- (8) A description of procedures for post-publication review of documents that are alleged or determined to reveal classified information but were not submitted for pre-publication review.

Additionally, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to provide to the congressional intelligence committees a report on the adequacy of IC information technology efforts to improve and expedite pre-publication review processes, and the resources needed to ensure that IC elements can meet this direction.

The Agreement further directs the DNI, no later than 270 days after the enactment of this Act, to certify to the congressional intelligence committees that IC elements’ pre-publication review policies, non-disclosure agreements, and any other agreements im-

posing pre-publication review obligations reflect the policy described above.

#### *Student loan debt report*

IC components need to be able to recruit talented young professionals. However, the soaring cost of college and post-graduate education in the United States is causing many young people to forgo public service in favor of career opportunities with more competitive pay or loan forgiveness benefits.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to provide a report to the congressional intelligence committees on programs that seek to help IC personnel manage student loan debt. The report shall include details about each IC element’s program, including loan forgiveness, loan repayment, and financial counseling programs; efforts to inform prospective and current employees about such programs; and the number of employees who use such programs. The report shall also include an analysis of the benefits and drawbacks of creating new programs and expanding existing programs, and shall identify any barriers to the establishment of IC-wide programs.

#### *Workforce development partnership*

The congressional intelligence committees have long promoted novel recruiting, hiring, and retention practices, especially with respect to highly expert, highly sought-after Science, Technology, Engineering, and Math (STEM) students and professionals. Despite these efforts, the IC continues to struggle with meeting STEM recruitment, hiring, and retention goals inside the IC.

The committees are therefore encouraged to learn that the IC is considering new and creative practices in this regard. For example, the committees were intrigued by the Pacific Northwest National Laboratory’s (PNNL) budding Workforce Development Partnership with the CIA. Partnerships like this may allow IC agencies to leverage PNNL’s robust employee recruiting network and seek out STEM students who might not otherwise consider IC employment.

Similarly, to address concerns that potential hires will accept other job offers while awaiting clearances, NGA has a program to allow interim hires to work on unclassified projects until clearances are adjudicated. In addition, several IC agencies have instituted a unique pay scale for their junior STEM workforce. The committees recognize the benefits of these initiatives, and believes that such efforts could have wider applicability across the IC.

Therefore, the Agreement directs the DNI Chief Human Capital Officer, no later than 180 days after the enactment of this Act, to provide to the congressional intelligence committees an interagency briefing on new approaches, including outreach and advertising, the IC is considering or conducting to attract a diverse, robust Science, Technology, Engineering, and Math and information technology workforce to meet the increasing demands in the IC.

#### *Distributed Common Ground/Surface System-Army*

The congressional intelligence committees believe the Distributed Common Ground/Surface System-Army (DCGS-A) provides operational and tactical commanders with enhanced, state-of-the-art intelligence, surveillance, and reconnaissance (ISR) tasking, processing, exploitation, and dissemination capabilities and connectivity to the defense intelligence information enterprise. DCGS-A is a critical tool for enabling military intelligence warfighters to process, fuse, and exploit data. In the past, the Army has struggled to keep pace for pre-deployment and in-theater training for DCGS-A. However,

training for military intelligence analysts must be prioritized in the pre-deployment readiness cycle to ensure that those using this intelligence tool can effectively utilize its capabilities.

The Army has fielded over 95 percent of DCGS-A Increment 1 systems, with mixed results and often negative feedback from the users. The Army is in the process of fielding Increment 1, Release 2, which will address many of the initial concerns and deficiencies of Increment 1. The committees remain concerned that the Army has not sufficiently planned for user training in support of the release of Increment 1, Release 2 to operational users.

Therefore, the congressional intelligence committees request that the Army, no later than 90 days after the enactment of this Act, submit a plan to the congressional intelligence and defense committees on how the Army will fully incorporate Distributed Common Ground/Surface System-Army (DCGS-A) training into the readiness cycle for Army personnel. The plan should specifically address any lessons learned from the fielding of DCGS-A Increment 1 and any ongoing corrective actions to improve the roll-out of Increment 1, Release 2.

#### *Common controller for unmanned aircraft systems*

The congressional intelligence committees support the Army’s efforts to develop a common controller for the RQ-7A/B Shadow and the RQ-11B Raven tactical unmanned aerial vehicles. However, the committees are concerned that the Army is not collaborating with the Marine Corps on similar efforts to develop a ground controller for the Marine Corps family of tactical unmanned aerial systems (UAS), including the RQ-11B Raven, the RQ-12A Wasp, and the RQ-20A Puma.

Therefore, the Agreement requests that the Army and the Marine Corps Intelligence Activity (MCIA), no later than 90 days after the enactment of this Act, jointly submit a report to the congressional intelligence and defense committees on the feasibility of developing a common controller for all Brigade and Below unmanned aircraft systems (UAS) airframes, as well as U.S. Marine Corps small unit UAS. The report should address the potential performance and operational benefits of a common controller, anticipated development costs, and anticipated life-cycle cost savings of a common controller.

#### *Review of dual-hatting relationship*

The congressional intelligence committees support further evaluation of the dual-hatting of a single individual as both Commander of U.S. Cyber Command (USCYBERCOM) and Director of the National Security Agency (DIRNSA).

Therefore, the Agreement directs the Secretary of Defense, no later than 90 days after the enactment of this Act, to provide to the congressional intelligence and defense committees a briefing that reviews and provides an assessment of the dual-hatting of DIRNSA and Commander, USCYBERCOM. This briefing should address:

- (1) Roles and responsibilities, including intelligence authorities, of USCYBERCOM and NSA;
- (2) Assessment of the current impact of the dual-hatting relationship, including advantages and disadvantages;
- (3) Plans and recommendations on courses of action that would be necessary to end the dual-hatting of DIRNSA and Commander, USCYBERCOM, which satisfy Section 1642 of the conference report accompanying S. 2943, the National Defense Authorization Act for Fiscal Year 2017;
- (4) Suggested timelines for carrying out such courses of action;
- (5) Recommendations for any changes in law that would be required by the end of dual-hatting; and

(6) Any additional topics as identified by the intelligence and defense committees.

The congressional intelligence committees further believe that a larger organizational review of NSA should be conducted with respect to the eventual termination of the dual-hatting relationship. The congressional intelligence committees seek to promote the efficient and effective execution of NSA's national intelligence mission. Specifically, the congressional intelligence committees believe that the organization of NSA should be examined to account for the evolution of its mission since its establishment, the current structure of the intelligence community, and the fact that the NSA is predominantly funded through the NIP.

Therefore, the Agreement further directs the DNI, no later than 120 days after the enactment of this Act, to conduct an assessment and provide a briefing to the congressional intelligence committees on options to better align the structure, budgetary procedures, and oversight of NSA with its national intelligence mission in the event of a termination of the dual-batting relationship. This briefing should include:

(1) An assessment of the feasibility of transitioning NSA to civilian leadership appointed by the DNI in lieu of military leadership appointed by the Secretary of Defense;

(2) How NSA could be organizationally separated from DoD if USCYBERCOM were elevated to become a unified combatant command; and

(3) Any challenges, such as those requiring changes in law, associated with such a separation.

#### *Acquisition security improvement*

The congressional intelligence committees remain concerned about supply chain and cybersecurity vulnerabilities in the IC. The committees believe the IC should implement a more comprehensive approach to address these vulnerabilities, particularly during the acquisition process. However, ICD 801, the IC guideline governing the acquisition process, is outdated and must be revised to reflect current risks. In particular, despite issuance of ICD 731, *Supply Chain Risk Management*, in 2013, ICD 801 has not been updated to reflect this policy nor does it include consideration of cybersecurity vulnerabilities and mitigation.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to review and consider amendments to Intelligence Community Directive (ICD) 801 to better reflect and anticipate supply chain and cybersecurity risks and threats, as well as to outline policies to mitigate both risks and threats. In particular, the review should examine whether to:

(1) Expand risk management criteria in the acquisition process to include cyber and supply chain threats;

(2) Require counterintelligence and security assessments as part of the acquisition and procurement process;

(3) Propose and adopt new education requirements for acquisition professionals on cyber and supply chain threats; and

(4) Factor in the cost of cyber and supply chain security.

The Agreement further directs ODNI, no later than 210 days after the enactment of this Act, to provide to the congressional intelligence committees a report describing the review, including ODNI's process for considering amendments to ICD 801, and specifically addressing ODNI's analysis and conclusions with respect to paragraphs (1) through (4) above.

#### *Cyber information sharing and customer feedback*

The congressional intelligence committees commend NSA's new policies and procedures

to facilitate greater information sharing of cyber threat indicators and defensive measures with the Department of Homeland Security (DHS) at the unclassified level.

With the recent enactment of the Cybersecurity Act of 2015, which encourages greater information sharing between private sector stakeholders, as well as with government entities, the committees believe the next step is to ensure the entire IC is working to disseminate timely, actionable information to private sector stakeholders so they can better protect their information technology networks. The vast majority of U.S. networks reside in the private sector, and it is good governance to ensure that those networks are safe and secure for the general public.

The committees appreciate that the IC has begun efforts to increase unclassified cyber threat sharing. Because an increase in the quantity of reporting does not necessarily indicate effectiveness or usefulness, this Committee continues to monitor the quality of the information distributed.

Therefore, the Agreement directs ODNI, no later than 120 days after the enactment of this Act, to brief the congressional intelligence committees on IC-wide efforts to share more information with the Department of Homeland Security (DHS) for further dissemination to the private sector. This briefing shall specifically address types of information shared, metrics on output, tabulation of low output producing agencies, recommendations on how low output agencies can increase sharing, timeliness of information shared, and average total time it takes for information to transit the system.

The Agreement also directs ODNI, in coordination with the DHS Office of Intelligence and Analysis (I&A), to conduct a survey of government and private sector participants of the National Cybersecurity and Communications Integration Center (NCCIC). The survey shall be anonymous, provide an accurate assessment of the usefulness and timeliness of the data received, and determine if customers are satisfied with intelligence briefings on threat actors impacting their specific industry. The Agreement further directs ODNI, no later than one year after the enactment of this Act, to provide to the congressional intelligence and homeland security committees an unclassified report detailing the results of this survey.

#### *Department of Homeland Security utilization of National Labs expertise*

The congressional intelligence committees believe that the Department of Energy (DOE) National Labs represent a unique and invaluable resource for the government and the IC in particular.

Therefore, the Agreement directs, no later than 180 days after the enactment of this Act, DHS I&A, in coordination with DOE Office of Intelligence and Counterintelligence (DOE-IN), to provide to the congressional intelligence committees a report on the current utilization of Department of Energy (DOE) National Labs expertise by DHS I&A. This report should address opportunities to increase DHS I&A's utilization of cybersecurity expertise of the National Labs as well as the budgetary implications of taking advantage of these potential opportunities.

#### *Cybersecurity courses for Centers of Academic Excellence*

The congressional intelligence committees are concerned by a recent analysis from a security firm, which determined that not one of the nation's leading undergraduate computer science programs requires students to take a cybersecurity course before graduating. Cybersecurity depends on IC professionals having a strong understanding of the cyber threat and how to mitigate it—which

in turn requires a strong academic background. NSA and DHS cosponsor the Centers of Academic Excellence (CAE) in Cyber Defense program, which includes an emphasis on basic cybersecurity. Nevertheless, even some CAE-designated institutions lack cybersecurity course prerequisites in their computer science curricula.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to submit to the congressional intelligence committees a report on improving cybersecurity training within NIP-funded undergraduate and graduate computer science programs. The report should specifically address:

(1) The potential advantages and disadvantages of conditioning an institution's receipt of such funds on its computer science program's requiring cybersecurity as a precondition to graduation;

(2) How Centers of Academic Excellence programs might bolster cybersecurity educational requirements; and

(3) Recommendations to support the goal of ensuring that federally-funded computer science programs properly equip students to confront future cybersecurity challenges.

#### **PART III: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT**

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2017.

#### **TITLE I—INTELLIGENCE ACTIVITIES**

##### *Section 101. Authorization of appropriations*

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2017.

##### *Section 102. Classified Schedule of Authorizations*

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2017 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

##### *Section 103. Personnel ceiling adjustments*

Section 103 provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2017 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102, and ten percent of the number of civilian personnel authorized under such schedule for the purposes of contractor conversions. The DNI may do so only if necessary to the performance of important intelligence functions.

##### *Section 104. Intelligence Community Management Account*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2017.

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

##### *Section 201. Authorization of appropriations*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2017 for the Central Intelligence Agency Retirement and Disability Fund.

#### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

Section 301. Restriction on conduct of intelligence activities.

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

*Section 302. Increase in employee compensation and benefits authorized by law.*

Section 302 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

*Section 303. Support to nonprofit organizations assisting intelligence community employees.*

Section 303 permits the DNI to engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of a deceased employee of an element of the IC or otherwise provide support for the welfare, education, or recreation of IC employees, former employees, or their family members. Section 303 requires the DNI to issue regulations ensuring that the fundraising authority is exercised consistent with all relevant ethical limitations and principles. Section 303 further requires that the DNI and the Director of the CIA notify the congressional intelligence committees within seven days after they engage in such fundraising.

*Section 304. Promotion of science, technology, engineering, and mathematics education in the intelligence community.*

Section 304 requires the DNI to submit a five-year investment strategy for outreach and recruiting efforts in the fields of science, technology, engineering, and mathematics (STEM), to include cybersecurity and computer literacy. Section 304 further requires elements of the IC to submit STEM investment plans supporting this strategy for each of the fiscal years 2018 through 2022, along with the materials justifying the budget request of each element for these STEM recruiting and outreach activities.

*Section 305. Retention of employees of the intelligence community who have science, technology, engineering, or mathematics expertise.*

Section 305 authorizes a new payscale to permit salary increases for employees in the IC with STEM backgrounds. Section 305 also requires notifications to individual employees if a position is removed from this new payscale. Section 305 further requires the head of each IC element to submit to the congressional intelligence committees a report on the new rates of pay and number of positions authorized under this payscale.

*Section 306. Management of intelligence community personnel*

Section 306 prohibits the Congress's use of government personnel ceilings in the management of the IC workforce starting in Fiscal Year 2019. Section 306 requires the DNI to provide briefings on the IC's initiative to maintain both employees and contractors within the IC, as well as both a briefing and a report on the methodology, cost analysis tool, and implementation plans. Section 306 further requires the IC IG to provide a written report on the accuracy of IC workforce data. This section will align the IC's management of personnel consistent with the practices of the Department of Defense and other federal agencies.

*Section 307. Modifications to certain requirements for construction of facilities*

Section 307 clarifies that the requirement to notify the congressional intelligence committees of improvement projects with an estimated cost greater than \$1,000,000 for facilities

used primarily by IC personnel includes repairs and modifications.

*Section 308. Guidance and reporting requirement regarding interactions between the intelligence community and entertainment industry.*

Section 308 requires the DNI to issue public guidance regarding engagements by elements of the Intelligence Community with entertainment industry entities. The guidance will include DNI providing an annual report to the congressional intelligence committees detailing interactions between the IC and the entertainment industry. Section 308 also requires the report to include a description of the nature, duration, costs, benefits, and results of each engagement, as well as a determination that each engagement did not result in a disclosure of classified information and whether any information was declassified for the disclosure. Section 308 further requires that before an IC element may engage with the entertainment industry, the head of that element must approve the proposed engagement. Contractual relationships for professional services and technical expertise are exempt from these reporting requirements.

*Section 309. Protections for independent inspectors general of elements of the intelligence community.*

Section 309 requires the ODNI to develop and implement a uniform policy for each identified Inspector General (IG) office in the IC to better ensure their independence. The provision specifies elements to be incorporated in such a policy including (a) guidance regarding conflicts of interest, (b) standards to ensure independence, and (c) a waiver provision. Section 309 further prohibits the DNI from requiring an employee of an OIG to rotate to a position in the element for which such office conducts oversight.

*Section 310. Congressional oversight of policy directives and guidance.*

Section 310 requires the DNI to submit to the congressional intelligence committees notifications and copies of any classified or unclassified Presidential Policy Directive, Presidential Policy Guidance, or other similar policy document issued by the President which assigns tasks, roles, or responsibilities to the IC, within the specified timeframes. Section 310 further requires the Director to notify the congressional intelligence committees of guidance to implement such policies.

*Section 311. Notification of memoranda of understanding.*

Section 311 requires the head of each element of the IC to submit to the congressional intelligence committees copies of each memorandum of understanding or other agreement regarding significant operational activities or policy entered into between or among such element and any other entity or entities of the federal government within specified timeframes.

Section 311 does not require an IC element to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments. An IC element also may redact any personally identifiable information from a memorandum or agreement which must be submitted to the intelligence committees.

*Section 312. Technical correction to Executive Schedule*

Section 312 contains a technical correction regarding the annual rate of basic pay for the Director of the National Counter Proliferation Center.

*Section 313. Maximum amount charged for declassification reviews*

Section 313 prohibits the head of an element of the IC from charging reproduction fees for a mandatory declassification review in excess of reproduction fees that the head would charge for a request for information under the Freedom of Information Act (FOIA). It also permits agency heads to waive processing fees for declassification reviews in the same manner as for FOIA.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

*Section 401. Designation of the Director of the National Counterintelligence and Security Center.*

Section 401 renames the National Counterintelligence Executive as the "National Counterintelligence and Security Center," with conforming amendments.

*Section 402. Analyses and impact statements by Director of National Intelligence regarding proposed investment into the United States.*

Section 402 directs the DNI to submit to the congressional intelligence committees, after the completion of a review or an investigation of any proposed investment into the United States, any analytic materials prepared by the DNI. This requirement includes, but is not limited to, national security threat assessments provided to the Committee on Foreign Investment in the United States (CFIUS) in connection with national security reviews and investigations conducted by CFIUS pursuant to Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. § 4565). This section is not intended to limit the ability of the DNI to transmit supplementary materials to the congressional intelligence committees along with the threat assessments.

Section 402 also directs the DNI to provide the committees with impact statements when the DNI determines a proposed investment into the United States will have an operational impact on the IC.

*Section 403. Assistance for governmental entities and private entities in recognizing online violent extremist content*

Section 403 requires the DNI to publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, State Department-designated foreign terrorist organizations.

##### Subtitle B—Central Intelligence Agency

*Section 411. Enhanced death benefits for personnel of the Central Intelligence Agency.*

Section 411 authorizes the Director of the CIA to pay death benefits substantially similar to those authorized for members of the Foreign Service, and requires the Director to submit implementing regulations to the congressional intelligence committees.

*Section 412. Pay and retirement authorities of the Inspector General of the Central Intelligence Agency.*

Section 412 amends the Central Intelligence Agency Act of 1949 to authorize the IG of the CIA to consider certain positions as law enforcement officers for purposes of calculating retirement eligibility and entitlements under chapters 83 and 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States. Section 412 may not be construed to confer on the IG of the CIA, or any other officer or employee of the CIA, any police or law enforcement or internal security functions or authorities.

Subtitle C—Other Elements

*Section 421. Enhancing the technical workforce for the Federal Bureau of Investigation.*

Section 421 requires the Federal Bureau of Investigation (FBI) to produce a comprehensive strategic workforce report to demonstrate progress in expanding initiatives to effectively integrate information technology expertise in the investigative process. Section 421 further requires the report to include: (1) progress on training, recruitment, and retention of cyber-related personnel; (2) an assessment of whether FBI officers with these skill sets are fully integrated in the FBI's workforce; (3) the FBI's collaboration with the private sector on cyber issues; and (4) an assessment of the utility of reinstituting and leveraging the FBI Director's Advisory Board.

*Section 422. Plan on assumption of certain weather missions by the National Reconnaissance Office*

Section 422 requires the Director of the NRO to develop a plan to carry out certain space-based environmental monitoring missions currently performed by the Air Force. It also authorizes certain pre-acquisition activities and directs that an independent cost estimate be submitted to the congressional intelligence and defense committees. The Director of NRO may waive the requirement of Section 422 if the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Chairman of the Joint Chiefs of Staff, jointly submit a certification to the congressional intelligence and defense committees.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

*Section 501. Committee to counter active measures by the Russian Federation to exert covert influence over peoples and governments.*

Nothing in this section shall authorize the Committee to take action with regard to activities protected by the First Amendment. Section 501 requires the President to establish an interagency committee to counter active measures by the Russian Federation that constitute Russian actions to exert covert influence over peoples and governments.

*Section 502. Limitation on travel of accredited diplomats of the Russian Federation in the United States from their diplomatic post.*

Section 502 requires the Secretary of State, in coordination with the Director of the FBI and the DNI, to establish an advance notification regime governing all Russian Federation accredited diplomatic and consular personnel in the United States, as well as to take action to secure compliance and address noncompliance with the notification requirement. Section 502 also requires the Secretary of State, the Director of the FBI, and the DNI to develop written mechanisms to share such travel information and address noncompliance. Section 502 further requires written reporting to the specified committees detailing the number of notifications, and the number of known or suspected violations of such personnel requirements.

*Section 503. Study and report on enhanced intelligence and information sharing with Open Skies Treaty member states.*

Section 503 requires the DNI, with support of other federal agencies, to conduct a study to determine the feasibility of creating an intelligence sharing arrangement and database among parties to the Open Skies Treaty (OST) with higher frequency, quality, and efficiency than that currently provided by the parameters of the OST. Section 503 also requires the Director to issue a report that includes an intelligence assessment on Russian Federation warfighting doctrine, the extent to which Russian Federation flights under

the Open Skies Treaty contribute to the warfighting doctrine, a counterintelligence analysis as to the Russian Federation's capabilities, and a list of the covered parties that have been updated with this information.

TITLE VI—REPORTS AND OTHER MATTERS

*Section 601. Declassification review of information on Guantanamo detainees and mitigation measures taken to monitor the individuals and prevent future attacks.*

Section 601 requires the DNI to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center (NCTC) on the past terrorist activities of each Guantanamo detainee, for a detainee's Periodic Review Board (PRB) sessions, transfer, or release from Guantanamo. To the extent a transfer or release preceded the PRB's establishment, or the NCTC's preparation of intelligence reports, Section 601 requires the DNI to conduct a declassification review of intelligence reports containing the same or similar information as the intelligence reports prepared by the NCTC for PRB sessions, transfers, or releases.

Section 601 further requires the President to make any declassified intelligence reports publicly available, including unclassified summaries of measures being taken by the transferee countries to monitor the individual and prevent future terrorist activities. Section 601 requires the DNI to submit to the congressional intelligence committees a report setting forth the results of the declassification review, including a description of covered reports that were not declassified. Section 601 also sets the schedule for such reviews and further defines past terrorist activities to include terrorist organization affiliations, terrorist training, role in terrorist attacks, responsibility for the death of United States citizens or members of the Armed Forces, any admission thereof, and a description of the intelligence supporting the past terrorist activities, including corroboration, confidence level, and any dissent or reassessment by the IC.

*Section 602. Cyber Center for Education and Innovation Home of the National Cryptologic Museum.*

Section 602 amends 10 U.S.C. § 449 to enable the establishment of a Cyber Center for Education and Innovation-Home of the National Cryptologic Museum (the "Center"). Section 602 also establishes in the Treasury a fund for the benefit and operation of the Center.

*Section 603. Report on national security systems.*

Section 603 requires the Director of the National Security Agency, in coordination with the Secretary of Defense and Chairman of the Joint Chiefs of Staff to submit to the appropriate congressional committees a report on national security systems.

*Section 604. Joint facilities certification.*

Section 604 requires that before an element of the IC purchases, leases, or constructs a new facility that is 20,000 square feet or larger, the head of that element must first certify that all prospective joint facilities have been considered, that it is unable to identify a joint facility that meets its operational requirements, and it must list the reasons for not participating in joint facilities in that instance.

*Section 605. Leadership and management of space activities.*

Section 605 requires the DNI, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, to issue an update to the strategy for a comprehensive review of the United States national security overhead satellite architec-

ture required in the Intelligence Authorization Act for Fiscal Year 2016. Section 605 requires the DNI, in consultation with the Secretary of Defense, to submit a plan to functionally integrate the IC's governance, operations, analysis, collection, policy, and acquisition activities related to space and counterspace. The congressional intelligence committees believe the current fragmented arrangement across the IC does not provide sufficient coherence to meet the threat, fosters duplication, hinders integrated congressional oversight, and impedes effective alignment with the Department of Defense space activities. Section 605 also requires the DNI to submit a workforce plan for space and counterspace operations, policy, and acquisition. Section 605 further requires the Director of the NRO and the Commander of U.S. Strategic Command to submit a concept of operations and requirements documents for the Joint Interagency Combined Space Operations Center, and to conduct quarterly update briefings.

*Section 606. Advances in life sciences and biotechnology.*

The congressional intelligence committees recognize the rapid advancements in the life sciences and biotechnology and firmly believes that biology in the twenty-first century will transform the world as physics did in the twentieth century. The potential risks associated with these advancements are less clear. The posture of the IC to follow and predict this rapidly changing landscape is a matter of concern recognizing the global diffusion and dual-use nature of life sciences and biotechnology along with the dispersed responsibility of the life sciences related issues across several National Intelligence Officer portfolios.

Section 606 requires the DNI to brief the congressional intelligence committees and the congressional defense committees on a proposed plan and actions to monitor advances in life sciences and biotechnology to be carried out by the DNI. The Director's plan should include, first, a description of the IC's approach to leverage the organic life science and biotechnology expertise both within and outside the Intelligence Community; second, an assessment of the current life sciences and biotechnology portfolio, the risks of genetic editing technologies, and the implications of these advances on future biodefense requirements; and, third, an analysis of organizational requirements and responsibilities to include potentially creating new positions. Section 606 further requires the DNI to submit a written report and provide a briefing to the congressional intelligence committees and the congressional defense committees on the role of the IC in the event of a biological attack, including a technical capabilities assessment to address potential unknown pathogens.

*Section 607. Reports on declassification proposals.*

Section 607 requires the DNI to provide the congressional intelligence committees with a report and briefing on the IC's progress in producing four feasibility studies undertaken in the course of the IC's fundamental classification guidance review, as required under Executive Order 13526. Section 607 further requires the Director to provide the congressional intelligence committees with a briefing, interim report, and final report on the final feasibility studies produced by elements of the IC and an implementation plan for each initiative.

*Section 608. Improvement in government classification and declassification.*

Section 608 assesses government classification and declassification in a digital era by requiring the DNI to review the system by

which the Government classifies and declassifies national security information to improve the protection of such information, enable information sharing with allies and partners, and support appropriate declassification. Section 608 requires the DNI to submit a report with its findings and recommendations to the congressional intelligence committees. Section 608 further requires the DNI to provide an annual written notification to the congressional intelligence committees on the creation, validation, or substantial modification (to include termination) of existing and proposed controlled access programs, and the compartments and subcompartments within each. This certification shall include the rationale for each controlled access program, compartment, or subcompartment and how each controlled access program is being protected.

*Section 609. Report on implementation of research and development recommendations.*

Section 609 requires the DNI to conduct and provide to the congressional intelligence committees a current assessment of the IC's implementation of the recommendations issued in 2013 by the National Commission for the Review of the Research and Development (R&D) Programs of the IC.

*Section 610. Report on Intelligence Community Research and Development Corps.*

Section 610 requires the DNI to develop and brief the congressional intelligence committees on a plan, with milestones and benchmarks, to implement a R&D Reserve Corps, as recommended in 2013 by the bipartisan National Commission for the Review of the R&D Programs of the IC, including any funding and potential changes to existing authorities that may be needed to allow for the Corps' implementation.

*Section 611. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.*

Section 611 requires the DNI to submit to congressional intelligence committees a report on information that the IC collects on certain academic programs, scholarships, and internships sponsored, administered, or used by the IC.

*Section 612. Report on intelligence community employees detailed to National Security Council*

Section 612 requires the DNI to submit to the congressional intelligence committees a classified written report listing, by year, the number of employees of an element of the IC who have been detailed to the National Security Council during each of the previous ten years.

*Section 613. Intelligence community reporting to Congress on foreign fighter flows*

Section 613 directs DNI to submit to the congressional intelligence committees a report on foreign fighter flows to and from terrorist safe havens abroad.

*Section 614. Report on cybersecurity threats to seaports of the United States and maritime shipping*

Section 614 directs the Under Secretary of Homeland Security for Intelligence and Analysis (I&A) to submit to the congressional intelligence committees a report on the cybersecurity threats to seaports of the United States and maritime shipping.

*Section 615. Report on reprisals against contractors of the intelligence community*

Section 615 directs the IC IG to submit to the congressional intelligence committees a report on known or claimed reprisals made against employees of contractors of elements of the IC during the preceding three-year pe-

riod. Section 615 further requires the report to include an evaluation of the usefulness of establishing a prohibition on reprisals as a means of encouraging IC contractors to make protected disclosures, and any recommendations the IC IG deems appropriate.

Mr. VAN HOLLEN. Mr. President, I support the Omnibus appropriations bill before us today. While this bill is not perfect, it is a strong statement of priorities, especially in light of the misguided and dangerous cuts that President Trump proposed for fiscal year 2018.

As a new member of the Appropriations Committee, I thank the chairman and vice chairman and their staffs for their thoughtful work on this bill and their careful consideration of Senators' requests and priorities.

This bill contains many critical investments for my home State of Maryland, including maintenance for the Port of Baltimore, millions for the Chesapeake Bay Program and other programs that support Bay clean-up, a \$6 million increase for the Appalachian Regional Commission, \$125 million for the Purple Line, and full funding for the Washington Metropolitan Area Transit Authority. The bill also contains a critical down payment for the consolidation of the FBI headquarters and a commitment to full funding in fiscal year 2018. Prince George's County, MD, is home to two of the sites in contention to house the headquarters and the FBI's nearly 11,000 employees.

While President Trump as proposed cuts to medical research at the National Institutes of Health in Bethesda, MD, this omnibus bill increases funding by \$2 billion to find new cures and treatments. The bill continues critical NASA missions that are being worked on in Maryland, including the PACE Program, earth science, and the James Webb Space Telescope, the successor to the Hubble Space Telescope. While the bill cuts the National Oceanic and Atmospheric Administration, it does so less than what the Trump administration has proposed, and it continues funding for the Joint Polar Satellite System weather satellite program and the Geostationary Operational Environmental Satellite Program, which will help improve weather forecasting and warn about natural disasters. There is also important funding for oceanic and atmospheric research and the Sea Grant program, which has been a partner in Chesapeake Bay restoration. The bill slightly increases National Science Foundation funding and supports critical energy research at the Department of Energy. While funding for the National Institute of Standards and Technology received a small cut, the final funding level is higher than what the House of Representatives initially proposed, and the bill includes support for the National Network for Manufacturing Innovation.

We were also able to preserve funding in this bill that communities across Maryland use to support economic development, affordable housing, and safety. That includes the Community

Development Block Grant, TIGER transportation grants, housing vouchers and housing capital funds, the HOME Partnership Program, Community Oriented Policing grants, and SAFER and FIRE grants for firefighters. I am pleased that this bill includes investments to improve relationships between communities and police, which will be helpful as Baltimore works to implement its consent decree. We also included critical funding for afterschool programs and community schools, preserved funding for workforce training and Pell grants, and will finally allow students to access Pell year-round so that they can finish school more quickly.

As with any compromise, this bill is not perfect. As this is the first appropriations bill since the passage of the Every Student Succeeds Act, I would have liked it to include greater investments in funding for title I, special education, teacher professional development, and student support and academic enrichment grants. The bill also continues a few riders that interfere in the District of Columbia's ability to use its funds as it sees fit.

Finally, the bill is notable for the things that it does not include. Congress has rejected draconian cuts to the Environmental Protection Agency and the State Department. There is important funding for border security, but not for a wasteful and ineffective border wall. In addition, Democrats successfully blocked many poison-pill riders from the bill that would have harmed our environment, banned funding for Planned Parenthood and other women's health programs, and rolled back important consumer protections. With the passage of the omnibus bill, we will avoid a dangerous government shutdown. I urge my colleagues to support the bill.

Ms. CANTWELL. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, I ask unanimous consent that if the motion to concur in the House amendment to the Senate amendment to H.R. 244 is agreed to, the Senate proceed to the consideration of H. Con. Res. 53, an enrollment correction to H.R. 244, that the resolution be agreed to, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I have come to the floor this afternoon



to speak on the Omnibus appropriations bill that is now before the Senate. We will have an opportunity to vote on that very shortly here.

I would like to take a few moments to explain why I intend to support this legislative measure. I support this bill because I think it is good for the country, and I believe it is good for my State of Alaska.

I think what we have seen through this appropriations process is a negotiated bill going back and forth between both sides, between both bodies, and it is a bill that funds the Federal Government through the end of this fiscal year. It is far from perfect. I think we recognize that, but it is tough to find legislation anywhere where we are all going to be in agreement that it has everything each of us wants. I do believe it is a solid bill. It is a solid, bipartisan effort, and I would urge my colleagues to support this bill.

The first thing it does is it prevents the government from shutting down. Simply put, there are very few things in my mind that would warrant a government shutdown. The people of this country expect us to govern. They don't expect us to come to work and say we are going to shut it down. They expect us to figure out how we are going to fund it, to keep it open, and to do so in a responsible way that allows for the priorities to be reflected. I think we have done that.

I feel very strongly that those who would suggest that the way to deal with things is to shut it down is not the proper approach. That is why I have supported Senator PORTMAN's legislation to put an end to government shutdowns. We just don't need disruptions that ultimately hurt our economy and hurt our families.

I certainly would have preferred a process that would allow for funding the government by passing appropriations measures on an individual basis, one by one. My colleague from Vermont, who is on the floor, has been around for a few Congresses, and he knows that used to be the way we handled appropriations. We had an approps bill come to the floor. We debated it. We amended it. We moved it through. We worked through that process. It was somewhat tediously slow at times, but it was a very open and collaborative process that I think reflected, again, the priorities around the country.

What we have in front of us is a measure that did in fact go through the full appropriations process, all 12 appropriations bills. It made it through the committee. Sometimes not all of them do, but for fiscal year 2017, these appropriations bills did.

As we saw at the end of last year, there was an agreement that we would not move forward with the appropriations bills at that time—actually, it was probably less than an agreement, but a decision was made—and we are here, as of May 4, still working on fiscal year 17.

This is clearly not the best option, in my view, in terms of how we handle

our appropriations bills, but it is where we are right now, and the option we have in front of us, in my view, is clearly the best option.

Continuing resolutions are just not a way to operate. I think they are poor policy. Keeping funding at previous levels doesn't allow for Congress to have any input on any new priorities. In some cases, programs receive more money than they may actually need at that time; thus, you have a situation where you are ending up wasting dollars, rather than being good and efficient stewards of the taxpayer dollars.

I think we saw that with this omnibus bill we have in front of us now, it gave our new President the opportunity to weigh in. Clearly, we heard President Trump's priorities expressed not only throughout the campaign but early in his new administration, his priorities on national security, making sure that from a defense perspective and border security, these issues were addressed. I think we have done so in a responsible way on the defense spending side but also with a comprehensive approach to border security and utilizing new surveillance and new technologies.

This bill consolidates or terminates dozens of existing programs and rejects unnecessary spending tax dollars. It reduces spending and wasteful programs, eliminates unnecessary, ineffective, and duplicative programs.

Again, I think what we have put together within this appropriations omnibus is a spending proposal that does apply the taxpayer dollars responsibly. Overall, the bill puts real dollars behind our Nation's priorities by enhancing our national security, investing in education infrastructure and innovation, as well as improving the health and well-being of all Americans.

I would like to take just a few moments to speak specifically to some of the provisions that will be helpful in my State of Alaska. The omnibus bill sustains Alaska's contributions to our national defense, helps to protect our fisheries, address high energy costs, helps our very struggling timber industry in Southeastern Alaska, and helps keep the Federal Government's commitment to Alaska Natives.

There are some programs that would appear to be pretty small, but in terms of consequence and impact on Alaska, they are quite significant.

Essential Air Service, we provide funding in this measure that helps maintain commercial air service to as many as 60 small communities in the State. The reason it is called Essential Air Service is because in most of these communities, there is no other way to get to these smaller communities. There is no road access. There is no other way. You might be able to run a riverboat out, but in terms of ability to access, this Essential Air Service is exactly that.

The bill provides for new investments in the Coast Guard that will help increase safety in Alaska's waters. There

are infrastructure improvements in Kodiak to support homeporting Offshore Patrol Cutters in the Arctic region and funding for new cutters that we will see stationed throughout Alaska.

There is a lot going on in the news right now with regard to Russia and North Korea, and it certainly is front and foremost for Alaskans. We have our neighbors to the west of us there, in Russia, and of course we are within range of anything North Korea might consider. So there is a very keen interest and a desire to ensure that our Nation is investing in our Pacific and our Arctic defense.

This bill recognizes the issue, and it recognizes the strategic value that Alaska has. It provides \$4.3 billion for the procurement of F-35s, including some of those that will be based in the interior part of the State. We saw the need for the next generation of fighter jets in Alaska when, just a few weeks ago, Russian planes were buzzing the coast for 4 days straight. Well, today's news reups that. F-22s intercepted two Russian Bear bombers 50 miles southwest of Alaska, according to the news this morning.

Again, when you are thinking about the investments we make to provide for our Nation's security, Alaska sits at the center up there in terms of strategic location.

There is also money for developing the long-range discrimination radar at Clear and funds for the ground-based missile defense at Fort Greely. Again, this is very significant at this time, given the geopolitics not too far from our State.

Another key part of our Arctic defense strategy is finally being realized, after years of me kind of pounding on this drum—funding for icebreakers. As of right now, we are woefully behind when it comes to our ability to maneuver in the Arctic regions in our waters. So there is \$150 million in advance procurement funding for an icebreaker that is in the DOD budget and an additional \$55 million in the Coast Guard budget. It is imperative that we move to fund a new icebreaker now.

We also recognize the role the Coast Guard plays in terms of national defense across the country, particularly in the Arctic. So the bill provides \$1.3 billion in acquisition construction and improvement money. The Coast Guard needs to recapitalize its aging fleet, and we see this no more apparent than in Alaska. A ship that was built back in 1971 is still being used to patrol areas that are perhaps some of the roughest seas in the world. This is not smooth water sailing. Congress needs to recognize the role played by the Coast Guard, not only in national defense but in drug interdiction, fisheries patrol, and safety encroachment, and we must give it the assets it needs to do its job well.

On the education front, this bill provides funds for our public schools, including money for programs that were authorized in ESSA. It funds IDEA,

Carl Perkins, impact aid, and 21st Century Community Learning Centers. Especially important for us in Alaska are the programs like ANEPP, Alaska Native Education Equity Program, strengthening Alaska Native and Native Hawaiian-serving institutions, tribally controlled colleges and universities, and Indian education national activities.

We have all come to the floor over the course of these past few months this Congress to talk about the impact on our communities of the opioid epidemic in this country. This bill helps to get money where it is needed to help fight this epidemic.

Over \$1 billion is provided to various programs and agencies to specifically address this problem. Over \$600 million of that will go to SAMHSA, the Substance Abuse and Mental Health Services Administration, including \$500 million for a new program that was created by the 21st Century Cures Act that we passed earlier last year. The CDC, the Department of Justice, and the VA will see increased funding to help deal with this scourge of addiction.

As chairman of the Interior, Environment, and Related Agencies Appropriations Subcommittee, the division G of the omnibus is of particular significance to me. The Interior appropriations section probably has more impact on the State of Alaska than most would realize. It controls funding levels for the Federal agencies and Departments that have a huge presence in my State: BLM, Forest Service, EPA, Fish and Wildlife Service, Indian Health Service, BIA, and National Park Service. These are all within the auspices of Interior.

I will give you some of the highlights within the Interior bill. This is the centennial year of the National Park Service so we were able to do more to help address the maintenance backlog within our park system.

The two agencies that deliver services for Indian communities, BIA and Indian Health Service, we did our best to support those programs which are critical to the Indian community. For those agencies, we have provided full contract support costs. We continue Tribal court funding for those Public Law 280 States. We have really worked to do what we can within IHS to address the issues of suicide, domestic violence, alcohol, and substance abuse programs. Making sure we are doing right by providing the support for our healthcare facilities is critically important.

We also have oversight of the EPA within our jurisdiction. I have heard some criticism from some that we didn't do enough to reduce EPA spending and then others are saying we took too much from the EPA, but what we really looked to try to do was to take a commonsense approach, focus resources on the programs that do the concrete things to improve the quality of the environment for the public when it comes to clean air and clean water.

We need to effectively make sure that whether it is the WIFIA program, the State revolving funds for our water and our waste water programs, making sure we have the resources to do right by our communities, and making sure there is clean air and clean water, whether it is the Targeted Air Shed Grant Program, which helps communities deal with pollution issues and air issues—I think we did a fair job with the EPA budget.

Again, we have worked to reduce in areas where we are just staffing up for initiatives that quite honestly have been questioned and challenged, making sure we are focusing on the priorities that deliver on EPA's mission, which is clean air and clean water.

Madam President, the last thing I would like to add is what we were able to do with regard to wildfires because this is an issue for so many of us in the West. We were able to include funding for wildland fire management programs to fully fund the 10-year average of suppression costs, as well as to allow for emergency funding in the event that we have a catastrophic wildfire season. I think we all understand the challenges our agencies face when we have fire borrowing going back and forth. So this is an effort we have long sought to address, and we will continue to work on that.

It has been interesting to watch and to read the news about this omnibus. You have the President who said: This is good. This is what winning looks like. You have Democrats who have said: We won.

It is not about a win for the D's or a win for the R's; it is about making sure this is right for the country. I would suggest that if both sides are taking credit, we must have hit the sweet spot somewhere in the middle.

I think at this place where we are right now, with over 7 months into this fiscal year, it is well past time that Congress pass a bill that funds the government for the balance of this fiscal year. These are uncertain times for the country—uncertain times certainly in my State—and I think it deserves some certainty from us. It is a good bill, and I think we owe it to the American people not to create unnecessary and unwanted drama about whether the Federal Government remains open for business.

I urge my colleagues to support this measure.

With that, I yield the floor.

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

Mr. MCCAIN. Mr. President, I come to the floor once again to discuss the threats facing our country, the challenges confronting the brave men and women of our Armed Forces. I feel compelled to remind my colleagues about what is at stake because of our failure right here to provide them the resources and equipment they need and deserve, placing their lives at greater risk. That is not my opinion; it is the opinion of the uniformed leaders of our

country who have stated time after time that because of our sequestration and our mindless meat ax, we are putting the lives of the men and women who are serving our Nation in uniform at greater risk.

Don't we have an obligation to try to stop that? Obviously, there is not a majority here in the Senate who believes we should, to our everlasting shame. Unless we change course, we will only continue that failure.

We are about to vote on yet another Omnibus appropriations bill. It is well over 1,000 pages. Look here; this is what we are about to vote on without a single amendment—without a single amendment. Is there any Member of the U.S. Senate who has read this? Is there any Member who has read this bill of over \$1 trillion that we are about to vote on? Many of us are going to be compelled to vote for it because we don't want to shut down the government again. The American people don't want the government to shut down, no matter what some colleagues of mine say. But here it is.

I challenge any of my colleagues to come to the floor and tell me they have read this bill.

Is it any wonder that the American people are fed up with this way of doing business? There are 1,000 pages—1,000 pages. That is what we are going to vote on in a relatively short period of time—haven't read it—no amendments.

I am sure there may be some provisions in this 1,000-page document that Members would like to modify, like to add to. But what business are we doing? What is the world's greatest deliberative body doing here in a couple hours? We are going to vote yes or no on a 1,000-page document. Shame on us. Shame on us.

Not a single appropriations bill—we have an Appropriations Committee. They have their subcommittees. My friend and colleague from Vermont is here and wants to talk about it. They churn out individual bills. I believe there are 13 of them, one of them being Defense, by the way. But all of that is without amendment, without debate on the floor of the world's greatest deliberative body. Yet we are going to go ahead and vote yes or no.

Many of us are going to vote yes because we don't want to shut down the U.S. Government. We don't want to deprive our citizens of the goods, services, and provisions that a government is supposed to provide people. I don't want to shut down the Grand Canyon again, my friends. I don't want to deprive people from all over the world the ability to see the Grand Canyon. So what do we do? CRAs.

I am all in favor of repealing regulations that are onerous and bad for America and small businesses and large. Is that a rationale for what we are about to do?

I say to my friends on the other side of the aisle: You blocked many of these bills that we wanted to bring to the

floor. You blocked them. Why? For what purpose? Of course, on this side of the aisle, we have agreed to do something like that.

So I just say to my colleagues: You should not be curious when you see the approval ratings of the Congress of the United States in the teens.

Again, as I said, we will be blamed for putting our men and women in uniform at greater risk. That is not JOHN MCCAIN's view; that happens to be the opinion of our uniformed service Chiefs who are telling us that when we are not funding the military, we are putting the lives of the men and women serving at risk.

We passed the Budget Control Act 6 years ago as an attempt to address our spending problem. This legislation led to a \$443 billion cut to defense. What has also happened? Deficits came down for a while, and we are on track to return to \$1 trillion deficits again in a matter of years. The national debt is set at \$20 trillion and has grown and will continue to grow.

We slashed our military, friends. We slashed it. Yeah, great job, we slashed the spending on the military. In fact, if you look, you will see the only portion where there has been a reduction in spending is where? Defense.

When you look at the past several years since sequestration, do you think the world has gotten safer? Do you think the men and women who are serving are better protected, better equipped?

We have 60 percent of our F-18s not flying. Why? No parts. We have two submarines tied up at the pier for a year because they cannot leave the pier. The Air Force is 1,000 pilots short.

What have we done? We have cut defense spending by 4 percent. Meanwhile, the interest on the debt has increased by 7 percent; nondefense, 19 percent; and the elephant in the room, the third rail that none of us want to touch is mandatory spending; that is Social Security and Medicare, primarily.

What have we done? We have shortchanged the men and women who are serving in the military, trying to defend this Nation while nondefense spending has gone up by 19 percent.

So the next time I hear one of my colleagues say: Well, we should continue to cut defense spending because of the debt, we have already done that. We have already shortchanged the men and women who are defending this Nation.

Over the past 10 years, as I mentioned, mandatory spending has grown by 56 percent, and defense has been cut by 4 percent.

The death spiral is occurring. We are in budget cuts with a high operational tempo, and the military is now in a vicious cycle. The death spiral works like this. This is the death spiral, OK? Constant and frequent deployments increase costs. To send our men and women overseas into harm's way increases costs. The more you fly the

plane, the more it costs to maintain the plane. The more you deploy a soldier, the more you have to pay him or her to stay in the military.

When budget top lines are determined by politics and not requirements, the Department of Defense has to make tradeoffs. For example, the military may forgo buying military equipment to keep up with wartime costs, but this exacerbates the problem. Our equipment gets older as it is used more and the cost of maintaining aging equipment skyrockets. Here is the death spiral, why the state of our military is what it is today.

Three—count them—three of our Army brigades are at the highest level of readiness. Four of 64 Air Force squadrons are ready to fight tonight; that is four out of 64. Less than half of the Marine and Navy planes are ready for combat. The Air Force has a pilot shortfall of 1,500—1,000 of which are fighter pilots. The Navy has a maintenance backlog of 5.3 million days. The ship maintenance backlogs are so bad that some ships are like the submarine USS Boise, which is tied up in port and isn't qualified to dive and recently missed a deployment.

Look at this graphic. These are the aircraft—all of them that are fully mission capable. These are the Army units that are ready to fight tonight. This is the U.S. Air Force, and these depict the airplanes ready to fight; Marine Corps aircraft, the same way.

So here we are with this situation, and what are we doing? We aren't really addressing the issue because we are going to be faced in the next year or so with the same budget problem of sequestration.

While this is happening, our enemies aren't sitting still. Our adversaries are not waiting for this body to wake up to do its job and act. While we have forced our military to make tradeoffs between supporting immediate operational requirements and future modernization, China, Russia, and other adversaries have been singularly focused on developing military capabilities to target U.S. forces and take away our unique military advantages.

Our military has multiple missions. Our adversaries have one mission, and that is to undermine U.S. military superiority. I regret to inform my colleagues that they are succeeding much more than we anticipated.

The fact is, the U.S. military advantage is eroding. National Security Adviser GEN H.R. McMaster summed it up best when he testified that the U.S. Army is outgunned and outranged. The reality is not much different across the military services.

The President understands it. Rebuilding the military has been a major priority for this administration, but we have to face the simple fact that the military buildup proposed by this President is illegal because the Budget Control Act forbids it. Over the next 4 years, the Budget Control Act's caps on defense spending would leave President

Trump \$216 billion short. Even President Obama's budget was \$113 billion above the BCA caps, and that budget barely slowed the deterioration of military readiness and capabilities.

I regret to say, Chairman THORNBERRY, the distinguished chairman of the House Armed Services Committee, and I fare even worse against the BCA. We believe that rebuilding our military will require a defense budget of \$640 billion in fiscal year 2018. Sustaining that level of funding over the remaining years with the Budget Control Act would require an additional \$433 billion.

Give our men and women in uniform a budget that will allow them to rise to meet the challenges of the 21st century. Congress must change the Budget Control Act, and the only way to do that is with a bipartisan budget agreement. As we stand here, there is no serious conversation that I am aware of in this body or anywhere else in Washington about what the agreement would look like or what it would achieve.

The next 4 years can't be like the last 4 years. We must find a way to provide the military with the resources they need and deserve to perform the missions we assign them. We must provide them with the timely authorization of appropriations bills. We must provide them with something they have not had for years—certainty—so they can properly plan and efficiently use taxpayers' dollars to defend the Nation.

What are we looking at right now?

We are going to pass this thing. It will pass. Then, in September—how many months is that now? It is about 5 months from now—we are going to be bumping up against the same ceiling and the threat of shutting down the government. Are we going to wait until the beginning of September before we start to address this or not? Is that the kind of fiscal cowardice we are going to perform? We are going to see this movie again and again and again and again unless we repeal the Budget Control Act and start providing for the men and women who are serving this Nation and the challenges we are facing, which any military expert will tell you are the greatest they have been in 70 years. We have to stop this.

We will paper over our failures with continuing resolutions. We will cut piecemeal deals in the midnight hour that fail to fix the serious challenges this country faces. We will accept these outcomes because they are better than yearlong continuing resolutions or shutdowns. We will clear the pitifully low bar of success we have set for ourselves, and all the while, challenges we will have been charged to address will only get worse. We have to break this cycle.

After several years of political gridlock, we know a bipartisan budget deal will be necessary to pass appropriations bills. Let's try a novel idea. Why don't we work on the deal now? Why

don't we sit down together, with all of us recognizing the challenges to our national security, and fix this problem instead of kicking the can down the road? My friends, if we do not, I guarantee you we will be doing this same thing again in September. What is that? We will be looking at another 1,000-page bill—1,000 pages that none of us has read. Oh, I take it back. There may be four or five Senators who know what is in it. Maybe 4, maybe 5, maybe as many as 8 out of 100 will know about it. If we do not stop this, this is exactly the movie we are going to see come September—not acceptable.

Don't we owe the men and women who are serving in uniform in harm's way today—several of whom have just been killed in the last few days—more than what we are giving them? Don't we owe them the best equipment and the best training we can possibly provide them with rather than their being dictated to by a meat-ax called sequestration? Don't we?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as one of the Senators who has read this bill, I would note that most of this bill has been here since November. We were prepared to go in November and vote on each part of it separately.

I would advise the distinguished senior Senator from Arizona, who is a friend of mine, that his party did not want to go forward in November. They were asked by the then-President-elect not to go forward with it, and his party said it would not go forward with it. We could have passed all of the bills separately in November.

I would also note, as the distinguished senior Senator from Alaska said on the floor a few minutes ago, that Republicans and Democrats have been working very closely on this appropriations bill. She expressed—and I absolutely join her in this—that we go back to the way it always has been. My party is not in control of the schedule in the Senate, but I would ask that all of us in both parties work together and start doing the appropriations bills one by one, as we always have. In fact, this bill is the product of many long weeks and days and nights and weekends. I know. A lot of times, I went to bed at midnight, and my staff kept on working.

I thank Republican Chairman THAD COCHRAN, of Mississippi, for his leadership in reaching this agreement of keeping the government open for business. It is how Congress can and should work.

Forget the rhetoric. Forget political brinkmanship. This agreement shows something we have worked on and that when we come together and work through our differences—both parties here and both parties in the other body—that we can do the work of the American people.

I think the package before us is a good deal for the American people, and

I will vote for it, but we should not be celebrating this fact. On this, I agree with the distinguished Senator from Arizona in that we should not be finishing our work 7 months into the fiscal year. I wish his party had allowed us to do it last November. These bills could have been and should have been finished then. In fact, we were 98 percent done with our negotiations, both Republicans and Democrats, when then-President-elect Trump said: Pencils down, and put everything on hold. The Senator from Arizona and his party have been operating on a continuing resolution ever since. I am glad to hear him say this is not the way he wants to do it.

I, certainly, agree with the distinguished senior Senator from Alaska when she says this is not the way to do it. Those of us who have been here for a while know that does not work and it is no way to govern.

It is my goal—and I believe Chairman COCHRAN shares this goal—to return to regular order, which is when we consider each appropriations bill in committee, debate each one publicly on the floor, and then vote it up or down. That is the way we should operate. That is what the American people deserve. I look forward to working with Chairman COCHRAN to make this a reality when we return, in very short order, to the fiscal year 2018 bills.

I have been on the Appropriations Committee for decades, and I have served as either chairman or ranking member of different subcommittees there, just as I have served as chairman or ranking member on Agriculture and the Judiciary. Yet I decided this year to take on the vice chairmanship of the Appropriations Committee because I believe in the power of the purse, in the ability of this committee to make a real difference in people's lives, and because of the respect I have for Chairman COCHRAN.

Our national budget is a reflection of our Nation's priorities, and the appropriations bills are where our priorities become realities. I am pleased to report we have worked hard to reflect Americans' values in the fiscal year 2017 consolidated appropriations bill before us. I think we have reached a good deal.

I am pleased that on a bipartisan basis we have rejected President Trump's ill-considered proposal to slash domestic programs by \$15 billion, including deep cuts in the NIH and low-income energy assistance. I am glad to see a \$2 billion increase for the National Institutes of Health. I was proud to have brought then-Vice President Biden to the University of Vermont last October to discuss his Cancer Moonshot Initiative and to see and hear how Vermonters are contributing to research to better treat—and hopefully cure—cancer. NIH funding is central to this effort.

Last year, the NIH accounted for nearly \$40 million in research funding for the University of Vermont. Every-

body—Republicans and Democrats—agree they have spent it well. This research is leading to advancements in lung disease treatments, cancers, and to more effectively using genome testing to advance the emerging and promising field of precision medicine.

In this bill, we were able to protect funding for LIHEAP. As the distinguished Presiding Officer and I know, we are in States in which the temperatures can often plunge way below zero. LIHEAP is a vital lifeline—certainly in the State of Vermont—to prevent people from being forced to make the wrenching choice of putting food on their tables for their families or keeping them warm.

We have also put in \$512 million—nearly double the resources available last year—to combat the opioid epidemic. This is a plague that grips every community in the country. It does not make any difference whether one is a Republican or a Democrat. It is hitting all of us. It is a problem that does not know the difference between rich or poor, urban or rural, Republican or Democrat. I think every Senator probably knows someone or a family with someone who has been in the grips of opioid addiction. My wife and I have sat down at kitchen tables with grieving parents who have lost their children. We have spoken to first responders who have seen so many people die. We have to confront this problem head-on in this country.

We are doing a number of other things. We are protecting funds for the EPA at the critical moment of confronting climate change. In that regard, I was pleased that Marcelle and I were able to host hundreds of Vermonters who had driven all night long in order to join the hundreds of thousands of people in the Nation's Capital for the Climate March.

I see that the distinguished chairman has come on the floor. I ask unanimous consent that I be able to yield to him, without losing my right to the floor, so I may finish my speech when he is finished.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this afternoon, the Senate will consider the Consolidated Appropriations Act of 2017. The bill will fund the Federal Government for the remainder of this fiscal year. I urge the Senate to approve the bill.

It provides our Armed Forces with the money they need to safeguard our homeland and protect our interests around the world. The funding levels are within the limits of the Budget Control Act. In total, the bill will increase Department of Defense spending by \$23.6 billion over President Obama's fiscal year 2017 request. These funds are badly needed to improve the readiness of our Armed Forces and to continue our campaign to defeat ISIL.

This bill includes the largest investment in border security in nearly a

decade. Additional funding is provided for fencing and other physical infrastructure, communications and surveillance technology, the hiring of additional agents, and additional detention beds to help stop the practice of catch and release. These funds will help reduce human trafficking and the flow of illegal drugs into our country.

While the additional funds for defense and border security have received much of the attention, there are many other important programs that are funded within the bill.

For the second year in a row, providing funding for research at the National Institutes of Health is increased by \$2 billion. New funding is included to combat the opioid epidemic that has plagued communities across the country. The FBI receives additional funding to protect against terrorist threats and combat illegal cyber activity.

Throughout the bill, spending controls are placed on Federal agencies. There are more than 150 rescissions, consolidations, or program terminations within the bill. These savings have been reallocated to higher priorities.

The basis of this legislation is with regard to the 12 appropriations bills that were reported from the Appropriations Committee. This is the second year in a row that the committee has reported all 12 bills. This bill reflects a year's worth of concerted effort by the chairmen and ranking members of our 12 subcommittees. It also reflects a great deal of hard work by the committees' staffs, for which I am deeply grateful.

I urge Senators to support the bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I note that the chairman and I are well aware of how well things go when we take each one of these bills. He certainly has led that effort, and that is the way we should do it.

I mentioned this when the Vermonters were here last weekend. Marcelle and I hosted them, so many of whom had driven through the night to join the hundreds of thousands of people in the Nation's Capital for the Climate March. Many of them asked: Why can't we do it the way we used to? I told them we were ready to go to all of the bills in November, and I am sorry that leadership said no.

There are things on which we have done a lot in this bill. Those of us on the Appropriations Committee have read this bill, and we have read most of it since last November.

The EPA provides funding to improve the environmental quality and ecological vibrancy of our small State's great Lake Champlain, the jewel of New England, as well as crucial funding for similar partnerships all over the country.

I am also pleased to report what is not in this bill. In a bipartisan way, we get rid of more than 160 poison pill riders—riders that would have under-

mined the health insurance of millions of Americans by attacking the protections they have under the Affordable Care Act and riders that would have slapped restrictions on women's access to healthcare, especially in rural areas, and riders that would have rolled back consumer financial protections of Dodd-Frank regulations and weaken environmental protections. Let's have votes up or down on those issues, anytime you want, but not in a must-pass spending bill.

I also particularly welcome the fact that not a single cent in the bill will go toward building President Trump's misguided wall on the southern border. When that issue came up in our debate, I said: Well let's have a vote, up or down, in the House and in the Senate, on the wall, where all Republicans and all Democrats vote. If it passes, then I will stop my objection. Nobody wants such a vote because not enough people support it. The American people should not, and they will not, be forced to pay tens of billions of dollars for a bumper-sticker solution to an incredibly complex problem—a wall that the President promised that Mexico, not American taxpayers, would pay for, even though all American taxpayers know that Americans, not Mexicans, would pay for it. His own department estimates that it would cost U.S. taxpayers \$22 billion. Some said during the debate: Show me a 30-foot wall, and I will show you a 31-foot ladder. I can also show you pictures of small prop planes and boats and tunnels. A wall is nothing more than an illusion. It is a false promise of security. Instead of debating this boondoggle, which Democrats as well as Republicans and Independents oppose, let's consider real solutions with comprehensive immigration reform.

In 2013, the Senate passed the large effort of Republicans and Democrats working together on comprehensive immigration reforms. Let's resume that debate and not throw money at this expensive illusion, where we are cutting vital medical research at the National Institutes of Health and others to pay for it.

There are a lot of anti-science proposals and impulses in the proposals that came from the administration, and I am proud that both Republicans and Democrats rejected them.

So I support the bill before us. I am proud to join with Chairman COCHRAN. It is not a perfect bill, but no products we all come together on are perfect. But on balance, it is a good deal for the American people. It reflects values of both Republicans and Democrats. The bipartisan work that brought us to this point shows what is possible and it lays the groundwork for our negotiations on the fiscal year 2018 appropriations bills.

So I want to extend again my thanks to Chairman COCHRAN and to the subcommittee chairmen and ranking members. It takes a tremendous amount of work to draft each of the underlying bills contained in this con-

solidated appropriations bill. While we were negotiating, I remember being on the phone at 10, 11 o'clock at night, night after night, but I went to bed, and the staff would keep on working until 2 or 3 in the morning.

So I thank the staff of the Appropriations Committee and subcommittee clerks on both sides of the aisle, who have been here day in and day out for many weeks. I certainly thank my staff director, Charles "Chuck" Kieffer, deputy staff director Chanda Betourney, and Jessica Berry, Jay Tilton, JP Dowd, and Jean Kwon, as well as Senator SCHUMER and his staff, including Gerry Petrella, Meghan Taira, Mike Lynch, and Mike Kuiken for the assistance they provided. I want to recognize and thank Bruce Evans and Fitz Elder from Chairman COCHRAN's staff, the majority staff director, and deputy staff director. They worked very, very hard and in their usual professional and courteous manner. I want to thank Bob Putnam, Hong Nguyen, and George Castro for the support they provide to the committee every day. And finally, I want to thank the editorial and printing staff, without whom we could never have produced this bill. Valerie Hutton, Penny Myles, Elmer Barnes and Karinthia Thames were here day and night, week after week, editing the dozens of drafts that ultimately became this consolidated bill. They work in relatively obscurity, but their expertise and dedication is not lost on us. We depend on them and we greatly appreciate what they do.

Lastly, on a personal matter, I wish to take a moment for special recognition of Charles Kieffer. Chuck is well known to the Senate. He is a familiar figure here in this Chamber. He has served on the Appropriations Committee for many years, under numerous chairmen and vice chairmen. I was grateful that he was willing to take on and continue there when I took over as vice chairman.

What a lot of people don't know is that he has been working around the clock on this, and in March he lost his father Jerry. Just a few weeks ago, he lost his mother Fran.

If you know even a little bit about his parents, there is no doubt where Chuck gets his dedication to public service. His father Jerry served as the executive director of the National Cultural Center at the Kennedy Center. He held positions in the Truman, Eisenhower, Nixon, Ford, and Carter administrations.

Chuck's mother Fran was a longtime member of the League of Women Voters. She dedicated time to numerous civic institutions throughout her lifetime. At 93 and 89, respectively, Jerry and Fran lived a long and full life, including a marriage of 68 years.

Their loss will be profoundly felt by their family and friends. My and Marcelle's thoughts are with Chuck, his wife Meg, and their family. I thank him for his tireless dedication to this institution, even during a time of great

personal sorrow. I would like to think that his parents are looking down from their place of eternal reward with a great deal of pride in their son.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I am going to be voting no on this 1,700-page bill.

I am not blind to some of the good parts of the bill. It includes last year's Intelligence Authorization Act, and it includes some parts of the bill that I worked on that would counteract Russian activities in the United States and Europe—provisions that were blocked by the Obama administration since they refused to ever get tough on Russia.

It increases defense spending, although not to an adequate degree in relation to the threats we face.

For the first time in years, it recognizes that every dollar we spend on defense doesn't have to be matched by another dollar elsewhere in our budget.

Now, there are parts of this bill that got dropped that I would like to have seen, for instance, blocking Federal funding for sanctuary cities. We might as well call them "outlaw cities" because they refuse to comply with Federal immigration law and turn over illegal immigrants facing deportation to Federal authorities.

But I want to hone in on one particular provision that shows just how bad this process is. In a 1,700-page bill, they don't hide the good things in the bill. They only hide the bad things. So look to page 735, section 543, where you will find an increase in H-2B visas of almost 79,000—a 120-percent increase over the normal annual cap of a so-called seasonal visa program for temporary workers that can take up to 9 or 10 months.

It is not necessary. It has nothing to do with funding the government—nothing. It hasn't been vetted. It hasn't gone through the normal legislative process, which would be the Judiciary Committee, where the chairman and the senior Democrat both have written that they oppose this measure. I don't even know how it got in there. I don't know if it was the chairman or the ranking member. They may not know. It is 1,700 pages, after all. It takes hours to even figure out what it means because it is so complicated in language.

But this is what it does: It takes jobs away from American workers and abuses the immigrants that come into this country.

In the past 10 years, the Department of Labor has found 800 employers—800—that have abused 23,000 guest workers—everything from stealing their wages, demanding bribes for their visas, and even sexual abuse—and those are only the ones that have been caught. That is because unlike American workers, these immigrant workers cannot leave their job. If they are fired, they go back to their home country, where

they often have huge families who are depending on them for their remittances. Their employers know that, and they take advantage of them. It is a newfangled form of indentured servitude.

Some people in this institution complain about the way Arab countries treat guest workers from South Asia and Southeast Asia. The conditions under which some of these H-2B workers operate are hardly much better. They live in filth and squalor. They are charged exorbitant fees for their housing and for their food. The employers largely get away with it because they know that these immigrant workers will not complain. They will not go to the authorities. They will not report it to the Department of Labor because if they do, they go back to their home country.

Those are just the immigrant workers. What about the American workers? There are a lot of reasons why unscrupulous American employers favor temporary guest workers. They don't have to pay payroll taxes on them, for instance. They don't have to pay unemployment taxes on them. But the real reason is that those guest workers have virtually no leverage to demand higher wages. As I said, they can be sent home because they are tied to a single employer. Americans have more bargaining power. If they can get a better wage down the road, then they will go down the road. If they get better benefits, they can go to a new job, but those guest workers cannot.

So the employers who abuse the H-2B program go to the greatest lengths to avoid hiring an American worker. The program says you have to advertise for the jobs in advance, and they do, hundreds of miles away in obscure newspapers that have nothing to do with the employer's local economy.

Many employers discourage Americans from applying in the first place. Remember, these are unskilled labor positions—unskilled. These are not high-tech jobs, but unskilled guest workers. They subject American workers to the most extreme, unreasonable, extraneous tests before they hire them—tests they do not give to those foreign guest workers because they can pay them lower wages. When they finally are forced to hire an American worker, because they face penalties from the Department of Labor if they don't, they try to make conditions as bad as possible for them so they can fire them and then replace them with a foreigner.

A lot of arguments for this kind of program boil down to this: No American will do that job. That is a lie. It is a lie. There is no job that Americans will not do. There is no industry in America where a majority of workers are not native born, American citizens, or first generation lawful immigrants—not landscapers, not construction workers, not ski instructors, not life guards, not resort workers—not a single one. If the wage is decent and the

employer obeys the law, Americans will do the job. If it is not, then, they should pay higher wages. To say anything else is an insult to the work ethic of the American people who make this country run.

We just had an election in which the President distinguished himself more on immigration than on any other single issue. We all realize that, right? We all realize that uncontrolled mass migration is upending the politics and societies all across Europe. My colleagues realize that, right? What is it going to take for the people in Washington, DC, to realize just how out of touch they are when it comes to protecting the jobs and the wages of American workers?

I will vote no, and I will say that today is not the day when Washington realizes just how out of touch they are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent for 3 minutes, and it will probably be less than that.

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

Mr. TESTER. Mr. President, I would like to thank the body for this bill.

This is an omnibus, and I am going to vote for it. There are some things that are disturbing about it—there is no doubt about that—not to mention the fact that Congress took 7 months to take care of this plan for the long term, which created uncertainty out there on the ground. There were 7 months when Congress sat on their hands, which left towns, hospitals, airports, and our citizenry in the lurch.

But it does do some good things, and I think it does reflect the values of rural America, which I think is really important. I think it is a responsible budget for rural America in States like Montana.

One of the things it does that I think is entirely appropriate is that it pushes the Education Department to reconsider the Upward Bound grant applications that were denied because of ridiculous—and I do mean ridiculous—format requirements, which will allow first-generation college kids to be able to go to college.

What the Department of Education did with the Upward Bound Program is the worst of the bureaucracy that government can allow. This bill helps fix that. It gives the Department of Education a pair of glasses so they can apply a little common sense to their rules.

It also does some good things for our national parks, it does some good things for our bases, and it does some good things to help our natural resources. But since I am ranking member on the Appropriations Subcommittee on Homeland Security, I can tell you that overall, I think it really fits the needs of our homeland security, whether it is border security or cyber security. I think it is a responsible bill to help invest in our



economy moving forward while keeping this country secure.

With that, I would encourage a “yes” vote on this bill. I would just ask that next time around, which is going to start immediately, we let the subcommittees on appropriations do their work and bring these subcommittee bills to the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). Under the previous order, the motion to refer with amendment is withdrawn and the motion to concur with amendment is withdrawn.

Under the previous order, the question occurs on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 244.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted “yea” and the Senator from Nebraska (Mr. SASSE) would have voted “nay.”

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) is necessarily absent.

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

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 121 Leg.]

#### YEAS—79

Alexander	Gillibrand	Perdue
Baldwin	Harris	Peters
Barrasso	Hassan	Portman
Bennet	Hatch	Reed
Blumenthal	Heinrich	Roberts
Blunt	Heitkamp	Rounds
Booker	Hirono	Rubio
Boozman	Hoeven	Sanders
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Shaheen
Capito	King	Shelby
Cardin	Klobuchar	Stabenow
Carper	Lankford	Sullivan
Casey	Leahy	Tester
Cassidy	Manchin	Thune
Cochran	Markey	Tillis
Collins	McCain	Udall
Coons	McCaskill	Van Hollen
Cornyn	McConnell	Warner
Cortez Masto	Menendez	Warren
Donnelly	Merkley	Whitehouse
Duckworth	Moran	Wicker
Enzi	Murkowski	Wyden
Feinstein	Murphy	Young
Franken	Murray	
Gardner	Nelson	

#### NAYS—18

Corker	Fischer	Lee
Cotton	Flake	Paul
Crapo	Graham	Risch
Cruz	Grassley	Scott
Daines	Heller	Strange
Ernst	Kennedy	Toomey

#### NOT VOTING—3

Durbin	Isakson	Sasse
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The motion was agreed to.

#### PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 244

The PRESIDING OFFICER. Under the previous order, the clerk will report the enrollment correction.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) providing for a correction in the enrollment of H.R. 244.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution, H. Con. Res. 53, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The majority leader.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 53, Scott Gottlieb to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

#### CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

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

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 nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Mitch McConnell, John Cornyn, Tom Cotton, Dan Sullivan, Shelley Moore Capito, John Barrasso, Roger F. Wicker, Mike Rounds, Orrin G. Hatch, Bill Cassidy, Pat Roberts, Mike Crapo, Lamar Alexander, Richard Burr, John Thune, Jerry Moran, James E. Risch.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Gottlieb nomination occur following disposition of the Wilson nomination on Monday, May 8.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

#### NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS

Mr. DAINES. Mr. President, tomorrow, May 5, Hanna Harris should have been 25 years old. Instead of celebrating a birthday, we will be celebrating her memory. Hanna was a 21-year-old member of the Cheyenne Tribe. She lived in Lame Deer, MT, with her 10-month-old son. The last time she was seen alive was the Fourth of July of 2013. After that, she went missing, and 5 days later, her body was found. Hanna was found to have been raped and murdered.

For too long, the stories of missing and murdered American Indian and Alaska Native women have gone unheard. In fact, according to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between the ages of 10 and 24 years and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.

According to a study commissioned by the Department of Justice, American Indian women face murder rates that are more than 10 times the national average. Let me repeat that. American Indian women face murder rates 10 times the national average. If this were the case in any other community outside of Native communities, there would be public outcry, but there hasn't been until now. In fact, yesterday the Senate approved my resolution to designate May 5, Hanna Harris's birthday, as a day of remembrance. It will be a day to join together to commemorate the lives of those we lost tragically, like Hanna. It is a day to validate the pain Tribal communities have felt and feel every day. It will mark a national day of awareness for Native women and girls who have gone missing or have been murdered.

I was joined by 12 of my colleagues in passing this resolution to declare that the tragic loss of Native women and girls is not just an issue, it is an epidemic, and I thank them for their support.

Tomorrow, on Hanna's birthday, I will walk with Melinda Limberhand Harris, Hanna's mother, and with Tribal leadership, as well as members in Lame Deer, MT, who have also lost a mother, a daughter, a sister, or a friend. On May 5, we will remember RoyLynn Rides Horse, we will remember Kenzley Olson, and we will remember the thousands of other American Indian and Alaska Native women who have been killed or have disappeared without a trace. And we will remember Hanna Harris on her birthday tomorrow as we walk together in Lame Deer, MT.

Mr. President, I yield my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### HEALTHCARE LEGISLATION

Mr. ALEXANDER. Mr. President, the House of Representatives has just passed a bill that would make major changes in the Affordable Care Act by a vote of 217 to 213. I congratulate the House. The Senate will carefully review the House bill, and we will go to work on a Senate bill.

Here are my goals for a Senate bill. I don't pretend to speak for every Member of the Senate or even every Republican, but these are my goals for a bill we will fashion here.

No. 1, rescue the thousands of Tennesseans and millions of Americans who, under the Affordable Care Act, will be trapped in ObamaCare exchanges with few or zero options for health insurance in the year 2018 unless Congress acts.

My second goal is to lower premium costs. Premium costs have increased and, in some States, are going through the roof under the Affordable Care Act.

No. 3, gradually transfer to the states more flexibility in administering the Medicaid program and do that in such a way as to not pull the rug out from under those who rely on the Medicaid program.

No. 4, make sure those who have pre-existing health conditions have access to health insurance. This is one thing in the Affordable Care Act that has strong support from just about everybody, including the President, that if you have a preexisting condition, you must have access to healthcare. We need to make sure that is still true in any bill we create in the Senate.

There is some urgency here because of what is happening in the individual market. When we say "individual market," here is what we are talking about. Most Americans get their insurance either from the government or on the job. About 18 percent of Americans get their insurance through Medicare. We are not talking about Medicare today. The bill in the House or the bill we will create in the Senate does not affect Medicare.

About 60 percent of Americans get their insurance on the job and about 20 percent or so through Medicaid, and that leaves about 6 percent who go into an Obamacare market to buy it. Many of these Americans buy their insurance on marketplaces or exchanges created by the Affordable Care Act. We call those the ObamaCare exchanges. About 85 percent of those who buy their insurance on the exchanges have a government subsidy to help them buy the insurance.

As every day goes by, we hear and we are going to continue to hear about insurance companies pulling out of counties and States. Yesterday we heard that the only insurer left in Iowa is now likely to leave. That means more than 70,000 people on the exchanges

will have no insurance to buy. Most of them will have subsidies from the government. So it is like thousands of people in Iowa have bus tickets in a town where no buses run.

That is what is happening right now because of the 2010 law that we call the Affordable Care Act. I know this all too well because 34,000 people in Knoxville, TN, my home area, are going to have subsidies in 2018 but no insurance to buy with their subsidies unless Congress acts. That is because of the 2010 law that we seek to change. In 2016, last year, 7 percent of counties in the United States had just one insurer offering plans on their Affordable Care Act exchanges. This year, 2017, that number jumped to 32 percent. In one in three counties in the United States, if you have a subsidy to buy insurance on the ObamaCare exchange, you had only one insurance company offering you insurance. Five entire States have only one insurer offering ACA plans in their entire State this year: Alabama, Alaska, Oklahoma, South Carolina, and Wyoming. That is because of the Affordable Care Act passed in 2010.

Unfortunately, every day we are going to be hearing not just about insurers leaving counties and States, but about the ones that remain because they are going to be charging sky-high premiums.

Premiums went up by as much as 62 percent this year in Tennessee and by 116 percent in Arizona. As the new rate increases are proposed to the States over the next few weeks and months, our constituents are going to be saying: What are you going to do about that? So there is an urgency, but we want to get it right.

So, again, here are my goals for the Senate bill we will write in the next few weeks:

No. 1, rescue—and "rescue" is not too strong a word—the millions of Americans across this country who are going to have few or zero insurance options in the year 2018 because of collapsing ObamaCare exchanges, unless Congress acts.

No. 2, lower premium rates because, in many States, premiums are going through the roof under the Affordable Care Act.

No. 3, gradually transfer to States more flexibility in managing their Medicaid programs. About 18 percent of Americans get their insurance on Medicaid. We will do so in a way that does not pull the rug out from under those who are currently served by Medicaid.

Finally, preexisting conditions—make sure Americans who have insurance for preexisting conditions continue to have access to it. If you are on Medicaid or if you are on Medicare or, in almost every case, if you get insurance on the job, you have insurance for preexisting conditions. Under the Affordable Care Act in 2010, there had to be insurance for people with preexisting conditions. We want to make sure that those Americans continue to have access if they have a preexisting condition.

We will move ahead with deliberate speed. We are doing that because the exchanges are collapsing, people could be without insurance, and premiums will go up if we don't act, but we want to get it right. There will be no artificial deadlines. We will carefully consider the legislation passed by the House. We will work together carefully to write our own bill. We will make sure we know what our bill costs when we vote on it. In fact, by law, we have to do that. We will get it right, and then we will vote. And hopefully, Mr. President, the end result will be significant improvements for most Americans, giving them more choices of health insurance at a lower cost, and do that by gradually transferring more decisions from Washington, DC, to the states and to individuals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I followed the remarks of the Senator from Tennessee. We speak to the American people in light of the House just voting 217 to 213 to repeal and replace ObamaCare. If there is somebody watching right now, quite likely she is concerned about her healthcare premiums.

On the campaign trail—I remember this so vividly—on the campaign trail when I was running for the Senate, I was in Jefferson Parish, on Veterans Boulevard, and a woman named Tina came up. I am going to paraphrase what she said a little bit because this is a G-rated program. She said: My name is Tina, and I am angry. I am paying \$500 more a month, \$6,000 more a year. My husband and I have no children and I have had a hysterectomy, and I am paying for pediatric dentistry and obstetrical benefits. I am angry.

If there is something right now that the average middle-class voter is saying about his or her insurance premiums, it is that they are angry. They feel they are being forced by Washington to buy things they do not need and sacrifice other parts of their budget because if they do not, they know the Federal Government will come after them with the force of law, penalizing their family, and they do not want that.

So what can we do? First, we acknowledge, as the House has, that ObamaCare is not working. Premiums are going up 20 to 40 percent per year. In Eleven States, so I am told, individual markets are in a death spiral.

I could go through that, which we already know. President Trump knew it. As Candidate Trump, President Trump pledged four major things:

No. 1, he pledged to eliminate mandates. The Senate is committed to working with the House and the President to eliminate those mandates. Washington, DC, should not tell you what to do.

No. 2, he pledged to care for those with preexisting reasons. As Senator ALEXANDER said, it is something that

touches every family. The President was particularly concerned about those whose preexisting condition was opioid addiction. We have to recognize that they will not get better unless they receive treatment. It is better to treat than it is to incarcerate or to bury. So we must honor the President's pledge there.

He also pledged to cover all and to lower premiums. It is this last I wish to focus on now.

How do we lower premiums? How do we say to Tina, who 2 years ago was paying \$500 more a month, that her premium will be lower? Well, there are several ways. Let me focus first on lowering the cost of care.

Right now, healthcare is way too expensive. If you go in for an urgent care visit, you may pay \$1,500 in one urgent care center and \$50 in another. As a patient, you do not know. You would never buy a car that way. Can you imagine walking into a car dealership, picking your car, and then saying: Bill me 6 months from now, and I will pay whatever you ask. No one would do that. We shouldn't ask the average patient to do it because when we hide those costs from the patient, we do not allow her to be an informed consumer. Lacking information, she inevitably pays more.

So one thing I have proposed, along with Senator COLLINS and four other Senators—Senators from South Carolina, South Dakota, Georgia, and West Virginia—is price transparency, which is to say that when someone goes in to get their daughter's ear ache addressed, they know what it would cost at this urgent care center versus another.

A good example of exactly what I am talking about—there was an article in the Los Angeles Times a few years ago about the cash price of a CT scan in the Los Angeles Basin. It would vary from \$250 to \$2,500, and the person purchasing the service with cash would never know.

I envision a time when someone takes their smart phone and they scan a barcode, and the barcode says: You can go at midnight on Thursday and get a CT scan of your daughter for \$250 or you can go right now and pay \$2,500. You look at a quality code, and both have equal quality. I can see the mother turning to her daughter and saying "Baby, we are staying up Thursday night" because that mother knows she can take care of her family's financial health, as well as her daughter's health, just by being an informed consumer.

So one way we lower premiums is by lowering the cost of healthcare, and the way we lower the cost of healthcare is by empowering patients with the knowledge of price.

The second way we can manage to lower the cost of premiums is to take care of those who are sick. The Senator from Tennessee ended by speaking about our commitment to care for those with preexisting conditions. Of

course it is in the interest of the patient that he or she who has cancer is able to get care for their cancer. Jimmy Kimmel just spoke about his son being born with a congenital heart condition. He would have quickly died. Mr. Kimmel choked up as he spoke about it. Well, shouldn't every family have the reassurance that their child born in such a way would also have their needs addressed? I was struck that Nick Mulvaney, President Trump's OMB Director, agreed with Mr. Kimmel. This is not a Republican issue, not a Democratic issue; it is an American issue. But it is also in society's interest.

I am a physician. I worked in a public hospital for the uninsured for 30 years. I tell folks, as long as that emergency room door was open, no matter what time, day or night, in through that door came folks who had all kinds of healthcare conditions. Some of them would come every week. Some of them would come twice a week. We called them frequent fliers. They may have been addicted or mentally ill. They may have had terrible diabetes which was fully controlled or bad asthma, and they would come in with an exacerbation and could not breathe. Every time they came in, there was a \$2,000 to \$20,000 charge—every time. But if you manage that patient through a primary care office or an attached urgent care center, what you are charging \$2,000 for here, you can manage for \$150 there. Not only that, when you manage it for \$150 there, if that person actually works, she is more likely to hold a job, more likely to support her family, less likely to go on dependence, more likely to pay taxes. Society wins as she wins. That should be our goal. So another way to lower premiums is to actively manage the cost of disease.

People always say: We want government to run like a business. Let me describe what happens in a large corporation. Take ExxonMobil. You will find that ExxonMobil has an insurance company, a third-party administrator. They look at someone who is a high-cost employee, and they actively engage in managing that patient's illness so that, one, they are better, but, two, they lower cost. We as a government should do that, which a responsible employer does as well.

The last thing I want to mention is that the way to lower premiums is by expanding coverage. When Candidate Trump said he wanted to lower premiums and preserve coverage, he understood that the two are linked. If you have a big risk pool—and a risk pool is just the folks who are insured. Everybody who has insurance—that is called the risk pool. If it is big, with lots of young folks who are in their twenties, others in their thirties and forties, and then a few folks like me in their fifties, if someone gets sick, you spread the expense of that one over the many. Particularly if the many include the younger and healthier, there is a subsidy for the older and sicker.

Go back to ExxonMobil. Let's imagine they have 50,000 employees. If they have 50,000 employees and 10 of them get cancer, have liver transplants, terrible car wrecks, or accidents, their premiums don't even blip. Because you spread the cost of these expensive illnesses over the many, all benefit, and cost is held down.

So when President Trump pledged to preserve coverage, he was recognizing that nexus between having a big risk pool and lowering that premium.

Let me finish by saying this: My commitment to Tina and my commitment to the voters of Louisiana and the people of the United States is to try to lower premiums. They cannot afford the un-Affordable Care Act. The way we can do that, which I have outlined today, includes empowering patients with the knowledge of price to lower the cost of healthcare; encouraging coverage that manages those who are sick so that those who are sick stay well and are less likely to consume expensive emergency room care, as an example, but are also more likely to live full, vibrant lives; and lastly, restoring what is called actuarial soundness, the law of big numbers, a risk pool in which if one of us gets cancer, that cost is spread over many.

Mr. President, if we manage to lower premiums, we will fulfill our promise to the American people, and I look forward to working with my colleagues to fulfill that promise.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NORTHEAST COLORADO FIRES

Mr. GARDNER. Mr. President, I come to the floor today to talk about the recent impact of prairie fires in northeastern Colorado. A lot of times when you turn on the national news in the spring, summer, or fall, you might see fires in Colorado, but most of the time those fires are located in western Colorado in the mountains.

We have had some horrible fires in recent years. The past decade has been littered with far too many fires of great consequence to our environment, to families, and to homes—and the damage they have caused. Oftentimes we don't see as much in the news about fires in other parts of the State, including the Eastern Plains of Colorado, the Great Plains and prairies.

At the end of March, Logan and Phillips Counties saw a blaze that burned 32,000 acres, destroying homes, harming cattle and farm operations, and shutting down a key interstate corridor. To put 32,000 acres into perspective, in 2016, the largest fire in Colorado was the Beaver Creek fire near

Walden, burning tens of thousands of acres over the course of 3 months. The fire burned about 38,000 acres. The fire burning 32,000 acres in northeastern Colorado took only about 24 hours of time. So we had 38,000 acres burn in 3 months, and 32,000 acres in northeastern Colorado burned in 24 hours. In both cases, these were incredibly dangerous situations to land, people, and those around them.

These images from the Denver Post paint a frightening picture of the devastation the area faced. We can look at these pictures here. You can see what happened with the dirt, debris, smoke, and weather that was created by the fire, and you can see the damage and what happened. You can see the damage to property here.

I want to go back to the earlier picture and talk about some of the other impacts we saw. You can see the firemen from eastern Colorado working to protect property, trying to stop the fire before it reached the homestead.

You can see someone with a tractor, and they are trying to disc up the ground, trying to create a firebreak. People from around eastern Colorado, northeastern Colorado were getting into their tractors, getting their tillage equipment, their chisels, discs, and sweeps to try to break up the ground to create a firebreak so that maybe they could stop the fire. I commend the first responders for containing this fire and preventing any loss of life while also preventing other fire hotspots from breaking out into larger, devastating blazes because of the work they did.

In the middle of these fires, I remember talking to a county commissioner from Logan County, and he described the situation where they had tried to create a firebreak with their road graders and the farmers in the field trying to disc up the ground to stop the fire from moving.

I remember vividly when the county commissioner told me that at a certain time of the day he had to make a phone call that he would never forget in his life. He called the county commissioners from the neighboring county and said that the fire was moving that way. He said: Hey, I want you to know, Logan County is unable to stop the fire. It is coming your way. I am sorry; it is in your hands now.

Imagine that phone call. This horrible thing that has happened in your county is also spreading to the next county, and you can't do anything about it, despite the incredible efforts and acts of heroism to try to stop it.

Fire departments from across Colorado came to northeastern Colorado in that part of the State to stand alongside local firefighters to get this fire under control. Dozens of agencies and departments responded.

Being from Yuma County, south of where this fire took place, I know how alarming and unforgiving these fast-moving prairie fires can be on the farmers, ranchers, and communities in their path. I fought prairie fires as well

in northeastern Colorado and know how fast they move and how indiscriminate they are in their destruction.

I also know the challenges people now face in Phillips and Logan Counties as they try to recover in the spring, but I can confidently say that the community is recovering. According to local agronomist, Dave Gibson:

Within six days of the fire, 85 percent of the cropland was planted with oats to prevent soil erosion with neighbors volunteering to help and donate. It was an amazing effort.

My office has been in communication with State and Federal officials, along with those impacted, to ensure we are doing everything possible to assist in this process.

Those from northeastern Colorado are dependent upon agriculture for their way of life. Two-thirds of Colorado's agricultural production comes from the South Platte River valley, those areas considered to be in northeastern Colorado. I have spoken on the Senate floor about the difficult times these farmers are facing outside of the context of national disasters. When times are already tough, seeing your land and cattle operation burned up in a prairie fire makes things even worse. It is during these challenging times in agriculture, whether it is the impact of fire or low commodity prices, that we are reminded of the need for effective leadership.

I was pleased this last week when the Chamber came together in a bipartisan fashion to confirm Governor Sonny Perdue of Georgia as our Secretary of Agriculture. Senators on both sides of the aisle recognized that supporting our Nation's farmers and ranchers is not a partisan issue.

It is my hope that we can support Secretary Perdue to expeditiously confirm the rest of his team at USDA because we need it in agriculture. Whether it is the FSA or a crop insurance issue as a result of a fire or a situation relating to trade and how we are going to address low commodity prices, the Secretary of Agriculture needs a team around him. Congress must work with Secretary Perdue to address this crisis in agriculture.

In Colorado, we have seen net farm incomes drop 80 percent since the record highs of 2011. If you look at this headline, this was in the Wall Street Journal some weeks ago. The headline says: "The Next American Farm Bust Is Upon Us." That is because if you look at just the State of Colorado alone, there has been a drop of 80 percent in farm income from the record highs of 2011. That is net farm income down 80 percent.

I believe this Congress needs to act with a four-pronged approach.

First, we need a long-term farm policy in place. With the farm bill expiring in September of 2018, Congress must begin negotiating about how we are going to move forward in a responsible fashion. I commend the Senate

and House Agriculture Committees for holding hearings on the next farm bill, and I look forward to conducting our own roundtables and listening sessions to talk about and to learn about and to listen to how we can make a difference. Federal policy certainty with a long-term farm policy is essential for farmers and ranchers.

The second thing we must do is to provide regulatory relief. We have already repealed about \$85 billion worth of regulations over the last 3 months. That is an incredible feat to relieve the American economy from the harm and pressure of \$85 billion worth of regulatory overreach. By relieving the American business community of that \$85 billion worth of regulations and relieving the American family of that pressure as well, it also means we have been able to reduce paperwork by 54 million hours.

Imagine that: \$85 billion worth of regulatory reductions means there is 54 million hours of paperwork that no longer has to be completed. Instead, that money, time, and effort can be invested in growing opportunities and following up on sales leads and making that money work for the business and family instead of just for the government.

When it comes to agriculture, the regulatory relief to address this next American farm crisis—some of that regulatory relief, the \$85 billion, includes measures such as repealing the Bureau of Land Management 2.0 rule or finally getting the waters of the United States regulation out of the way. That is the kind of regulatory relief we have to continue to pursue.

To those who may not know what waters of the United States regulation did, let's take an example in Colorado. Under the EPA's own study, two-thirds of Colorado waterways are described or defined as intermittent flow. Intermittent flow means they don't have water in them year-round. But according to the government, they would be considered navigable waterways. I don't know how you get anything to float down a dry river, but apparently the EPA can. That \$85 billion of regulatory relief includes stopping the waters of the United States rule. We have to continue to peel back the burdensome regulations on American agriculture.

The third thing we have to address is access to finance. Finance is critical to any farmer. There is an old joke, an old saying that if you go out to a farmer—and they may know this already—and ask: How do you make a small fortune in agriculture? The answer is that you start with a large one. I think it is time we fixed that.

Wouldn't it be nice if people weren't just relying on the bank, but they could actually produce enough money to help them into the future, to help them thrive, prosper, grow, and bring in new generations of family? During difficult economic times, when we are facing incredible challenges and low commodity prices, we do need to have

access to financing. Whether it is through the community bank or banks on Wall Street or the Farm Credit Union or farm credit system, farmers, ranchers, and those in agriculture need access to financing to get through this difficult time.

That production loan, that operating loan is how they make it from season to season, harvest to harvest, and planting to planting to make sure they have the ability to stay on the farm. Right now we have a system that I am worried about—a financial regulatory system in place that perhaps a farmer walks into a bank one day, a bank they have been doing business with for 100 years, and they have never missed a payment, but all of a sudden, based on some Washington, DC, formulary, they can no longer get the loan they need to keep them into the next year, even though that bank in their hometown on Main Street knows they will be able to make that payment.

What we have created is a system and financial regulations that are going to make it impossible for some of these farmers to work out the crisis that is upon them. I sent a letter 2 weeks ago to the Consumer Financial Protection Bureau, requesting a review of all regulations potentially inhibiting rural access to finance.

The fourth thing we have to get right is trade opportunity for American agriculture. With corn and wheat prices near 10-year lows, the most obvious solution is to open up more international markets for agriculture to continue to look for new opportunities to export American agricultural products overseas. The price of commodities for a bushel of corn is about the same price today as it was back when I was born in 1974. Opening up trade opportunities, opening new markets will give us the value-added opportunity to help get more for that bushel of corn.

Some of the greatest opportunities lie in Asia—50 percent of global population, 50 percent of GDP in the near future. Those are markets we have to open up in U.S. agriculture. Those are markets that already have access in many cases to U.S. markets, but if we want to sell products there, sometimes we are hit with tariffs. That is not fair. We have to make sure we are reducing the tariffs we face when we go into their markets because they seem to have unfettered access into ours much of the time.

Those are all measures we can address. The four things are long-term farm policies, regulatory relief, access to financing, trade opportunities that work for the American farmers and ranchers.

Those recent fires in northeast Colorado, as well as fires in past years in Colorado and across the West, are another reminder of the need to address wildfire borrowing. Wildfire borrowing is a process where the Department of Agriculture's Forest Service spends money that it has budgeted for the fires. It runs out of money because it

didn't budget enough money to fight the fires, and it turns around and starts cannibalizing other areas of spending that could actually have been used to help reduce the next forest fire. We have to end the practice of fire borrowing, and we have to work with Secretary Perdue as head of the U.S. Forest Service within the Department of Agriculture to end wildfire borrowing and to improve forest and land management to prevent these uncontrollable fires that we have seen.

Supporting those impacted by fires, whether it is in the forest or around the prairie, is something we should all be able to get behind. In Logan and Phillips Counties, neighbors banded together. They worked to recover and rebuild from the devastation shown on these images. It has happened for generations in eastern Colorado and across this country. When there is a crisis, when there is a tragedy, neighbors help their neighbors. You can see it in these pictures. But we can also help our neighbors here in Washington, DC, and across our country's vast farmlands by doing what is right in addressing these challenges. Just as Logan County and Phillips County banded together, we should band together with American agriculture.

It is my hope that Congress can learn from the lessons taught in the aftermath of these difficult situations to come together, support rural communities, support agriculture, and make sure we support our fire response efforts, importantly, to prevent that next catastrophic fire.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### GOVERNMENT FUNDING LEGISLATION

Mrs. CAPITO. Mr. President, earlier today, the Senate voted to pass the Omnibus appropriations bill for 2017.

This bill is a product of bipartisan negotiations and hard work on the part of our Appropriations Committee, of which I am proud to be a member, and the leadership of both of our parties.

I am encouraged by the overwhelming support for this important legislation that reflects our Nation's priorities and funds the government in a responsible way. I am very pleased—and I can't emphasize this enough; very pleased—that the bill includes a bipartisan provision that keeps the promise of lifetime healthcare benefits for 22,000 coal miners and their families, including 8,500 West Virginians—my home State.

Bankruptcies in the coal industry meant that these miners would have lost their critical health insurance coverage at the end of last year. We passed that little, short-term extension for 4

months, and it was set to expire this coming week.

This appropriations bill provides certainty to these coal mining families. Because of this bill, they will keep the healthcare they earned through their years of hard work.

I worked closely with my West Virginia colleague, Senator JOE MANCHIN, as well as our Representatives—Representatives DAVID MCKINLEY, EVAN JENKINS, and ALEX MOONEY—to get this permanent miners' healthcare fix included in the bill.

I also want to particularly thank our majority leader, Senator MITCH MCCONNELL, for his leadership on behalf of the miners in West Virginia and in his home State of Kentucky, and the rest of Appalachia. I would also like to thank my fellow Republican from the State of Ohio, Senator ROB PORTMAN, who was a champion for those miners as well.

But, most importantly, I would like to thank the miners from across coal country who came to Washington to advocate for their healthcare benefits. I met with dozens—probably hundreds, over the course of the years—of West Virginia miners in my office over the last several years.

Last September, miners came by the thousands to the west front of the Capitol and stood for hours in just excruciatingly hot conditions. These miners and their families put a human face on the issue. They are the reason—they are the reason—that we have a successful result today.

Many of these miners have shared their stories with me through letters and emails and personal stories and visits, and I want to share just a few of their thoughts.

Brenda, a coal miner's widow from West Virginia, wrote that continued healthcare coverage presented a life or death situation for her. She wrote:

I have medical problems, which require monthly doctor visits and prescriptions and I will no longer be able to see my doctors—nor afford the prescriptions should our health insurance be taken away.

Alfred, a retired West Virginia coal miner wrote:

We were not given our health benefits as a gift. We worked hard in the mines every day for a long time, and it was backbreaking, year-to-year.

Howard, another retiree, wrote that he worked in the West Virginia coal mines for 41 years to earn this promise of healthcare benefits.

William, also a retired West Virginia miner, wrote that he has had several surgeries, including one on New Year's Day, 2017. The possible expiration of health benefits and the thought of temporary benefit extensions left him worried about whether he would be able to access necessary followup medical care for his surgery.

After learning that permanent healthcare would be included in this bill, Gisele wrote:

Tonight I will rest soundly knowing that we will be able to afford our medicines.

For Brenda, Alfred, William, Howard, Gisele, and thousands of other miners and widows across West Virginia, this bill keeps the promise of lifetime healthcare.

There is more work to be done to protect the pension benefits of our retired miners and to bring jobs back to coal country, to areas that have been hit hard by the previous administration's policies. But the permanent healthcare in this bill is a critical victory for our coal mining families and the communities where they live.

I would also like to quote a young man who sent me an email. I met him at a Chick-fil-A on a Saturday—not a Sunday, of course, on a Saturday. We struck up a little friendship, and the day he learned that this was in the bill, he texted me and said:

Senator, I met you in the Chick-fil-A. Thank you, you have now secured the benefits for my Paw Paw.

I thought it was such a heartfelt message that he sent to me—a new friend of mine who had been struggling along trying to figure out a way to help his grandfather.

There are a number of other important priorities in this bill as well. Mining communities will also be helped by tens of millions of dollars across different agencies to help us retrain our miners who have lost their jobs.

This bill also includes a significant investment in new fossil energy research, including carbon capture and sequestration. These funds will help spur the development of new markets for coal to keep coal mining jobs for years to come.

The appropriations bill also includes funding increases for rural broadband deployment, something I have been very concerned about, as well as continued funding for the Appalachian Regional Commission. Access to broadband is absolutely critical for economic development and improved access to health and education opportunities in our rural communities, and we are sadly underserved. There is much work to be done to bring access to high-speed internet to many communities, but this bill is a positive step.

As chairman of the Financial Services and General Government Appropriations Subcommittee, I am glad that we included increased funding for the Drug-Free Communities Support Program and the High Intensity Drug Trafficking Area Program, or the HITDA Program. Unfortunately, cascading across this country is the devastating problem of prescription drug abuse, opioid abuse, and heroin addiction. The Labor, Health and Human Services, and Education portion of the bill includes an \$800 million increase to combat opioid addiction. This includes the \$500 million authorized for the 21st Century Cures Act to help States with their response to the crisis. It also includes an increase for medication-assisted treatment programs and for other programs outlined by the CARA bill that we passed last summer.

In addition to these important treatment resources, we have also funded important enforcement and prevention aspects of the problem as well, including \$50 million for the Department of Veterans Affairs for opioid and substance abuse for the treatment of our veterans. This is a real problem for our returning veterans who have addiction issues. There are funds to implement the Jason Simcakoski act that Senator BALDWIN and I introduced.

Unfortunately, West Virginia is the epicenter of the opioid crisis that has struck communities across the country. Passage of this appropriations bill will make a difference—a big difference—for people who are struggling to overcome addiction and to help our States that are financially strapped and our local communities combat this terrible problem.

Another area of significance to a lot of people in my State and across the country is the increase in the funding for the National Institutes of Health. There is a \$400 million increase for Alzheimer's research—something important to me, as I lost both of my parents who suffered from Alzheimer's, this terrible disease. We need to find not just treatments, but we need to find a cure, and I think NIH is where we are going to find it.

There are many other reasons to support this bill. It has additional flood relief for our devastated flood areas. I know the Presiding Officer has major floods in Louisiana, and we had them in West Virginia, and we have had them across the country.

Just to mention a few other things, this bill includes a pay increase for our troops, which is so important. They are on the frontlines.

The bill also works on scientific research for our educational institutions, something important to our universities in West Virginia.

But, most of all, I just want to voice my appreciation for the bipartisan work by the members of the appropriations committees, who worked hard to get this bill where we are. It is a responsible bill. It is a commonsense bill. It sets our priorities. Today, because of the fact that we passed it with support from both parties, I believe it will achieve a positive result for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NATIONAL DAY OF PRAYER

Mr. LANKFORD. Mr. President, it is a busy day. There is a lot going on in Washington, DC. Quite frankly, at home there is a lot going on in homes, families, and lives. Today is also a unique day for America as well. It is the one day that we as a nation have

something called the National Day of Prayer. It started in 1988. It was an official day on this day, the first Thursday of May. But in the 1950s, Harry Truman started this process of a national day of prayer. So it far precedes that.

Our Nation has a rich and beautiful history in prayer. Members of the House and Senate, as the Presiding Officer knows, open the day every day with a prayer. It has been that way from the very beginning. Even the first Continental Congress on September 7, 1774, opened in prayer.

Tonight, Americans will gather in Statuary Hall in the U.S. Capitol to celebrate the National Day of Prayer. Statuary Hall was once the House of Representatives, where the House gathered. It was also the largest gathering place in Washington, DC, and many churches for years met in Statuary Hall to be able to pray. It was the common meeting place. In fact, for a period of time in the early 1800s, four churches a Sunday used at that time the House of Representatives Chamber—what is now known as Statuary Hall—as their place for worship.

Thomas Jefferson worshipped there. In fact, every President from Thomas Jefferson all the way to Abraham Lincoln attended church on Sundays in Statuary Hall, what was at that time the House of Representatives Chamber.

That is an interesting fact. I have had folks talk about Thomas Jefferson's statement about the wall of separation between church and state. That was actually in a letter Thomas Jefferson wrote to the Danbury Baptist Association, saying they would not allow the State to take over churches—that there would be this wall of separation between church and state. Two days after President Jefferson wrote that statement, he attended church in the House of Representatives Chamber on a Sunday.

Even earlier, at our Constitutional Convention in 1787, Benjamin Franklin stated: "In the beginning of the Contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for Divine protection."

Many U.S. Presidents have signed proclamations for national prayer since 1799, from George Washington all the way to the present.

The National Day of Prayer is a good day for us to be able to reflect as a Nation and to be able to remember well that there are many people of faith in our country that do believe there is a Creator God and that he has made a difference in our own personal lives and he has made a difference in our Nation.

We go back to President Truman's statement. He said in 1952: "The President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation in churches, in groups, and as individuals."

As I mentioned, in 1988, President Reagan even affirmed that.



I don't think I could find very many Americans who would say we are running out of things to pray for: debt; anger in the Nation; conversation about hard, difficult issues that we face; terrorism and threats of violence from around the world. We are not out of things to pray for. Far from it. But people of faith believe that, regardless of the obstacles we face, there is a God that we can call out to who hears us and who cares about our daily lives. He is not a God who just created and walked away. He is a God whom we can know, and we feel confident that God knows and loves us.

Philippians 4:6 says: "Do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God."

I am always encouraged when I travel around Oklahoma and around the Nation. I even ran into some people this week who stopped me in the hallway and just said: "I want you to know I'll pray for you."

I encourage Americans to pray for the President, for the Vice President, for their Cabinet, for the Supreme Court, for Members of the Senate and of the House, for the staff who serve around us and with us and serve people around this country, for our military, and for first responders. The list could go on and on of people who set aside their time and their life to be able to serve. It is not an unreasonable request to be able to say: Pray for them; ask God to continue to protect them.

It is amazing to me how many Christians I bump into of my own faith who find it easier to complain about government than it is to pray for those in government. I think that is an issue we need to fix, and today is a good day to begin that, on this National Day of Prayer.

I remember well, personally, that I grew up around the church. My mom dragged me to church. I mean it. She made me go. But I remember extremely well sitting in the balcony of the church one Sunday and actually paying attention to our pastor as he would read through Scriptures. Probably for the first time in my life, I started actually thinking about this one simple truth: There is a God, and I don't know Him.

I couldn't shake that reality. Laying in bed late that Sunday night by myself, I remember praying—probably for me, for the first time in my life, actually praying. And I prayed a very simple 8-year-old prayer. My prayer was this: God, I don't know You, but I know I have done things wrong in my life and I need Your forgiveness. Would You come into my life and take control?

It was the beginning point for me—just the most simple of ways for me to begin a relationship with God, trusting in His forgiveness and His ability to forgive.

I have in my office two paintings that hang. One painting is the hands of a potter at a wheel, shaping the clay as

they choose to. It reminds me of the sovereignty of God. Below it is a painting of those same hands sitting at that same bowl holding it, but this time the bowl is done. It is full of water. There is a towel in it, and there are feet around the bowl. It reminds me of the call to serve that we all have—to be able to serve people in the most humble of ways. It reminds me that there is a God, and that He has called us to a task. Part of that task is to pray.

The National Day of Prayer is not a mandate from the Federal Government that all people should pray—far from it. It is just a reminder. It is a reminder for people of faith who choose to pray that this is a good day when we can reset to be able to pray for our Nation and for our leaders. It is an acknowledgement, quite frankly, that millions of people of faith believe in God and that those individuals believe that God hears our prayers and responds. So thus we should pray.

Culturally, it is fascinating to me to be able to talk to people about prayer. I ran into some people that find it perfectly permissible in times of great struggle and anguish to pray, but in times of thanksgiving, it seems odd. Let me give a for instance.

A couple of years ago, a football coach in our country was fired from his job because at the end of a football game he would kneel down after the game was over and thank God for the safety of his players. For that, he was released from his job because, for some reason, Americans don't accept prayers of thanksgiving. But at those same football games, if a player was injured and the coaches and players were to kneel down, the crowd would see that as a good sign of respect—that we respect someone who is injured, and it is entirely reasonable to pray when there is an injury on the field but maybe not if it is just a prayer of thanksgiving.

It is an odd season for us as a nation, trying to figure out who we are and what we believe and if Americans of faith can live their faith. I would challenge us as a country, for those of us who have faith, to be able to live our faith with integrity and with consistency, and on a National Day of Prayer like this, to remind our Nation that there are millions of people of faith but that there are also millions of people that have no faith at all. They are also Americans, and they are also to be respected because many people are on a journey with God.

There are many people who don't practice faith at all today that consider simple things in their life. Their financial house may be in order. Their family life may be in order. But their spiritual life remains a vacuum, and they are, quite frankly, trying to figure that out.

I am always interested in the stories of Abraham Lincoln. Abraham Lincoln in his earliest political campaigns was chastised that he was anti-faith or that he was secretly an atheist because he never attended church everywhere. He

said he had respect for the Bible and read the Bible and had respect for faith, but he just personally didn't practice it. In his earliest campaigns, he was really challenged by that and only narrowly won at times. In fact, he lost some of his campaigns, and he had attributed losing those campaigns to people having challenged him that he was anti-faith.

But then we read his words when he was President of the United States, and we find a person who was on a journey with God. It wasn't anti-faith. He just didn't practice faith.

But listen to these words in 1863 from President Lincoln. He proclaimed a National Day of Prayer, as every President before him has, and he wrote this:

We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and in prosperity. We have grown in numbers, wealth, and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.

That is a man who was on a journey with God, who came to the Presidency as a person of no faith, who understood the responsibilities, and his heart dramatically changed.

It is a good day for us to reflect on this National Day of Prayer. I would encourage the Nation, if they choose, to be able to watch and join in or to just quietly be able to pray on their own, to remember again that those of us who pray for others should probably spend some time praying for ourselves as well. At times, as we criticize others, we should probably self-evaluate and ask the simple question: Do we live the values that we demand of others?

It is a good day to pray. Later tonight, I will stand in that historic Statuary Hall where Presidents and Members of Congress and individuals have prayed for a long time, and I will read Daniel, Chapter 9 to the group, which reads:

Now, our God, hear the prayers and petitions of your servant. For your sake, Lord, look with favor on your desolate sanctuary. Give ear, our God, and hear us.

It is a similar prayer that many of us pray in gatherings all over this Capitol every week. Members of the House and the Senate and staff quietly find places in this building to pray. It is not a bad idea for the Nation to join us.

Hear, O God, our prayer. We need Your help.

Mr. President, I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate 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.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

• Mr. DURBIN. Mr. President, I was necessarily absent for the vote on the motion to concur in the House message to accompany H.R. 244.

On vote No. 121, had I been present, I would have voted yea on the motion to concur in the House message to accompany H.R. 244.

I want to take a few minutes to acknowledge today's bipartisan passage of the Omnibus appropriations bill to fund the government through the end of the 2017 fiscal year. While I am disappointed that the bill's passage comes more than halfway through the fiscal year, the bill that was sent to the President today is the product of months of bipartisan work by the appropriations committees on both sides of Capitol Hill and represents how Congress should and can work together to provide the American people with critical investments that will create jobs and grow our Nation's economy. It is my hope that the bipartisan cooperation that made this bill possible will continue as Congress begins its work on appropriations for fiscal year 2018.

This bill includes critical investments in the middle class, our Nation's infrastructure, medical and scientific research, and our national security. I am proud to report that much of the funding in this bill will benefit my home State of Illinois, funding a wide variety of Illinois projects and priorities. Most importantly, it takes the threat of a government shutdown, which would have hurt our economy, off the table.

This bill fully rejects President Trump's proposed assault on medical research and instead includes a \$2 billion increase for the National Institutes of Health, or NIH, bringing the agency's funding level to \$34.1 billion. This 6 percent increase in NIH funding matches the steady, predictable growth called for in legislation I have introduced over the past several years, the American Cures Act.

Thanks to the NIH, we have cut the cancer death rate by 11 percent in women and 19 percent in men. HIV/

AIDS is no longer a death sentence. Polio and smallpox are all but eradicated in this country. We are closer than ever to developing a universal influenza vaccine, to rebuilding parts of the human heart without needing to rely on transplants, and to finding new and effective therapies to delay the onset of neurological diseases like Alzheimer's and Parkinson's. These medical breakthroughs will not happen without sustained, robust Federal funding for medical research supported by the NIH.

President Trump's disastrous budget proposals for fiscal years 2017 and 2018 would have slashed NIH's budget by nearly 20 percent, bringing NIH to its lowest funding level in 15 years. I am pleased that Congress came together on a bipartisan basis to protect the NIH, and I want to thank my colleague Senator BLUNT, chairman of the Labor, Health and Human Services, and Education and Related Agencies Subcommittee, for his efforts to provide this vital funding. I will be working hard to ensure that NIH gets another significant funding increase for fiscal year 2018.

While I am encouraged that this bill includes \$7.3 billion for the Centers for Disease Control and Prevention, or CDC, it is my hope that Congress will find a way to work together on a bipartisan basis to provide the CDC with even greater funding increases in the years to come.

The CDC has so many important responsibilities—from combating prescription drug abuse and fighting infectious disease outbreaks globally to preventing diabetes and protecting patients from antibiotic resistant superbugs. It is imperative that we provide this agency with the funding necessary to protect the public health.

Chairman COLE is a strong champion of CDC funding, and it is my hope that we can work together on a bipartisan, bicameral basis to plus-up overall CDC funding in the coming years.

I am pleased that harmful tobacco riders that would have severely undermined the Food and Drug Administration, or FDA's, ability to protect our Nation's youth from harmful, addictive tobacco products were not included in this bill. By omitting these terrible policy riders, the FDA can continue to regulate cigars and cigarettes. I have said it before and I will say it again: I remain troubled that Big Tobacco continues to market and develop products aimed at getting youth addicted to tobacco.

This bill includes more than \$1 billion to help combat our Nation's prescription opioid and heroin epidemic. This funding will be available to States and local communities to help with prevention, enforcement, treatment, and recovery. In 2015, more than 33,000 people in the United States died from an opioid overdose. To combat this epidemic, we must commit proper funding and resources toward solving the problem. This bill begins to do that.

I am proud that this bill increases funding to support critical transportation infrastructure projects in Illinois, despite President Trump's calls to eliminate funding for some of our most important transportation programs. The capital investment grant program, which President Trump has proposed to eliminate, allows communities to compete for funding to build and improve subway, commuter rail, light rail, bus rapid transit projects through New Starts, Small Starts, and Core Capacity grants. This program was increased by \$236 million in this bill to \$2.4 billion with \$100 million in Core Capacity funds specifically allocated to help fund the Chicago Transit Authority's modernization of the red and purple lines.

The Transportation Investment Generating Economic Recovery, TIGER, grant program, which Illinois has relied on repeatedly to help fund transit, highway, and bridge projects throughout our State, was also protected from elimination in this bill. As a result of bipartisan support for this program, Illinois will now be able to compete for the \$500 million in TIGER funds included in this bill.

Funding for federal highway and transit formula grants to States was increased in this bill to the full funding levels authorized in the 2015 bipartisan FAST Act. As a result, \$43.2 billion in highway funding, a \$905 million increase, and \$9.3 billion in transit funding, a \$753 million increase, will be provided to States around the country to improve and maintain their roads and public transportation. Federal funding comprises 80 percent of the funds included in the Illinois Department of Transportation's multiyear highway improvement program.

This bill also includes critical funding to improve freight and passenger rail around the country. Nowhere is this more important than in Illinois, our Nation's rail hub. And \$98 million in newly authorized rail safety and state of good repair grants was included in the bill, as well as \$1.495 billion in nationwide funding for Amtrak, which commuters in both Chicago and downstate Illinois rely on every day to get to their schools and jobs. By providing adequate funding to Amtrak, more than 500 communities in 46 States across the country will continue to see improved passenger rail service.

The bill allocates \$150 million in funding to provide rural areas with reliable air service through the Essential Air Service program. This funding supports critical air service in Quincy, Decatur, and Marion, IL.

This agreement provides \$1.3 billion to permanently extend the health benefits of more than 22,000 retired coal miners and widows, including nearly 2,000 in Illinois. Coal mining is difficult and dangerous work, and these men and women who spent decades working in these mines risked their lives, health, and personal safety to ensure that our country had power. I heard

countless heartbreaking stories from Illinois coal miners and their families about the fear and uncertainty they were facing if they lose their health benefits. While this bill does not provide relief for the miners' failing pension fund, they can find comfort in knowing they will have health care for life.

As vice chair of the Defense Appropriations Subcommittee, I am particularly proud of the bipartisan work that was done in the subcommittee to provide critical equipment and training for our troops, as well as funds to continue the fight against terrorist threats like ISIL. I want to thank Chairman THAD COCHRAN and his staff for working with my staff and me on a bipartisan basis to finalize this section of the bill.

The bill provides a pay raise for military and civilian personnel, including those in Illinois. It continues the subcommittee's track record of providing 5 percent real growth in lifesaving medical research and makes critical boosts in broader science and technology research.

It also provides important defense funding with particular impact in Illinois. It supports well-paying manufacturing jobs by adding \$110 million to extend the Humvee production line at Rock Island Arsenal and \$979 million to extend the F-18 production line in St. Louis for downstate Illinois. It also provides \$140 million to stabilize rates at all three Army arsenals. Finally, it adds \$9.9 million not requested in the budget to ensure National Guard cyber protection teams in Illinois and across the country are fully funded.

The omnibus bill does not include any funding for a wall on our southern border. Mexico will not pay for a border wall as the President promised during last year's campaign, and it is absurd to suggest that the American people should now be stuck with the bill. Texas Republican Congressman WILL HURD, whose district covers 800 miles of the southwest border, has described the wall as "the most expensive and least effective way to secure the border." Senate Democrats on the Homeland Security Committee estimate this wall will cost nearly \$70 billion to build and \$150 million a year to maintain. Even the Trump administration acknowledges the wall will cost \$21.6 billion, not including maintenance.

While the Trump administration demanded \$3 billion in additional funding for immigration enforcement, congressional Democrats succeeded in cutting this amount in half. I am pleased that the omnibus does not include any funding for President Trump's plan to triple the number of immigration agents. This unnecessary and prohibitively expensive goal would help the administration target 8 million undocumented immigrants who are now priorities for deportation under Trump administration policy. This ignores the reality that the vast majority of undocumented immigrants in our country are

law-abiding individuals who make important economic contributions and have deep roots in our country.

Democrats also successfully resisted a rider that would have deprived communities around the country—including Chicago in my home State of Illinois—of billions of dollars in critical Federal funding if they refuse to take part in the Trump administration's mass deportation scheme.

The bill also includes important new oversight measures for U.S. Immigration and Customs Enforcement, or ICE, detention operations. While some additional detention funding may have been needed to address the surge in border crossings at the end of 2016, it appears that a reduction in ICE's detention budget will be appropriate in fiscal year 2018, given the sharp decline in border crossings this year.

I am disappointed that the bill includes a problematic rider that circumvents regular legislative order to permit the Trump administration to potentially double the number of foreign guest workers who could be admitted to the United States under the H-2B visa program without needed safeguards. I have long advocated for reform of the H-2B program, which in its current form harms both American and foreign workers. We should not increase the size of the H-2B program unless and until the program is reformed to protect workers from exploitation. I am particularly concerned that this rider gives the Trump administration the authority to determine how many additional H-2B visas will be issued since President Trump owns companies that have sought to import more than 900 H-2B guest workers, including 64 in fiscal year 2017 alone, while turning away hundreds of American workers. I will be closely monitoring the administration's implementation of this provision, which only permits additional visas to be issued if the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that the needs of American businesses cannot be met by qualified American workers.

While not perfect, this bill exemplifies what Congress can do if it puts politics aside to work together and come to a bipartisan consensus for the good of the American people. I support the passage of this Omnibus appropriations bill. While we now face a much shortened timeline to complete the appropriations process for the next fiscal year, I am hopeful that the bipartisan cooperation exemplified by this bill will continue.●

#### GOVERNMENT FUNDING LEGISLATION

Mr. RUBIO. Mr. President, while not perfect, this bill includes important provisions that will benefit Florida, strengthen our national security, increase resources for our national defense and the fight against ISIS, and give our military men and women the largest pay raise in 6 years.

Given the threats our Nation faces from the likes of North Korea and radical Islamic terrorists, a government shutdown would send exactly the wrong message to the world at a time when it is counting on America to lead.

I am pleased to see this bill funds the Department of Defense to levels authorized by Congress and includes increases for ship building, operations and maintenance, and military readiness. It also incorporates the fiscal year 2017 Intelligence Authorization Act, IAA, that provides essential guidance and authorities for our intelligence community. This year's IAA requires the President to establish an interagency committee to counter Russia's active measures against the U.S., maintains resources for our intelligence community's counterterrorism capabilities, and requires the Director of National Intelligence to complete declassification reviews of terrorist activities of each individual who has been transferred or released from the U.S. detention facility in Guantanamo Bay, Cuba.

This bill will ensure Florida can continue combatting the Zika virus and the opioid epidemic that is devastating so many families in our communities. I am committed to continuing to fight against Zika and have begun working with the Senate Appropriations Committee to establish an emergency health fund to provide funds for infectious outbreaks, like Zika.

This appropriations bill will also support Everglades restoration and improvements to the Herbert Hoover Dike and our State's ports. Florida's citrus growers will get the help they need to counter the terrible greening that is hurting their crops.

The bill also includes my legislation to protect public housing residents and reform HUD's broken inspection process. I saw firsthand the appalling conditions at Eureka Gardens in Jacksonville, Windsor Cove Apartments in Orlando, and Stonybrook Apartments in Riviera Beach, so I am glad this bill will help ensure the people at these properties finally see real changes for the better.

These provisions make the bill worthy of my support, but as I have said before, we cannot continue to run our country in this way, with one temporary bill after another. Republicans and Democrats in Congress must work together with the Trump administration to restore fiscal sanity, set a long-term budget, and address our Nation's unsustainable and growing debt.

#### TURKEY

Mr. WICKER. Mr. President, today I wish to express my concerns about the outcome of the April 16 constitutional referendum in Turkey, when more than 50 million Turkish citizens voted on constitutional amendments to convert Turkey's parliamentary government into a Presidential system.

Turkey is a longstanding friend of the United States and a NATO ally.

Our bilateral partnership dates back to the Cold War when Turkey served as an important bulwark against the creeping influence of the Soviet Union. Time has not diminished Turkey's geostrategic importance. Today Ankara finds itself at the intersection of several critical challenges: the instability in Syria and Iraq, the threat of ISIS and other extremist groups, and the refugee crisis spawned by this regional upheaval.

The United States relies on Turkey and other regional partners to help coordinate and strengthen our collective response. I was deeply troubled when renegade military units attempted to overthrow Turkey's democratically elected government last July. Turkey's strength is rooted in the democratic legitimacy of its government—a pillar of stability targeted by the reckless and criminal coup attempt.

As chairman of the Commission on Security and Cooperation in Europe, or U.S. Helsinki Commission, I take very seriously the political commitments made by the 57 participating states of the Organization for Security and Cooperation in Europe, OSCE. These commitments, held by both the United States and Turkey, represent the foundation of security and cooperation in the OSCE region. They include an indispensable focus on human rights, rule of law, and democratic institutions.

In the OSCE's founding document, the Helsinki Final Act, participating states affirm "the universal significance of human rights and fundamental freedoms" and consider respect for these to be an "essential factor" for international peace and security. This vision is consistent with long-established U.S. foreign policy promoting human rights and democracy as cornerstones of a safer, more stable international order.

With these principles in mind, the United States must pay urgent attention to the current situation in Turkey and the danger it poses to Turkish and regional stability. Eroding respect for fundamental freedoms, rule of law, and democratic institutions in Turkey has proceeded at an alarming pace. The government's planned "executive presidency" will further decrease government accountability.

Since the attempted coup more than 9 months ago, Turkey has operated under a state of emergency that gives the government sweeping authority to curtail rights and silence opponents. Certain extraordinary measures may have been justified in the immediate aftermath to restore order, investigate events, and bring perpetrators to justice, but the government's actions have stretched far beyond these legitimate aims. The ongoing purge has touched every institution of government, sector of society, corner of the country, and shade of opposition—military or civilian, Turk or Kurd, religious or secular, nationalist or leftist, political or non-political.

An atmosphere of fear and uncertainty has settled over Turkish society

as more than 100,000 people have been detained or arrested. Tens of thousands have been fired from their jobs, had their professional licenses revoked, and had their names released on public lists without any recognizable due process. The government removed and replaced thousands of judges and prosecutors within hours of the coup's defeat, compromising the independence of the judiciary at a moment when an impartial justice system had become more important than ever.

The government has also closed more than 150 media outlets. Upwards of 80 journalists are behind bars. The offices of the country's oldest newspaper were raided, and the paper's editor-in-chief and other staff were arrested. The media environment was already under extraordinary pressure before the coup. Last spring, the government seized control of the country's highest circulation paper. Self-censorship is now widely practiced to avoid provoking the government's ire.

Additionally, state of emergency decrees have given regional governors the ability to curtail freedom of assembly rights, harming the ability of civil society organizations to organize rallies concerning the referendum. Since July, the government has detained more than a dozen opposition parliamentarians. Many more continue to face criminal charges for political statements they made before the coup attempt.

It is difficult to overstate the chilling effect these measures have had on political debate in Turkey; yet these are the circumstances under which Turks voted on April 16. These major constitutional changes passed with a slim majority of 51 percent. The OSCE's international observation mission stated in its preliminary conclusions that the vote "took place on an unlevel playing field" and that "fundamental freedoms essential to a genuinely democratic process were curtailed."

Under the revised constitution, the once largely ceremonial position of President will convert into an "executive presidency" and the position of Prime Minister will be abolished. The President will be elected along with the national assembly every 5 years and has the ability to dissolve the assembly and call new elections at will. The President will also appoint a larger proportion—nearly half—of the country's supreme judicial council. In a report on these new constitutional provisions, the Venice Commission of the Council of Europe concluded that the amendments are a "step backwards" and pose "dangers of degeneration . . . towards an authoritarian and personal regime."

Turkey is undergoing a disturbing transformation, and I am concerned these changes could undermine the strength of our partnership. President Erdogan's government has dramatically repressed dissent, purged opponents from every sector of government

and society, and is now poised to consolidate power further under his self-described "executive presidency."

In the short term, the Turkish Government should act swiftly and transparently to investigate credible claims of voting irregularities in the referendum, as well as the legality of a surprise electoral board decision to admit an unknown number of ballots that should be deemed invalid under existing rules. Public trust in the outcome of such a consequential vote is of utmost importance. Sadly, until now, the government has responded to these challenges with dismissiveness and suppression. In the past week, dozens of activists have been detained for participating in protests against the election results.

Furthermore, the government should lift the state of emergency, stop all forms of repression against the free press, release all imprisoned journalists and political activists, and urgently restore public confidence in the judiciary. Only then can it credibly and independently adjudicate the tens of thousands of cases caught up in the government's months-long dragnet operations.

A country where disagreements are suppressed rather than debated is less secure. A country where institutions are subordinated to personalities is less stable. A country where criticism is conflated with sedition is less democratic. Unless President Erdogan moves urgently to reverse these trends, I fear our partnership will inevitably become more transactional and less strategic. It will become more difficult to justify long-term investment in our relationship with Turkey if the future of the country becomes synonymous with the fortunes of one party or one individual.

The United States and Turkey need a solid foundation for enduring cooperation to tackle regional instability, terrorism, migration, and other challenges. The future of this partnership is difficult to imagine in the midst of a prolonged state of emergency, wide-scale purges, and weakened democratic institutions.

#### WASTE MANAGEMENT NATIONAL CAREER DAY

Mr. INHOFE. Mr. President, I would like to recognize Thursday, May 4, as Waste Management National Career Day and share with you the importance of hiring and promoting women in non-traditional female positions as drivers and technicians. I believe it is important that we support and encourage women to pursue these career opportunities that have been historically populated by men.

Women comprise only 2 percent of current drivers and technicians. Waste Management National Career Day will provide an opportunity to share stories of women who have held these positions successfully and moved up into management.

I support this initiative because I believe, as we continue to highlight economic opportunities for women, it is imperative that the private sector develop platforms where women can learn about careers they normally would not consider. This national career day is an excellent example of waste management being proactive in creating ways to increase the number of women in these types of careers across the country.

Without a doubt, investment in women in nontraditional careers brings about significant returns. Women contribute every day to our skillful, effective, and talented workforce. I commend waste management for building a platform where you can increase hiring of females as drivers, technician, front-line management, and give them opportunity for advancement.

#### REMEMBERING LIEUTENANT COLONEL LEO THORSNESS

Mr. MCCAIN. Mr. President, I come to the floor today deeply saddened by the passing of my dear friend and fellow POW, Lt. Col. Leo Thorsness. One of the greatest honors of my life was serving with Leo, a man whose service exemplified selfless duty and devotion to others. Leo earned the Medal of Honor for his heroism in a daring combat mission in North Vietnam in 1967 when he flew directly into hostile territory on dangerously low fuel in an attempt to rescue his comrades who had been downed in an attack. Just 2 weeks after that courageous mission, Leo's aircraft was shot down, and he was taken captive by North Vietnamese soldiers. Leo would spend the next 6 years imprisoned, including a full year in solitary confinement, and endure unspeakable pain and suffering because of his steadfast adherence to our code of conduct. However, Leo never let this experience break his spirit and inspired the rest of us with his patriotism, perseverance, and hope that we would someday be free.

After returning home, Leo continued to live a selfless life of service, as a volunteer, State senator, and public speaker, with a simple message: "Do what's right—help others." I am forever grateful for Leo's generosity, friendship, and example and, along with Cindy, send my heartfelt condolences to Leo's wife, Gaylee, and their entire family as we bid farewell to a genuine American hero.

#### TRIBUTE TO NANCY IACOMINI

Mr. CARDIN. Mr. President, I would like to take this opportunity to talk about a special member of the Senate family, Nancy Iacomini. Nancy, who has served as the Democratic Secretary's administrative assistant since 1998, is retiring after 34 years of devoted public service. I know I speak on behalf of all of my colleagues when I say I am going to miss Nancy, but she has certainly earned a respite, and I

want to wish her all the best in her retirement.

Nancy is a proud Pittsburgh native. She earned her bachelor of arts degree in art history from the University of Notre Dame. She was an excellent student: she was on the dean's honor list, she was a Notre Dame scholar, and she graduated cum laude. Then she earned a master of arts degree in art history with a concentration in museum practice from George Washington University. Armed with her degrees and proven academic success, Nancy went to work for the National Gallery of Art, NGA. She spent 5 years at the NGA, holding positions of increasing responsibility. During this time, she also contributed entries and artist biographies to "La Vie Moderne: Nineteenth Century Paintings from the Permanent Collection of the Corcoran Gallery of Art," Corcoran Gallery of Art, Washington, D.C., 1983.

In 1988, Nancy decided to shift her focus from art history to the art of the possible, and she joined the Democratic Policy Committee as a staff assistant. Within a few short months, she was promoted to the position of special assistant to the floor staff and then again a short time later to the position of executive assistant. The art world pulled her back, though, and from 1994 to 1998, she served as deputy congressional liaison at the National Endowment for the Arts, NEA. Some may recall that this was a critical time in the NEA's history when its very existence was at stake. Nancy helped the NEA weather the storm and then returned to the Senate to work in the Democratic Secretary's office.

Since Nancy came to work in Washington, she has lived in Virginia. Nancy has held leadership roles in the Ballston/Virginia Square Civic Association, the Cherrydale Citizens Association, and the Neighborhood Conservation Advisory Committee. She is a past member and chairman of the county's transportation commission, a past member and chairman of the historical affairs and landmark review board, and past chairman of the towing advisory board. She also chaired the fire station No. 3 relocation task force. Nancy has also participated in the East Falls Church Working Group, the Clarendon Sector Plan Update, neighborhood traffic calming measures ad hoc advisory group, the subdivision ordinance working group, and the joint George Mason University/Arlington County advisory board. She served as Arlington's representative to WMATA's Riders' Advisory Council from 2006 to 2009 and chaired the council in 2008.

Here in the Senate, Nancy has had so many responsibilities that it would be hard to list them all, but I would note a few. Every Tuesday when the Senate is in session, there is a conference lunch. Nancy has been responsible for organizing the lunch, the topics for discussion, and the materials to be distributed. Despite much complaining from Senators whom I shall not name,

she singlehandedly made the lunches more nutritious, with healthier entrees and more salads. That is no small accomplishment. My staff and I worked with Nancy and Gary Myrick on updating and revising the conference rules. Nancy's institutional memory and patience and helpful suggestions were crucially important and much appreciated in that endeavor. She helped people find jobs. She answered every imaginable inquiry from Senators and staff. I could go on, but suffice it to say that Nancy Iacomini has kept the "Democratic trains" running on time here in the Senate. She has done so with diligence and grace and good humor and skill. Will Rogers famously said, "I am not a member of any organized political party; I am a Democrat." Well, he didn't know Nancy. Of course, if he did, he would have liked her—just as we all do.

We are going to miss Nancy's quiet competence and her sense of humor. We are going to miss the pumpkin outfits she would put on for Halloween. We are going to miss her wonder dog Flash. I hope Nancy will come back to visit us every now and then and even bring Flash with her, but I know she is looking forward to spending more time with her husband, Dan, and the rest of her family, pursuing her myriad hobbies, interests, and community activities and rooting for the Notre Dame football team.

Nancy Iacomini has devoted 34 years of her life to government service. We are all better off because of that service. As the fictional Inspector Morse reminds us, "To make an end is to make a beginning." I would ask all of my colleagues to join me in thanking Nancy and wishing her all the best as she begins the next chapter in her life.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO J.P. AND TIARA THOMAS

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing the Thomas family for giving their time and talent to serve as foster parents for children in Lake County. J.P. Thomas and his wife, Tiara Thomas, have done honorable work by providing structure and consistency in many young lives.

J.P. and Tiara began serving as foster parents in their early twenties. The young couple took a short break from fostering as their own family began to grow, but soon returned to serving as foster parents in order to help their community. They have provided a positive environment for 15 Montana children in their home on the Flathead Indian Reservation. Throughout the challenging journey of serving as foster parents, J.P. and Tiara give credit to the Cornerstone Faith Center in St. Ignatius for helping them find the balance to meet the demands of faith, family, fostering, youth sports, and work.

Montanans that provide structure and consistency to youngsters in need are deserving of our support. When those Montanans are like J.P. and Tiara and simply do what is needed in a humble and gracious manner, their service can inspire others. Thank you, J.P. and Tiara, for all you have done and are still doing to help others.●

#### RECOGNIZING HYDROHOIST

● Mr. INHOFE. Mr. President, small businesses play an integral role in Oklahoma's economy. They consist of over 52 percent of all employees in Oklahoma. Additionally, within Oklahoma, over 84 percent of all exports come from small businesses. Today I have the distinct honor of recognizing one of the many successful small businesses in my home State of Oklahoma for National Small Business Week. While there are many businesses worthy of recognition, I am particularly proud of HydroHoist.

For over 53 years, HydroHoist has been not only a leader but an originator and industry innovator of the market for boat lifts, personal watercraft—PWC—ports, and boat protection packages. Their products range from 900-pound drive-on docking platforms for PWCs, to lifts with the holding capacity for 130,000 pound watercraft. HydroHoist launched half a century ago by an Oklahoma marina owner in Grand Lake, OK. By 1971, the company moved into an old World War II munitions plant in Claremore, OK, where it is still located today. HydroHoist's technology revolutionized the boating industry, and remarkably, some of these original hoists are still in use today. HydroHoist has expanded far beyond America's borders to international waters, too.

I want to congratulate and thank president and CEO Mick Webber of HydroHoist for his outstanding and devoted work in creating a shining business model with over 4 distribution warehouses and over 600 dealers throughout the world. Mr. Webber's dedication to making these products in America should not only make Oklahomans proud, but all Americans. HydroHoist's success should be an example for all businesses, and I am proud to recognize their hard work and dedication.●

#### RECOGNIZING RED RIVER BREWING COMPANY

● Mr. KENNEDY. Mr. President, as a member of the Small Business Committee, it is my pleasure to recognize Red River Brewing Company from Shreveport, LA, as the Small Business of the Day for National Small Business Week. Small businesses like Red River Brewing Company are the backbone of this country. According to the U.S. Small Business Administration, U.S. small businesses employed 56.8 million people—or 48 percent of the private workforce in 2013. Louisiana small

businesses employed 903,281 people, which made up 53.5 percent of the private workforce.

Red River Brewing Company, founded by entrepreneurs Jared Beville, Robert McGuire, and Beau Raines, began like many great small businesses do: as a hobby in Jared's garage. The group decided to turn their home brewing hobby into a business in the fall of 2013, becoming the first brewery in Shreveport since Prohibition. Red River is now a thriving small business that employs more than a dozen employees and offers locally brewed craft beer to the people of Shreveport, LA, and beyond. What makes their beer unique is the Louisiana twist they put on their products. The beer is designed to be indicative of the culture and climate of Louisiana. In addition, Red River often names their beers after the cultural and historic aspects of Louisiana. Session 18 IPA, for example, got its name from Louisiana being the 18th State in the United States.

The fruition of hard work and passion has been the catalyst for many small businesses around the country, including Red River Brewing Company. Those who are able to create successful small businesses create economic stability for their families and their communities, and in doing so, they are carrying out the American dream. I would like to extend my sincerest congratulations to Red River Brewing Company on being recognized during the 2017 National Small Business Week. You make our great State proud, and I look forward to seeing your future success.●

#### TRIBUTE TO CINDY TURCOT

● Mr. SANDERS. Mr. President, today I wish to recognize Cindy Turcot and congratulate her on her term as the chair of the ESOP Association. Cindy has been committed to advancing the employee ownership model in Vermont and around the country. For the last 2 years, Cindy served as chair of the association, working to promote the interests of employee stock ownership plan, ESOP, companies across the country.

In my State of Vermont, we have seen firsthand the many benefits that employee ownership can bring to businesses and employees. Study after study has shown that employee ownership has been proven to spur employment, increase productivity, grow sales, and raise wages. Importantly, data from the General Social Surveys from 2002 to 2014 shows that employee-owned companies have layoff rates that are four to eight times less than conventionally owned companies.

Cindy has been a vital ally in the efforts to expand broad-based employee ownership and bolster middle-class jobs in our communities. As chair, Cindy advocated for the ESOP business model and the benefits of employee ownership all across the country. I know many in the employee ownership community are so appreciative of Cindy's energy,

motivation, and empowerment. Over the last 2 years, Cindy dedicated much of her time and energy to expanding broad based employee ownership to help create a sustainable economy that benefits all of us.

In addition to her work as chair of the ESOP Association, Cindy serves as board treasurer of the Vermont Employee Ownership Center. VEOC has provided numerous Vermont companies with assistance in transitioning to employee ownership, and Cindy has been a crucial resource in those efforts. As we continue to work together to help the employee ownership model realize its true potential, I know Cindy will continue to be an invaluable partner. ●

#### REMEMBERING GENERAL AMEDEO C. MEROLLA

● Mr. WHITEHOUSE. Mr. President, today I join so many Rhode Islanders in honoring the life, service, and gifts of GEN Amedeo C. Merolla. Armie Merolla served his Nation and the State of Rhode Island with distinction, including service in the Marine Corps and more than 30 years in the Rhode Island Army National Guard, where he rose to the rank of brigadier general. He earned numerous awards and decorations, including the Legion of Merit, the Meritorious Service Medal, and the Rhode Island Cross for Valor. A graduate of Harvard Law School, Armie was also an accomplished jurist. In the Guard, he served in the Judge Advocate General Corps. He also worked in public service, as assistant solicitor for the city of Providence and legal counsel to multiple Rhode Island State agencies and offices, as well as to my colleague Congressman James Langevin. He eventually established his own firm, Merolla, Accetturo & Lough, where he practiced alongside two of his children until the time of his death.

Armie touched many people's lives through his generous volunteer work in his community, from his church to the Boys and Girls Clubs to the Knights of Columbus, but perhaps his greatest achievement was raising four children with his wife of 64 years, Kitty. My thoughts and prayers are with Armie's family in this time, as we celebrate his good works and kind spirit.●

#### MESSAGES FROM THE HOUSE

At 9:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1665. An act to ensure that Administrator of the Federal Emergency Management Agency considers severe local impact in making a recommendation to the President for a major disaster declaration.

H.R. 1678. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the statute of limitations for actions to recover disaster or emergency assistance payments, and for other purposes.



## ENROLLED BILL SIGNED

At 11:16 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 274. An act to provide for reimbursement for the use of modern travel services by Federal employees traveling on official government business, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 3:27 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 1644. An act to enhance sanctions with respect to transactions relating to North Korea, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 534) to require the Secretary of State to take such actions as may be necessary for the United States to rejoin the Bureau of International Expositions, and for other purposes.

## ENROLLED BILL SIGNED

At 3:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 244. An act making appropriations for the fiscal year ending September 30, 2017, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

## MEASURES REFERRED

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

H.R. 1644. An act to enhance sanctions with respect to transactions relating to North Korea, and for other purposes; to the Committee on Foreign Relations.

H.R. 1665. An act to ensure that Administrator of the Federal Emergency Management Agency considers severe local impact in making a recommendation to the President for a major disaster declaration; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1678. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the statute of limitations for actions to recover disaster or emergency assistance payments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## 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-1482. A communication from the Regulatory Liaison, Office of Natural Resources Revenue, Department of the Interior, transmitting, pursuant to law, the report of a rule

entitled "Civil Monetary Penalty Rates Inflation Adjustments for Calendar Year 2017 and Initial 'Catch-Up' Adjustments" (RIN1012-AA17) received in the Office of the President of the Senate on April 27, 2017; to the Committee on Energy and Natural Resources.

EC-1483. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the status of all extensions granted by Congress regarding the requirements of Section 13 of the Federal Power Act; to the Committee on Energy and Natural Resources.

EC-1484. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2017 Marginal Production Rates" (Notice 2017-26) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Finance.

EC-1485. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional First Year Depreciation" (Rev. Proc. 2017-33) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Finance.

EC-1486. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2017 Section 43 Inflation Adjustment" (Notice 2017-25) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Finance.

EC-1487. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2016 Section 45K(d) (2)(C) Reference Price" (Notice 2017-24) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Finance.

EC-1488. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Fringe Benefits" (Rev. Rul. 2017-10) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Finance.

EC-1489. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-135); to the Committee on Foreign Relations.

EC-1490. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 17-010); to the Committee on Foreign Relations.

EC-1491. A communication from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-1492. A communication from the Acting Director, Employee Services/Recruitment and Hiring, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of Kent County, Michigan, and Cameron County, Texas, to Nonappropriated Fund Federal Wage System Areas" (RIN3206-AN40) received in the Office of the President of the Senate on May 1, 2017; to the

Committee on Homeland Security and Governmental Affairs.

EC-1493. A communication from the Acting Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Medical Qualification Determinations" (RIN3206-AL14) received in the Office of the President of the Senate on May 1, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-1494. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance for foreign intelligence during calendar year 2016 relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC-1495. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1496. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1497. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1498. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1499. A communication from the Assistant General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Juvenile Justice and Delinquency Prevention Act Formula Grant Program" (RIN1121-AA83) received in the Office of the President of the Senate on April 27, 2017; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2017" (Rept. No. 115-43).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 585. A bill to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes (Rept. No. 115-44).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BURR for the Select Committee on Intelligence.

Courtney Elwood, of Virginia, to be General Counsel of the Central Intelligence Agency.

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MARKEY (for himself and Mr. BLUMENTHAL):

S. 1037. A bill to prohibit air carriers from imposing fees that are not reasonable and proportional to the costs incurred by the air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. ERNST (for herself and Mrs. GILLIBRAND):

S. 1038. A bill to require the Administrator of the Small Business Administration to submit to Congress a report on the utilization of small businesses with respect to certain Federal contracts; to the Committee on Small Business and Entrepreneurship.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 1039. A bill to indemnify local law enforcement entities for complying with valid detainers issued by immigration officers; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself and Mr. MCCAIN):

S. 1040. A bill to amend the Immigration and Nationality Act to provide for a State-sponsored nonimmigrant pilot program, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 1041. A bill to include the State of Florida in the Gulf of Mexico outer Continental Shelf revenue sharing program, to extend the moratorium on oil and gas leasing in certain areas of the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET (for himself and Mr. ISAKSON):

S. 1042. A bill to amend the Internal Revenue Code to exclude Segal Americorps Education Awards and related awards from income; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. HATCH):

S. 1043. A bill to authorize pay-for-success projects designed to incentivize and reward successful efforts to increase postsecondary education retention and completion rates for low-income and first-generation students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CAPITO (for herself, Mr. BROWN, Mr. COTTON, and Mr. MANCHIN):

S. 1044. A bill to amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. TESTER, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO,

Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. NELSON, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1045. A bill to guarantee coverage of certain women's preventive services under all health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself and Ms. CORTEZ MASTO):

S. 1046. A bill to facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to fully implement the White Pine County Conservation, Recreation, and Development Act; to the Committee on Energy and Natural Resources.

By Mr. BURR:

S. 1047. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. BENNET, Mr. BURR, and Mr. CASEY):

S. 1048. A bill to expand patient access to experimental treatments in clinical trials, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself and Mr. YOUNG):

S. 1049. A bill to allow the Secretary of Health and Human Services to require that risk evaluation and mitigation strategies for certain drugs include communication plans that provide information about drug formulations or properties described in the drug labeling; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH (for herself and Mr. COCHRAN):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO (for himself, Mr. BROWN, Mr. GARDNER, Mr. INHOFE, Mr. MENENDEZ, and Mr. PETERS):

S. 1051. A bill to encourage visits between the United States and Taiwan at all levels, and for other purposes; to the Committee on Foreign Relations.

By Mr. WICKER (for himself and Ms. KLOBUCHAR):

S. 1052. A bill to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEE):

S. 1053. A bill to require the Secretary of the Interior to issue new resource management plans applicable to the Beaver Dam Wash National Conservation Area and the Red Cliffs National Conservation Area and a new amendment to the St. George Field Office Resource Management Plan, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 1054. A bill to amend the Internal Revenue Code of 1986 to ensure that electrochromic glass qualifies as energy property for purposes of the energy credit; to the Committee on Finance.

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

S. 1055. A bill to restrict the exportation of certain defense articles to the Philippine Na-

tional Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself and Mr. ROUNDS):

S. 1056. A bill to amend the Small Business Act to waive the guarantee fee for veterans and spouses of veterans for the Export Working Capital, International Trade, and Export Express programs; to the Committee on Small Business and Entrepreneurship.

By Mr. NELSON (for himself, Mr. PORTMAN, and Mr. PETERS):

S. 1057. A bill to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1058. A bill to authorize the Administrator of the Federal Emergency Management Agency to terminate certain contracts on the basis of detrimental conduct to the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARDNER:

S. 1059. A bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado; to the Committee on Energy and Natural Resources.

By Mr. CRUZ:

S. 1060. A bill to strengthen prohibitions regarding the Palestine Liberation Organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL (for himself and Mr. WYDEN):

S. 1061. A bill to assure equity in contracting between the Federal Government and small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

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

S. 1062. A bill to increase reporting transparency and accountability with respect to Food and Drug Administration user fees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1063. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHNSON (for himself and Mrs. SHAHEEN):

S. Res. 154. A resolution promoting awareness of motorcycle profiling and encouraging collaboration and communication with the motorcycle community and law enforcement officials to prevent instances of profiling; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. MURPHY, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, and Mr. BOOKER):

S. Res. 155. A resolution expressing the sense of the Senate that the United States should work in cooperation with the international community and continue to exercise global leadership to address the causes

and effects of climate change, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. BLUNT, Mr. WARNER, Mr. KAINE, Mr. KING, Mr. LANKFORD, Mr. COCHRAN, Mr. FRANKEN, Mr. SCOTT, Mr. DAINES, Mr. VAN HOLLEN, Mr. PETERS, Ms. HASSAN, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, and Ms. KLOBUCHAR):

S. Res. 156. A resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster-care system, and encouraging Congress to implement policy to improve the lives of children in the foster-care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. MCCAIN, Mr. MARKEY, Mr. COONS, Mr. SCHATZ, Mrs. FEINSTEIN, and Ms. HIRONO):

S. Res. 157. A resolution recognizing that for 50 years, the Association of South East Asian Nations (ASEAN) and its ten members—Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam—have worked toward stability, prosperity, and peace in Southeast Asia; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. BENNET, Ms. CORTEZ MASTO, Mr. CRUZ, Mr. DURBIN, Mr. FRANKEN, Mr. GARDNER, Mr. HEINRICH, Mrs. MURRAY, Mr. SCHUMER, Mr. UDALL, Ms. DUCKWORTH, and Mr. CARDIN):

S. Res. 158. A resolution recognizing the cultural and historical significance of the Cinco de Mayo holiday; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 28

At the request of Mr. FLAKE, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 28, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes.

S. 261

At the request of Mr. BLUNT, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Alabama (Mr. STRANGE) were added as cosponsors of S. 261, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 319

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 319, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

S. 341

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 341, a bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes.

S. 419

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Texas (Mr. CRUZ) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 419, a bill to require adequate reporting on the Public Safety Officers' Benefits program, and for other purposes.

S. 540

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 569

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 569, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

S. 667

At the request of Mr. FRANKEN, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 667, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure that an order to serve on active duty under section 12304a or 12304b of title 10, United States Code, is treated the same as other orders to serve on active duty for determining the eligibility of members of the uniformed services and veterans for certain benefits and for calculating the deadlines for certain benefits.

S. 722

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 722, a bill to impose sanctions with respect to Iran in relation to Iran's ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

At the request of Mr. CORKER, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Ohio (Mr. PORTMAN) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 722, *supra*.

S. 733

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 733, a bill to protect and enhance op-

portunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 836

At the request of Mr. WYDEN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 836, a bill to amend the Federal Credit Union Act to exclude a loan secured by a non-owner occupied 1- to 4-family dwelling from the definition of a member business loan, and for other purposes.

S. 925

At the request of Mrs. ERNST, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 926

At the request of Mrs. ERNST, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 993

At the request of Mr. LEE, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 993, a bill to prohibit the Federal Communications Commission from reclassifying broadband Internet access service as a telecommunications service and from imposing certain regulations on providers of such service.

S. 1027

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1027, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 1035

At the request of Mr. HEINRICH, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1035, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to the scope of employee pension benefit plans.

S. RES. 75

At the request of Mr. PORTMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 75, a resolution recognizing the 100th anniversary of the Academy of Nutrition and Dietetics, the largest organization of food and nutrition professionals in the world.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 1039. A bill to indemnify local law enforcement entities for complying

with valid detainers issued by immigration officers; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, immigration enforcement is one of the Federal Government's most essential responsibilities. It is also one of the most debated and rightly so. Those of us in this body need to ensure that Federal immigration laws secure our borders from criminal and terrorist threats and facilitate effective interior enforcement to keep citizens safe.

At the same time, our laws must promote a system of legal immigration that encourages economic growth and opportunity, especially in border communities like those in my home State of Arizona, but while we debate these policies on the Senate floor, local police officers and sheriffs around the country are serving on the frontlines of immigration enforcement. These men and women put their lives on the line every time they go out on patrol. For them, immigration policy is not a hypothetical exercise, it is part of the day in and day out reality of serving in law enforcement. Throughout the country, local officers increasingly find themselves coming in contact with individuals who, after being apprehended for the commission of a crime, are determined to be in the country illegally. This is especially common in border States like Arizona.

Once it is determined an individual in their custody is in the country illegally, that information is relayed to Immigration and Customs Enforcement or ICE. ICE can then send a request to local officials with instructions to hold that individual for up to 48 hours so they can be transferred to Federal custody. This is called a detainer request. The partnership between law enforcement authorities at all levels of government leverages vital information and resources in order to keep dangerous criminals off the streets. The Federal Government has no better partners in this effort than State and local law enforcement agencies from Arizona.

Despite the critical role these entities play in assisting their Federal partners with immigration enforcement, current Federal policy leaves them exposed with the threat of costly litigation. That is because third-party groups that oppose detention have threatened local agencies that choose to comply with valid detainer requests. They are threatened with lawsuits. Using punitive legal action to punish law enforcement for good-faith efforts to keep people safe is simply wrong.

We can have this policy debate without jeopardizing public safety and the ability of local law enforcement officers to do their job. That is why I am introducing the Support Local Law Enforcement Detainer Indemnity Act. This bill will require the Department of Homeland Security to protect State and local law enforcement entities from lawsuits that uphold valid detainer requests from ICE. This is called

indemnification. It would allow officers to fulfill their law enforcement responsibilities without second-guessing whether to keep potentially dangerous criminal aliens in custody.

Reforming our Nation's immigration policies is no easy task, let me tell you. It is slow, frustrating work in the Senate, but as we continue the debate, local law enforcement shouldn't be left to shoulder the burden as a result of Washington's failure to secure our borders and implement a workable enforcement policy.

I urge my colleagues to support this commonsense legislation that will give State and local law enforcement the certainty of knowing the Federal Government has their back.

I also thank local sheriffs across the State of Arizona who are really shouldering this burden and who came to me with this issue. They want to keep their community safe. They want to do what is right. It pains them to have to release someone they know is dangerous, but they can't expose themselves and their counties to the litigation that would come if something like this legislation is not put in place. So this is a response to a very real problem out there.

I thank those like Sheriff Dannels, Cochise County, and Sheriff Mascher, Yavapai County, Sheriff Clark of Navajo County, Sheriff Wilmot of Yuma County, and many others who have been working on this issue, work on the frontlines, and do a lot of work that we are very appreciative of in Arizona.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—PROMOTING AWARENESS OF MOTORCYCLE PROFILING AND ENCOURAGING COLLABORATION AND COMMUNICATION WITH THE MOTORCYCLE COMMUNITY AND LAW ENFORCEMENT OFFICIALS TO PREVENT INSTANCES OF PROFILING

Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 154

Whereas motorcycle ridership has continued to increase over time with registrations growing from 3,826,373 in 1997 to 8,600,936 in 2015;

Whereas, as of August 2016, the ongoing National Motorcycle Profiling Survey 2016, conducted by the Motorcycle Profiling Project, found that approximately ½ of the motorcyclists surveyed felt that they had been profiled by law enforcement at least once;

Whereas motorcycle profiling means the illegal use of the fact that a person rides a motorcycle or wears motorcycle related apparel as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without legal basis under the Constitution of the United States;

Whereas complaints surrounding motorcycle profiling have been cited in all 50 States;

Whereas nationwide protests to raise awareness and combat motorcycle profiling have been held in multiple States;

Whereas in 2011, Washington signed into law legislation stating that the criminal justice training commission shall ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with existing training regarding profiling;

Whereas reported incidents of motorcycle profiling have dropped approximately 90 percent in the State of Washington since the 2011 legislation was signed into law; and

Whereas in the spring of 2016, Maryland became the second State to pass a law addressing the issue of motorcycle profiling: Now, therefore, be it

Resolved, That the Senate—

(1) promotes increased public awareness on the issue of motorcycle profiling;

(2) encourages collaboration and communication with the motorcycle community and law enforcement to engage in efforts to end motorcycle profiling; and

(3) urges State law enforcement officials to include statements condemning motorcycle profiling in written policies and training materials.

SENATE RESOLUTION 155—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD WORK IN COOPERATION WITH THE INTERNATIONAL COMMUNITY AND CONTINUE TO EXERCISE GLOBAL LEADERSHIP TO ADDRESS THE CAUSES AND EFFECTS OF CLIMATE CHANGE, AND FOR OTHER PURPOSES

Mr. CARDIN (for himself, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. COONS, Mr. UDALL, Mr. MURPHY, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas the consensus among climatologists and scientists studying the effects of atmospheric change, including the Intergovernmental Panel on Climate Change, the National Academy of Science, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and other agencies within the United States Global Change Research Program, have determined that the impact of climate change will include widespread effects on health and welfare, including increased outbreaks from waterborne diseases, more droughts, diminished agricultural production, severe storms and floods, heat waves, wildfires, and a substantial rise in global sea levels;

Whereas the objective of the 1992 United Nations Framework Convention on Climate Change (UNFCCC) is to stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous human interference with the climate system;

Whereas, under the UNFCCC, the United States is obligated to report its progress on reducing emissions;

Whereas the Senate provided its advice and consent to the UNFCCC by division, with two-thirds of Senators present voting in the affirmative, on October 7, 1992;

Whereas, in 2011, at the 17th Conference of the Parties (COP 17) to the UNFCCC in Durban, South Africa, parties agreed to negotiate an agreement by the end of 2015 to reduce emissions in the post-2020 period;

Whereas the UNFCCC calls on parties to submit intended nationally-determined contributions outlining voluntary individual targets for emissions reductions by the time parties convened in Paris on November 30, 2015, for the 21st Conference of the Parties (COP 21) to the UNFCCC;

Whereas, prior to completing the multilateral Paris Agreement on international co-operation to address climate change, done at Paris December 12, 2015, 187 nations, representing more than 97 percent of global greenhouse gas emissions, voluntarily submitted nationally determined goals and plans to reduce their greenhouse gas pollution;

Whereas independent analyses by the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration confirmed that 2016 was the warmest year on record, making 2015 the second warmest year on record and 2014 the third warmest year on record, continuing a 35 year-long warming trend with 16 of the 17 warmest years on record occurring since 2001;

Whereas the United States-China Joint Announcement on Climate Change of November 2014 included a United States goal to reduce its emissions by 26-28 percent below 2005 levels by 2025 and a Chinese goal to peak emissions output by 2030 and increase the use of non-fossil fuels to 20 percent of its overall energy portfolio by 2030;

Whereas, under the United States-India Joint Announcement on Climate and Clean Energy of January 2015, the two countries pledged to increase cooperation on clean energy financing and development and India committed to phase out use of hydrofluorocarbons and increase promotion of energy efficiency tools and reaffirmed its commitment to add 100 gigawatts of solar capacity by 2022;

Whereas small island states, whose people are among the most vulnerable to climate change, are threatened with partial or virtually total inundation by imminent rises in sea level and increased intensity and frequency of storms;

Whereas global greenhouse gas emissions have remained level for the past three years, even while global Gross Domestic Product (GDP) has grown;

Whereas United States international leadership on the global stage throughout the United Nations Framework Convention on Climate Change's 21st Conference of Parties process resulted in unprecedented international cooperation and engagement on the development of the Paris Agreement;

Whereas the Paris Agreement received consensus approval from the more than 190 delegates to the United Nations Framework Convention on Climate Change's 21st Conference of Parties;

Whereas the Paris Agreement reached its thresholds for entry into force faster than any other multilateral international agreement of comparable size and scope;

Whereas, as of the date of introduction of this resolution, 127 of the 197 parties to the Paris Agreement, representing 81.4 percent of global greenhouse gas emissions, have officially joined the agreement, demonstrating the urgency and importance the global community places on addressing climate change;

Whereas the cost of inaction on climate change will have devastating impacts to the United States economy, costing billions of dollars in lost GDP;

Whereas extreme weather, intensified by climate change, has already cost United

States taxpayers billions of dollars each year in recovery efforts, and will continue to increase if climate change is left unaddressed;

Whereas decreased GDP and increased costs of infrastructure repairs and other recovery efforts will significantly increase budget deficits and undermine the fiscal stability of the United States;

Whereas climate change will have devastating public health implications, including increased rates of asthma and other respiratory diseases, especially in vulnerable populations like children and low income communities, the spread of infectious diseases, risks to food and water supplies, and increased premature deaths;

Whereas the emissions reductions pledged by the United States under the Paris Agreement may save nearly 300,000 lives in the United States by 2030 as a result of positive health outcomes corresponding to lower air pollution;

Whereas studies conducted by the NASA Earth Observatory determined that as the oceans have warmed, polar ice has melted and porous landmasses have subsided, global mean sea level has risen by 8 inches (20 centimeters) since 1870, and the rate of sea level rise is faster now than at any time in the past 2,000 years, having doubled in the past two decades, putting 55 to 60 percent of United States citizens who live in counties touching the Atlantic or Pacific Ocean, the Gulf of Mexico, or the Great Lakes at risk from the effects of sea level rise;

Whereas the Department of Defense has identified climate change as a "threat multiplier" that will increase global instability and conflict with the potential to increase terrorism;

Whereas the 2014 Quadrennial Defense Review states that "[t]he impacts of climate change may increase the frequency, scale, and complexity of future missions, including defense support to civil authorities, while at the same time undermining the capacity of our domestic installations to support training activities," and notes that—

(1) climate change may exacerbate water scarcity and lead to sharp increases in food costs;

(2) the pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world; and

(3) these effects are threat multipliers that will aggravate stressors abroad such as poverty, environmental degradation, political instability, and social tensions—conditions that can enable terrorist activity and other forms of violence;

Whereas the Department of Defense report, "National Security Implications of Climate-Related Risks and a Changing Climate"—

(1) states that global climate change will have wide-ranging implications for United States national security interests over the foreseeable future because it will aggravate existing problems, such as poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions, that threaten domestic stability in a number of countries; and

(2) identifies four general areas of climate-related risks: persistently recurring conditions such as flooding, drought, and higher temperatures; more frequent and more severe extreme weather events; sea level rise and temperature changes; and decreases in Arctic ice cover, type, and thickness;

Whereas the Director of National Intelligence's 2017 Global Trends Report determined that—

(1) changes in the climate will produce more extreme weather events and put greater stress on humans and critical systems, including oceans, freshwater, and biodiversity;

(2) these changes, in turn, will have direct and indirect social, economic, political, and security effects; and

(3) extreme weather can trigger crop failures, wildfires, energy blackouts, infrastructure breakdown, supply chain breakdowns, migration, and infectious disease outbreaks, and will be more pronounced as people concentrate in climate vulnerable locations, such as cities, coastal areas, and water-stressed regions;

Whereas the Department of Agriculture has determined that climate change is likely to diminish continued progress on global food security through production disruptions that lead to local availability limitations and price increases, interrupted transport conduits, and diminished food safety, among other causes;

Whereas, according to the World Bank, 1,600,000,000 people currently live in countries and regions with absolute water scarcity and the number is expected to rise to 2,800,000,000 people by 2025 due to the effects of climate change;

Whereas the transition to a clean energy economy is feasible with existing technology;

Whereas the transition to clean energy will create millions of jobs;

Whereas the transition to clean energy will increase United States GDP and increase household income;

Whereas the transition to clean energy will save billions of dollars in avoided health costs;

Whereas the transition to clean energy will save lives and improve public health;

Whereas the transition to clean energy will lower energy costs for businesses and consumers;

Whereas the transition to clean energy will unlock billions of dollars in private investment; and

Whereas, more than half of all electrical generating capacity added in the world last year was renewable: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should—

(1) work in cooperation with the international community and continue to exercise global leadership in our shared responsibilities, including holding parties accountable for meeting their commitments, and address the causes and effects of climate change;

(2) remain party to the Paris Agreement and the UNFCCC;

(3) continue demonstrating strong leadership in implementing the Paris Agreement;

(4) ensure that the development of the policies and procedures prescribed by the Paris Agreement achieve maximum benefits for the United States; and

(5) implement its commitments under the Paris Agreement and the UNFCCC.

#### SENATE RESOLUTION 156—RECOGNIZING NATIONAL FOSTER CARE MONTH AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER-CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER-CARE SYSTEM

Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. BLUNT, Mr. WARNER, Mr. KANE, Mr. KING, Mr. LANKFORD, Mr. COCHRAN, Mr. FRANKEN, Mr. SCOTT, Mr. DAINES, Mr. VAN HOLLEN, Mr. PETERS, Ms. HASSAN, Mr. WYDEN, Mrs.



MURRAY, Mr. BROWN, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 156

Whereas National Foster Care Month was established more than 20 years ago to—

(1) bring foster-care issues to the forefront;

(2) highlight the importance of permanency for every child; and

(3) recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster-care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 428,000 children living in foster care;

Whereas there were approximately 269,509 youth that entered the foster-care system in 2015, while over 62,000 youth were eligible and awaiting adoption at the end of 2015;

Whereas children of color are more likely to stay in the foster-care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas some relative caregivers receive less financial assistance and support services than do foster caregivers;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster-care system;

Whereas more than 20,000 youth “aged out” of foster care in 2015 without a legal permanent connection to an adult or family;

Whereas children who age out of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas foster care is intended to be a temporary placement, but children remain in the foster-care system for an average of 19 months;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas youth in foster care are much more likely to face educational instability with 65 percent of former foster children experiencing at least 7 school changes while in care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas recent studies show foster children enrolled in Medicaid were prescribed

antipsychotic medications at 3 to 9 times the rate of other children receiving Medicaid;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and postpermanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), the Child and Family Services Improvement and Innovation Act (Public Law 112-34), and the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) provided new investments and services to improve the outcomes of children in the foster-care system;

Whereas May 2017 is an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of National Foster Care Month;

(2) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges that children face in the foster-care system;

(3) encourages Congress to implement policy to improve the lives of children in the foster-care system;

(4) acknowledges the unique needs of children in the foster-care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster-care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster-care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster-care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote adoption in cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster-care system; and

(E) facilitate the successful transition into adulthood for children that “age out” of the foster-care system.

SENATE RESOLUTION 157—RECOGNIZING THAT FOR 50 YEARS, THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN) AND ITS TEN MEMBERS—BRUNEI, CAMBODIA, INDONESIA, LAOS, MALAYSIA, MYANMAR, THE PHILIPPINES, SINGAPORE, THAILAND, AND VIETNAM—HAVE WORKED TOWARD STABILITY, PROSPERITY, AND PEACE IN SOUTHEAST ASIA

Mr. CARDIN (for himself, Mr. MCCAIN, Mr. MARKEY, Mr. COONS, Mr. SCHATZ, Mrs. FEINSTEIN, and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 157

Whereas the United States and ASEAN have worked together to advance our shared goals for 40 years, having established dialogue relations on September 10, 1977, with the issuing of the 1977 Joint Communiqué of the First ASEAN-United States Dialogue, and the United States acceding to the Treaty of Amity and Cooperation in Southeast Asia (TAC) at the ASEAN Post Ministerial Conference Session with the United States in Thailand on July 22, 2009;

Whereas the United States was the first non-ASEAN country to appoint an ambassador to ASEAN on April 29, 2008, and the first dialogue partner to establish a permanent mission to ASEAN in 2010;

Whereas the United States has supported efforts to strengthen the ASEAN Secretariat and expand its role in providing greater coordination between, and enhancing the effectiveness of, regional institutions;

Whereas working together, the Governments and people of the United States and ASEAN can help realize their common vision of a peaceful, prosperous, rules-based Asia-Pacific region that offers security, opportunity, and dignity to all of its citizens;

Whereas ASEAN's 10 members, taken collectively, are the 7th largest economy in the world, with an annual gross domestic product of \$2,400,000,000,000, and represent the United States' fourth-largest export market with total two-way trade in goods and services reaching \$254,000,000,000, allowing over 780,000 visitors to the United States in 2015, which contribute more than \$5,000,000,000 to the United States economy, and accounting for more than 500,000 jobs in the United States;

Whereas ASEAN's 10 members represent a diverse group of nations and dynamic economies with an expanding workforce, a growing middle class, and a diverse set of skills, cultures, and resources, which of the estimated 20,000,000 Asian Americans in the United States, includes over 7,000,000 who identify with an ASEAN ethnicity, including 4,000,000 Filipinos and 1,900,000 Vietnamese;

Whereas ASEAN is home to critical global sea lanes located at the center of the world's strongest economic growth area, with \$5,300,000,000,000 of global trade and more than half of total shipped tonnage transiting through ASEAN's waters each year;

Whereas ASEAN, taken collectively, is one of the fastest growing economies in Asia after China and India, expanding by 66 percent since 2006 and exceeding the global growth average for the past ten years;

Whereas the ASEAN Economic Community aims to create one of the largest single market economies in the world, facilitating the free movement of goods, services, and professionals and engendering a sense of economic community among its member states;



Whereas the United States is the largest investor in Southeast Asia, with total foreign direct investment stock of nearly \$273,500,000,000 in 2014, creating millions of jobs in the United States and in ASEAN Member States, while investment in the United States from Southeast Asia has increased more than any other region's investment in the past decade;

Whereas the United States has helped ASEAN create a Single Window customs facilitation system that will aid in expediting intra-ASEAN trade and make it easier for United States businesses to operate in the region;

Whereas the United States-ASEAN Business Alliance for Competitive Small and Medium Sized Enterprises (SMEs) has already trained more than 4,600 small to medium enterprises, with nearly half of the individuals trained being young women entrepreneurs;

Whereas United States-ASEAN development cooperation has focused on innovation and capacity-building efforts in technology, education, disaster management, food security, human rights, and trade facilitation;

Whereas the Lower Mekong Initiative, established on July 23, 2009, is a multinational effort that helps promote sustainable economic development in mainland Southeast Asia to foster integrated, multisectoral, sub-regional cooperation and capacity building;

Whereas the Declaration on the Conduct of Parties in the South China Sea (DOC) was signed by all members of ASEAN and the People's Republic of China (PRC) on November 4, 2002, committing ASEAN and the PRC to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability," and reaffirming that "the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region and agree to work, on the basis of consensus, toward the eventual attainment of this objective";

Whereas the leaders of the United States and ASEAN, at their Special Leaders Summit in Sunnylands, California on February 16, 2016, reaffirmed their shared commitment to maintain peace, security, and stability in the region and ensure maritime security and safety, including by respecting the rights of freedom of navigation and overflight and other lawful uses of the seas, and unimpeded lawful maritime commerce as described in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as well as non-militarization and self-restraint in the conduct of activities;

Whereas ASEAN is a partner to the United States on key transnational challenges, such as terrorism, violent extremism, climate change, environmental degradation and pollution, energy, infectious diseases, disarmament, proliferation of weapons of mass destruction, cybersecurity, trafficking in persons, illicit trafficking of wildlife and timber, and illegal, unregulated, and unreported fishing;

Whereas the United States supports the East Asia Summit (EAS) as the premier leaders-led forum for dialogue and cooperation on political, security, and economic issues in the region and commends the direction set in the Kuala Lumpur Declaration at the EAS' 10th anniversary, including the new exchange mechanism for EAS members' ambassadors;

Whereas the United States, ASEAN, and other Dialogue Partners, through the 2015 East Asia Summit, adopted a statement on transnational cyber issues that emphasizes the importance of regional cooperation to improve the security and stability of cyber networks, setting an important precedent for strengthening practical cooperation, risk re-

duction, and confidence building in cyberspace;

Whereas the 2016 East Asia Summit in Vientiane adopted a statement on non-proliferation that reaffirmed the United States', ASEAN's, and other Dialogue Partners' leaders' support for efforts at the national, regional, and international level to promote nuclear disarmament, nuclear non-proliferation, and peaceful uses of nuclear energy, and reiterated the importance of nuclear security to combating nuclear terrorism;

Whereas North Korea's provocative missile launches and nuclear tests highlights the threat posed by its nuclear and ballistic missile programs and contradicts calls by ASEAN leaders at the 2016 East Asia Summit in Vientiane for North Korea to abide by multiple United Nations Security Council resolutions and international obligations;

Whereas changes in climatic conditions in the ASEAN region over the past four decades have resulted in major loss and damage throughout the ASEAN region with a disproportionate impact on developing countries, with the experiences of Cyclone Nargis in Myanmar and Typhoon Haiyan in the Philippines, as well as the impacts that climate-caused ocean acidification has had on fish stocks, coral resources, and coastal agriculture, providing stark evidence of the destructive impacts on the region;

Whereas conservation and sustainable management of forests throughout ASEAN play an important role in helping to mitigate changes in the climate, reduce the risks of extreme weather events and other climate-driven disasters, and provide sustainable economic livelihood opportunities for local communities;

Whereas the United States will pursue initiatives that are consistent with broader sustainable development, including the achievement of food security and poverty alleviation throughout the ASEAN region;

Whereas the United States is a committed partner with ASEAN on the protection of human rights, which are not only essential for fostering and maintaining stability, security, and good governance, but protecting the basic rights and fundamental dignities of the people of ASEAN;

Whereas the United States supports the work and mandate of the ASEAN Intergovernmental Commission on Human Rights (AICHR), including capacity building for the promotion and protection of human rights and the AICHR's priorities programs, and activities;

Whereas the Young Southeast Asian Leaders Program has now engaged over 100,000 people between the ages of 18 and 35 across all 10 ASEAN nations to promote innovation among young people while also providing skills to a new generation who will create and fill the jobs of the future;

Whereas the irregular movement of persons continues to be one of the main security threats in the Southeast Asia region;

Whereas addressing migration flows and combating human smuggling and human trafficking in ASEAN is an important, ongoing challenge requiring increased coordination and shared responsibility;

Whereas, on November 21, 2015, ASEAN Member States signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, which represents an important step forward in preventing human trafficking, prosecuting the perpetrators, and protecting the survivors;

Whereas the United States supports ASEAN Member States in anticorruption efforts through, among other initiatives, the implementation of the United Nations Convention Against Corruption;

Whereas Vice President Mike Pence traveled to Jakarta, Indonesia on April 20, 2017,

where he met with the ASEAN Secretary General and ASEAN Permanent Representatives, congratulated ASEAN on its 50th anniversary, and remarked on the 40th anniversary of the United States' diplomatic relationship with ASEAN, noting that the United States-ASEAN relationship "without a doubt has benefitted both ASEAN and America—diplomatically, economically, and from the standpoint of national security";

Whereas, on this visit, Vice President Pence pledged that the United States would "redouble our cooperation with ASEAN on issues of regional security" and continue to support "increased information sharing and security efforts to protect our people and our way of life across the ASEAN region and across the wider world," and "continue to work closely with ASEAN to promote peace and stability in the South China Sea by upholding a rules-based order, ensuring the lawful and unimpeded flow of commerce, and encouraging the peaceful and diplomatic resolution of disputes";

Whereas, on this visit, Vice President Pence remarked that "by strengthening our economic ties, the United States and ASEAN member nations can foster jobs, prosperity, and growth in new and unprecedented ways" and that "American exports to ASEAN member nations already support more than 550,000 jobs in the United States, and almost 42,000 U.S. companies export more than \$100,000,000,000 in goods and services to ASEAN nations every year"; and

Whereas, on this visit, Vice President Pence announced that President Trump will attend the U.S.-ASEAN Summit, the East Asia Summit in the Philippines, and the APEC Leaders Meeting in Vietnam this November: Now, therefore, be it

*Resolved*, That the Senate—

(1) welcomes the leaders of the Association of South East Asian Nations (ASEAN) to the United States for the meetings with Secretary of State Rex Tillerson and congressional members, and affirms the meeting as the first regular United States-ASEAN meetings;

(2) supports and affirms the elevation of the United States-ASEAN relationship to a strategic partnership and recommitments the United States to ASEAN centrality and to helping to build a strong, stable, politically cohesive, economically integrated, and socially responsible ASEAN community with common rules, norms, procedures, and standards consistent with international law and the principles of a rules-based Asia-Pacific community;

(3) urges ASEAN to continue its efforts to foster greater integration and unity toward the ASEAN community;

(4) recognizes the value of ASEAN working with economic, political, and security partners such as Australia, Canada, the European Union, India, Japan, New Zealand, Norway, the Republic of Korea, and Taiwan both inside of and outside of Asia, as well as the advantage of strategic economic initiatives like the U.S.-ASEAN Connect that demonstrate a commitment to ASEAN and the AEC and build upon economic relationships in the region;

(5) reaffirms the enhancement of United States-ASEAN economic engagement, including the elimination of barriers to cross-border commerce, and supports the ASEAN Economic Community's goals, including strong, inclusive, and sustainable growth and cooperation with the United States that focuses on innovation and capacity building efforts in technology, education, disaster management, food security, human rights, and trade facilitation, including for ASEAN's poorest countries;

(6) supports efforts by ASEAN nations to address maritime and territorial disputes in

a constructive manner and to pursue claims through peaceful, diplomatic, and legitimate regional and international arbitration mechanisms, consistent with international law, including through the adoption of a code of conduct in the South China Sea to further promote peace and stability in the region;

(7) urges all parties to maritime and territorial disputes in the Asia-Pacific region, including the PRC—

(A) to exercise self-restraint in the conduct of activities that would undermine stability or complicate or escalate disputes through the use of coercion, intimidation, or military force; and

(B) to refrain from new efforts to militarize uninhabited islands, reefs, shoals, and other features, including the construction of new garrisons and facilities and the relocation of additional military personnel, materiel, or equipment;

(8) opposes actions by any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by seeking to enforce claims to those areas in the South China Sea that have no support in international law;

(9) opposes unilateral declarations of administrative and military districts in contested areas in the South China Sea;

(10) supports efforts to negotiate the joint management of maritime resources through diplomacy and peaceful negotiation;

(11) urges parties to refrain from unilateral actions that cause permanent physical damage to the marine environment and supports the efforts of the National Oceanic and Atmospheric Administration and ASEAN to implement guidelines to address illegal, unreported, and unregulated fishing in the region;

(12) supports efforts by United States partners and allies in ASEAN—

(A) to enhance maritime capability and maritime domain awareness;

(B) to protect unhindered access to and use of international waterways in the Asia-Pacific region that are critical to ensuring the security and free flow of commerce;

(C) to counter piracy;

(D) to disrupt illicit maritime trafficking activities such as the trafficking of persons, goods, and drugs; and

(E) to enhance the maritime capabilities of countries or regional organizations to respond to emerging threats to maritime security in the Asia-Pacific region;

(13) urges ASEAN Member States to develop a common approach to reaffirm the decision of the Permanent Court of Arbitration in The Hague's ruling with respect to the case between the Republic of the Philippines and the People's Republic of China;

(14) reaffirms the commitment of the United States to continue joint efforts with ASEAN to halt human smuggling and trafficking in persons and urges ASEAN to make increased efforts to create and strengthen regional mechanisms to provide assistance and support to refugees and migrants;

(15) supports the Lower Mekong Initiative, which has made significant progress in promoting sustainable economic development in mainland Southeast Asia and fostering integrated subregional cooperation and capacity building;

(16) urges ASEAN to build capacity for the promotion and protection of human rights by ASEAN member states, and the implementation of related priorities, programs, and activities;

(17) urges ASEAN governments to engage directly with leaders of civil society and human rights, including advocates of religious freedom and victims of human rights abuses, and environmental groups and to prioritize the construction of forums that

give these stakeholders a voice to instruct public policy, before, during, and after the February 2016 summit;

(18) encourages the President to communicate to ASEAN leaders the importance of protecting human rights, ending extrajudicial killings, including releasing political prisoners and ending politically motivated prosecutions, strengthening civil society, safeguarding freedom of the press, freedom of assembly, and the free flow of information and ideas, and promoting the rule of law and open and transparent government;

(19) supports the Young Southeast Asian Leaders Initiative program as an example of people-to-people partnership building that provides skills, networks, and leadership capabilities to a new generation of people who will create and fill jobs, foster cross-border cooperation and partnerships, and rise to solve the regional and global challenges of the future; and

(20) urges ASEAN governments to fully uphold and implement all United Nations Security Council resolutions and international agreements with respect to North Korea's nuclear and ballistic missile programs.

#### SENATE RESOLUTION 158—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE CINCO DE MAYO HOLIDAY

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. BENNET, Ms. CORTEZ MASTO, Mr. CRUZ, Mr. DURBIN, Mr. FRANKEN, Mr. GARDNER, Mr. HEINRICH, Mrs. MURRAY, Mr. SCHUMER, Mr. UDALL, Ms. DUCKWORTH, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 158

Whereas May 5, or “Cinco de Mayo” in Spanish, is celebrated each year as a date of importance by Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which Mexicans defeated the French at the Battle of Puebla, one of the many battles that the Mexican people won in their long and brave fight for independence, freedom, and democracy;

Whereas the victory of Mexico over France at Puebla represented a historic triumph for the Mexican government during the Franco-Mexican war fought between 1861 and 1867 and bolstered the resistance movement;

Whereas the success of Mexico at the Battle of Puebla reinvigorated the spirits of the Mexican people and provided a renewed sense of unity and strength;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered and ill-equipped, but highly spirited and courageous, Mexican army;

Whereas the courageous spirit that Mexican General Ignacio Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas, in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, “El respeto al derecho ajeno es la paz”, meaning “respect for the rights of others is peace”;

Whereas the sacrifice of Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States was built by people from many countries and diverse cultures who were willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas Cinco de Mayo encourages the celebration of a legacy of strong leaders and a sense of vibrancy in communities; and

Whereas Cinco de Mayo serves as a reminder to provide more opportunity for future generations; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate.

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, May 4, 2017, at 9:30 a.m.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, May 4, 2017, at 10 a.m. to hold a hearing entitled “Reauthorization of the National Flood Insurance Program, Part II.”

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Senate Committee on Energy and Natural Resources is authorized to meet during the session of the Senate in order to hold a hearing on Thursday, May 4, 2017, at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, May 4, 2017, at 10 a.m., to hold a hearing entitled “International Development: Value Added Through Private Sector Engagement.”

##### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, May 4, 2017, at 2 p.m., in S-216 of the Capitol, to conduct an executive business meeting.

##### COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, May 4, 2017

at 2 p.m., in room SH-219 of the Senate Hart Office Building.

#### COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, May 4, 2017 from 2 p.m., in room SH-219 of the Senate Hart Office Building to hold a closed hearing.

#### SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY AND SECURITY

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Thursday, May 4, 2017, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a Subcommittee Hearing on "Question, Answer, and Perspectives on the Current State of Airline Travel."

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of the following individual to the Coordinating Council on Juvenile Justice and Delinquency Prevention: the Honorable David Tapp of Kentucky (3 year term).

#### RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE CINCO DE MAYO HOLIDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 158, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 158) recognizing the cultural and historical significance of the Cinco de Mayo holiday.

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. 158) was agreed to.

The preamble was agreed to.

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

#### PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, the comeback votes on Monday night are on confirmation of Heather Wilson as Secretary of the Air Force, and cloture on the nomination of Scott Gottlieb to head the FDA. We plan to move on the U.S. Trade Representative, Robert Lighthizer, as well, next week.

#### ORDERS FOR FRIDAY, MAY 5, 2017, AND MONDAY, MAY 8, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Friday, May 5, at 12 noon, for a pro forma session only, with no business being conducted. I further ask that when the Senate adjourns on Friday, May 5, it next convene at 2 p.m., Monday, May 8; 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; finally, that following leader remarks, the Senate resume executive session as under the previous order.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator TESTER.

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

The Senator from Montana.

Mr. TESTER. Mr. President, I thank the majority leader.

#### REMEMBERING DON DUNWELL

Mr. TESTER. Mr. President, I rise to remember the life of a journalist, a husband, a father, a community leader, a guy by the name of Don Dunwell. Dunwell was known for his thoughtful interviewing style, creative storytelling, his ability to connect with the thousands of viewers who entrusted him to deliver the news to them.

It was common to find Don teaching and mentoring young reporters about the ins and outs of journalism. He believed fiercely in the free press and strong ethics that were required to be a trusted source of information. He never took his platform for granted, and he used it to make Montana and this Nation a better place.

Outside the newsroom, he was a proud father to John, working hard each day to ensure that his son had every opportunity possible. Don was immensely proud of his wife Mary Ann who charted her own path as a public servant.

Today, we remember the life and the legacy of Don Dunwell and aim to follow in his ever-fervent footsteps. Don was 82 when he passed. He was bitten by a bug that made him look much younger than that, but he was a fine man and a good friend.

I yield the floor.

#### ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 4:30 p.m., adjourned until Friday, May 5, 2017, at 12 noon.