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No. 17

## House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, January 25, 2018, at 4 p.m.

## Senate

WEDNESDAY, JANUARY 24, 2018

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Our Father, the center of our joy, we thank You that You are in the midst of life's battles with us, bringing good even from the abnormalities of our pilgrimage. Lord, we are grateful that through the struggles and tears, You stand within the shadows, keeping watch over Your people.

Lord, even though our lawmakers may not always know how the pieces fit together, we are grateful that they can still strive with thankful hearts to do Your will. May they remember Your command in 1 Thessalonians 5:18: "In everything give thanks, for this is God's will for your life."

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

### MARSHALL COUNTY HIGH SCHOOL SHOOTING

Mr. McCONNELL. Mr. President, yesterday morning, senseless violence struck the community of Benton in Western Kentucky. A shooting at Marshall County High School has claimed two lives, left more than a dozen injured, and thrust an entire community into shock and grief. Such a tragedy is every parent's worst nightmare. School should be a haven where students, faculty, and staff can learn and work without fear of violence.

Elaine and I send our thoughts to the victims, their families and friends, and the entire Marshall County High School community.

Last night, Kentuckians came together in more than 20 prayer vigils and services across the region. Although few of us can begin to understand their grief, an entire nation stands in solidarity at their side.

### NOMINATIONS

Mr. McCONNELL. Mr. President, yesterday the Senate took another important step in confirming President Trump's qualified nominees. In strong bipartisan fashion, we confirmed Jerome Powell to serve as Chairman of the Federal Reserve by a vote of 84 to 13.

Mr. Powell was a fine choice to lead the Federal Reserve System. His public service and private sector work alike have received accolades from across the political spectrum.

He joined the Board of Governors of the Federal Reserve in 2012. He has

demonstrated an expert grasp of monetary policy and a commitment to improving the Fed's transparency and accountability to Congress and to the public. I enjoyed meeting with him during the confirmation process and look forward to his service in this new position.

The position of Fed Chairman is integral to the health of the U.S. economy. Washington must empower the American people to create prosperity through sound policy that gets the government out of the way of workers and job creators. Jay Powell is up to the task. I was proud to vote to confirm him yesterday.

The Senate also voted yesterday to advance the nomination of another highly qualified nominee—Alex Azar, who will serve as Secretary of Health and Human Services.

In his impressive testimony before the Finance Committee, Mr. Azar discussed his intention to confront head-on the opioid crisis that is hurting so many families across our country, including in my home State of Kentucky. He made clear that he will place an important priority on prevention, education, and enforcement to halt the advance of this scourge.

But he recognizes we need effective, compassionate treatment options for those who are seeking recovery, and for all Americans, he will work to expand access to high-quality, affordable healthcare options.

His distinguished record, including prior HHS service as Deputy Secretary and private sector work, shows he is the right man for the job. It is vital that this Department be headed by a

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



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S477

leader with Mr. Azar's extensive qualifications and excellent reputation. He will be responsible for overseeing \$1.13 trillion in Department spending, supervising critical research, and administering and reforming programs that touch millions of American lives, such as Medicare and Medicaid.

I look forward to voting soon in support of his confirmation.

### TAX REFORM

Mr. MCCONNELL. Mr. President, the rising tide of economic optimism I have been highlighting on the floor is not showing any signs of subsiding.

Yesterday alone, three of the Nation's largest companies announced major new investments in the U.S. economy and workforce. Each said that their decisions were made possible by the improved business climate created by the landmark Tax Code overhaul that Congress passed last year.

First, Verizon announced plans to invest a chunk of its tax reform savings right back into its employees. Next month, about 155,000 Verizon workers, including senior management, will receive stock bonuses valued around \$2,500. Additional savings will also go to expanded philanthropy and infrastructure investments right here in America.

Further, the Walt Disney Company announced a new investment of at least \$175 million in its U.S. workforce. Over 125,000 employees will receive cash bonuses, and Disney will invest \$50 million in an employee education program designed to help hourly employees access higher education and vocational training.

JPMorgan Chase announced a \$20 billion, 5-year comprehensive investment plan to support economic growth and American workers. That plan includes permanent raises for 22,000 employees, hundreds of new bank branches across the country, thousands of new jobs, expanded philanthropy, and an increase in loans for affordable housing and small business development.

Just this morning, Starbucks has announced it is permanently raising pay and conferring new benefits, like one-time stock bonuses and expanded paid leave. This major investment in its U.S. workforce will affect more than 150,000 employees.

So the good news about tax reform and its benefits is rolling in almost faster than I can keep up with it. In retrospect, the surprise here is not that this tax relief has boosted the American economy; the real surprise is that those who opposed tax reform didn't see it coming.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The assistant Democratic leader.

#### DACA

Mr. DURBIN. Mr. President, we have 14 days, by our own established deadline, to do something about the Dreamers issue—about DACA.

Why do we find ourselves at this place? Because on September 5 of last year, President Trump, as well as Attorney General Sessions, announced the end of the DACA protection program as of March 5 this year. The 780,000 young people who were undocumented in the United States and who came here as children were given a chance by President Obama to stay legally, be able to work legally, and not fear deportation. For the most part, they are students and workers who are a vital part of the community, and they have done good things in their lives and promised to do even more.

This issue was created by the decision made by President Trump to put an end to this program. He made that decision. He also challenged Congress. He said: If we are going to end this Executive order, do something. Pass a law.

Well, here we are, just about at the fifth month out of the 6-month period he gave us to get down to work, and nothing has happened. Some of us have been working on this issue, trying to address it on a bipartisan basis in the hope that this Republican-controlled Congress would join with enough Democrats to solve the problem that the President presented.

I have worked with five of my colleagues—three Democrats and three Republicans—to craft a bill that we believe addresses the issue in a fair way. Compromise was included in that bill—some that I didn't like at all, but that is the nature of a compromise and bipartisanship.

We presented this bill to our colleagues, and we also attended a meeting on January 9 with President Trump in which he addressed this issue. Here it was, 4 months after he issued the challenge to Congress, and he basically told us: It is time to get this done. He said to us—and this was televised, so you can check my remarks if there is any question about what I am saying.

He said to us, basically: Send me a bill, and I will sign it. I will take the political heat on this issue.

Then the Republican leader on the House side, KEVIN MCCARTHY said that it ought to include the following four elements: first, DACA and the Dreamers; second, border security; third, family reunification issues; and finally, the visa lottery system, the diversity system that we had established years ago.

That is when I sat down and said to my fellow Senators—Democrats and Republicans, our little gang: We have to get this done. The President has challenged us, and he said that he is prepared to move forward if we can come up with a response. So we did. We came to an agreement among ourselves—the six Senators who had been meeting.

We presented it to the President through Senator LINDSEY GRAHAM of South Carolina, a Republican, on January 11. He rejected it.

So as of today, we really don't have a bill before us, and we are starting anew with a conversation about what to do to meet the President's challenge but equally, if not more importantly, to say to the 780,000 young people and those who were eligible to apply: This is what your future will be.

We have had our ups and downs, and it was a rocky weekend just a few days ago relative to funding the government and whether we were going to take up this issue. I thought it ended on a positive note when Senator MCCONNELL came to the floor and made an express promise to this Chamber—to Members on both sides of the aisle. I am going to try to characterize it, and I think this is accurate. Check the RECORD, if you don't think I say it quite right. But he said: If we have not reached an agreement on this issue by February 8, at that point, we will open a process on the floor of the Senate with what he characterized as a level playing field and an open amendment process. That, to me, is an opportunity, but I hope we can avoid that opportunity and reach an agreement, as he asked us to, by February 8. We have 14 days left. I would like to involve the House in this conversation so that we might reach a common agreement, but unfortunately, they are on recess this week. Those of us who were sitting and talking about it don't have a chance to get together with them. However, I am heartened by the fact that a number of my colleagues on the Republican side of the aisle are going to join a number on the Democratic side of the aisle this afternoon and start what we hope will be a productive process to reach a bipartisan agreement and do it in a timely way, as suggested and challenged by Senator MCCONNELL. To achieve this goal, I think we understand we are going to have to be mindful of one another and mindful of the realities we face. There are a lot of issues relative to immigration. The list is pretty lengthy. There are important issues that should be considered.

It is unrealistic to think we are going to propose or even agree on a bipartisan and comprehensive immigration bill in 14 days. What we can do is address the President's challenge dealing with DACA and those DACA-eligible, so-called Dreamers. What we can do is address border security in a realistic and honest way.

I took a look this morning at some of the publications of the Department of Homeland Security to try to get an understanding of what our challenge is when it comes to the undocumented of the United States. Where do they come from? How do they come to this country and how do they stay in this country if they don't have legal authority to do so?

For example, the Department of Homeland Security tells us that each year 50 million—50 million—visitors come to the United States from visa waiver countries. Those who are visiting from those countries have not gone through an application process to visit the United States. They carry a passport from a country we have an understanding or agreement with that they can travel back and forth. Think about the European countries, for example, where we can travel extensively back and forth between there and the United States.

Out of those 50 million, about 1.5 percent end up staying longer than they are supposed to. We end up with hundreds and thousands of undocumented people here by visa overstays. Forty percent of all those who are in this country undocumented came here by visa overstays. There is no wall you can build on the border of Mexico and Canada that is going to solve that problem. This is a problem that really relies on technology, which we should be investing in and which we can invest in on a bipartisan basis.

So if your true goal is the reduction of the undocumented in America and trying to make sure there is legal status for as many as possible and you are looking at the incremental growth each year, you wouldn't look to the border first. You would look to the visa overstays first. Those are the ones who are slipping through the system, who should be policed and monitored with new technology.

We have talked about it for decades. It is time to do something about it but also to concede, as I said, that no wall is going to stop that problem—no wall is going to solve that problem.

When I take a look at the asylum issue, which I wouldn't say I am amused, but I would say I am interested—it is one that is always raised by the Department of Homeland Security; those who present themselves in the United States at the border or otherwise and suggest they have a credible fear in returning to their home country. It is interesting to look at the statistics because we find out that even though there may be this notion that they are primarily from Mexico, they are not. They are primarily from coun-

tries in the Northern Triangle of Central America. There is also a large contingent each year from China.

So if we are talking about the asylum issue and not addressing all of the countries who are the major suppliers of those seeking asylum in the United States, then we are not talking about it in honest terms or in its entirety as we should.

I might mention that China, along with 22 other countries, does not even have an agreement with the United States in terms of deportation, according to the report from the Department of Homeland Security. There is a lot we can do there to make sure China and those countries comply with the United States when we say we are deporting someone from your country that we find to be a danger to us, and rather than incarcerate them here, you get to have them back. They are yours. They shouldn't be here in the first place. When we talk about dealing with the issues of the undocumented, the issues of security in this country, many of these are not going to be solved with a wall. They are going to be solved if we deal with technology and look in honest terms and count real numbers about those coming from different parts of the world.

I also want to address this issue about unaccompanied children coming to our border. I understand that challenge. The numbers have risen dramatically in prior years, and we have to take it seriously.

I followed some of those children from the border to a protective gathering they have in Chicago in a place called Heartland Alliance, and I went in to meet them. I was shocked when I went into the cafeteria to see that some of these children were as young as 6 years of age, 6 years old presenting themselves at a border of the United States. What circumstances could have led to that? It is possible it was a smuggler who either threatened or exploited the family and ended up with a child, pushed them across the border into the arms of one of our Border Patrol agents. That is possible. That is something we should do everything we can to stop. That is an exploitation of that child. That child is likely to be abused in the process of this immigration, and it is something we ought to do everything we can to discourage, but to simply turn away children at the border is a dangerous thing. What are we going to do with that 6-year-old from Honduras or El Salvador or Guatemala at the border when they establish, through a written note or whatever, that there is a credible fear for them returning to their country? Do we ignore it? Do we turn them back to their country regardless? We better be careful. Awful things can happen.

What do we do with the 12-year-old or 13-year-old girl who is a victim of rape and sexual assault in one of those countries, who was sent to the United States and our border because her parents believed she was about to be raped

again or killed? Do we turn her back or send her back and ignore the reality?

I commend to my colleagues and others who follow this debate an article that was written in the *New Yorker* last week by Sarah Stillman. It was entitled "When Deportation Is A Death Sentence." She followed the terrible story of a young woman who was undocumented, who was stopped, and who said over and over again: If you send me back to Mexico, that husband of mine is going to kill me. There have been protective orders issued. He is a dangerous man. She was sent back anyway, and she was killed.

These are complex situations not easily answered with the common definition that anyone who presents themselves to the border with such credible fears is going to be turned away without any consideration about the merits of that claim. We have to be careful. Human lives hang in the balance. Our reputation as a caring and principled Nation hangs in the balance as well.

We need to do the right thing. Stop the exploitation when it occurs but also be mindful and sensitive to the fact that many people who do present themselves seeking asylum are truly leaving desperate circumstances and trying to find a safe place for themselves and their families.

So the conversation continues this afternoon, on a bipartisan basis, among the Senators in the U.S. Senate to meet the President's challenge, to accept that challenge, and to come up with a bipartisan measure.

I don't know the position of the President of the United States now. I couldn't express it after the experience we had a couple of weeks ago. I don't know where he stands. He has never issued anything by way of a suggestive piece of legislation. We haven't heard from him.

So we have to do our part. We have to meet our responsibility in the Senate, hope the House does the same, and at some point the White House would join us in solving this problem, which the President actually created on September 5 of last year.

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.

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

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

DISASTER RELIEF AND FUNDING OUR MILITARY

Mr. CORNYN. Mr. President, on Monday, Democrats relented after 3 long days and allowed the government to reopen. They agreed to pass a continuing resolution to reopen the government until February 8.

I am glad they finally decided to fund the Children's Health Insurance Program on which 9 million vulnerable children rely as well as fund our military and essential government entities

that could not operate during the shutdown. Now we have to work on other items that have been stalled and held hostage too.

The first is disaster aid, which has been held up for months. The House of Representatives passed an \$81 billion disaster relief bill back in December, but so far that package has gone nowhere in the Senate. That is incredibly disappointing and exacerbates the hardships to the victims of Hurricane Irma and Hurricane Harvey, as well as the folks out West who suffered extreme wildfires, floods, and mudslides. They need to get access to that \$81 billion of disaster relief funding the House passed last December, but that too has been held hostage in the U.S. Senate.

It is especially disappointing in my home State of Texas. I just got off the phone talking with Governor Abbott, who is perplexed—the kindest word I can think of—as to why we would continue to delay disaster relief to the people who suffered as a result of Hurricane Harvey.

I am sure Governor Scott in Florida feels the same way. I am sure Governor Brown out in California feels the same way. I am sure the Governors of Puerto Rico and the Virgin Islands feel the same way. What is wrong with Congress? Why can't they take up and pass an \$81 billion disaster relief supplemental that the House sent the Senate in December?

Last August, Hurricane Harvey devastated 28,000 square miles on the Texas coast. It has been called the most extreme rain event in history, certainly in the history of the United States. Highways were flooded. Thousands of homes were gutted. Places like Port Arthur, Beaumont, and Houston have not returned to normal. Routines are disrupted, shops and businesses remain closed, and houses are being renovated or rebuilt. But because of the size and the scope of the devastation, it is hard to get building supplies and it is hard to get the workers to rebuild these damaged homes and businesses.

In Rockport, where I visited over Thanksgiving, Harvey made landfall with 150-mile-per-hour winds and a 13-foot storm surge. As of the end of December, 284 families were reported to still lack permanent housing. Some people are even living in tents.

Rockport Mayor C.J. Wax said that 70 percent of businesses in Rockport remain closed—70 percent. According to the Federal Emergency Management Agency, one-third of Rockport is so badly damaged that it will be impossible to rebuild. Think about that. Think if this hit your hometown. One-third of your hometown is so badly damaged by a natural disaster that it will not be rebuilt, and 70 percent of the businesses in your hometown are closed and haven't reopened. Think of how you would feel.

Over in Nueces County, meanwhile, which includes Corpus Christi and Port Aransas, officials have been frustrated because they haven't received the tem-

porary housing assistance they need. Although FEMA—the Federal Emergency Management Agency—continues to marshal the full extent of its resources to help some people, for various reasons, many people are still living in motels and, as I said, even tents. This is completely unacceptable in the United States of America, especially while the House of Representatives has acted to produce a disaster relief bill, but it has been held hostage here in the Senate. This isn't a Democratic issue or a Republican issue; this is something we should be clamoring to solve—and not only clamoring, we should be acting to vote on that disaster relief today.

Stories like these are why we need to move additional funds for disaster relief without delay. It is not just Texas, as I said, it is Floridians, Puerto Ricans, and people who live in the Virgin Islands and the wildfire-ravaged parts of California as well. The Senate has been dragging its feet long enough, and the longer we wait, the more people forget.

I remember when the President and Mrs. Trump, along with the President's entire Cabinet, came down to Texas after Hurricane Harvey. The Speaker of the House, the majority leader of the House, and leaders on both sides of the aisle came down to Texas and said: We want to help. And the House has. The House passed an \$81 billion disaster relief bill. But this unrelated immigration issue shut down the government. This is another one of the hostages that need to be released.

June 1 is the beginning of hurricane season, and it is imperative that flood mitigation and storm surge protection projects begin without further delay. With support from Harris County, the city of Houston and members of the engineering community have identified the necessary projects, but we can't get started until we pass a disaster relief supplemental similar to the one the House passed in December. I talked to Mayor Turner of Houston, TX, one of the largest cities in the United States. He is beside himself, knowing that the House has passed this appropriation but that the Senate doesn't seem anywhere near to taking it up. It is hard for me to explain to him why the Senate has not acted. The simple fact is, this disaster relief should not be held hostage any longer.

Amidst the disaster, I do want to mention one piece of good news on the hurricane front. I am glad that FEMA has responded to Members of Congress who asked that they accept applications for relief from nonprofits, like houses of worship, that were affected by Hurricane Harvey.

This is a picture of one of the synagogues I attended in the Meyerland community in Houston, TX, which shows some of the devastation the synagogue there experienced. The rabbi asked me: Would you please go back to Washington and see whether, on a non-sectarian basis, you can get FEMA to

expand its relief efforts to respond to houses of worship, many of which use or volunteer their facilities for community meetings and the like. So it is good to know that churches, synagogues, and other houses of worship will be able to get that sort of relief.

This is the United Orthodox Synagogue that I visited after Harvey, where, as I mentioned, I saw this firsthand and had that discussion with the rabbi.

The other issue we have to address is budget caps. This is another issue which has been held hostage by this unrelated immigration issue known as DACA, which everybody has heard so much about now. In conversations regarding the budget caps—these are the spending levels for this current fiscal year.

The fiscal year of the U.S. Government lasts from October 1 to September 30, and we are already well into the fiscal year. We are in January. So we have already been on continuing resolutions because the spending caps have not been agreed to, and we all know why by now—because our Democratic colleagues refuse to agree to the spending caps, so we can get a spending bill that funds the military and the rest of government, until they get a solution for the DACA issue. This is another hostage that has been taken. I am very worried about its impact on our military because we already know that our military is in dire straits when it comes to readiness, and they can't operate on a 3-week continuing resolution, which is the one we are on now. Even if the spending caps were agreed to today, it would take the Appropriations Committee a matter of additional weeks to come up with a bill we could vote on.

As a result of the shutdown, the Democratic leader—who said he voted against the 4-week continuing resolution because he didn't like continuing resolutions—has guaranteed us at least two more continuing resolutions even if the spending caps were agreed upon in the next few days. This is terrible for the Pentagon, the people we depend upon to defend us and keep our country safe. This is an impossible situation for them to manage and to be as effective and efficient as we want them to be.

The Defense Department has been operating under continuing resolutions for more than 36 months since 2010—36 months since 2010. By way of comparison, in the previous 8 years, the military was funded that way for less than 9 months. The consequences are clear, and they are deadly. Many of the mishaps that have involved our naval vessels, such as the *McCain* and the *Fitzgerald*, are the result of sailors spread thin, budgets spread thin, not enough training, and not enough preparation for the challenges they face. So these mishaps occur, and people die.

The Wall Street Journal reports that only 5 of 58 brigade combat teams in the Army are prepared to fight. Only 5 out of 58 are prepared to fight. Now, I

don't think our adversaries should take any comfort from that because I know Americans well enough to know that if there were an imminent threat, we would rise to the occasion and make sure that all 58 of them were prepared to fight, but right now, 5 out of 58. The U.S. Air Force, which provides the airpower, is short 2,000 pilots.

Our military dominance across the globe is never guaranteed, and we know there are many signs that our military dominance is eroding. When American power erodes, when we retreat, either for policy or fiscal reasons, there are other people more than happy to fill the void. When that happens, the world becomes a more dangerous place, miscalculations occur, and conflict breaks out.

Defense Secretary Jim Mattis put the matter succinctly last year when he said: "For all of the heartache caused by the loss of troops during [our recent] wars, no enemy in the field has done more to harm the combat readiness of our military than sequestration." He might have said "Congress" because Congress is responsible for sequestration. Unfortunately, General Mattis is right. Our soldiers, sailors, airmen, and marines who so bravely serve our country deserve all of the political and financial support we can muster.

We need to quit fooling ourselves into believing that our security won't be negatively impacted by our current funding approach. We need to quit dawdling and raise the defense spending caps without further delay. It is dangerous not to do so, and lives have been lost as a result of the lack of readiness caused by underfunding our military.

Yesterday when the Senate Democratic leader spoke, he said that common sense and bipartisanship won and the government reopened. As conversations addressing spending caps and disaster relief continue, we need to make sure that those two things continue to prevail—common sense and bipartisanship—particularly when it comes to funding our military and other critical government functions, and to make sure they are no longer held hostage to an unrelated immigration issue that we are working on as hard as we know how to do. We understand the clock is ticking, and both political parties are demonstrating their good faith in working to solve that problem. So let's let these other hostages go.

BENTON, KENTUCKY, HIGH SCHOOL SHOOTING

Finally, Mr. President, on a different note, I want to extend my condolences to the men and women affected by the school shooting yesterday at a high school in Benton, KY. Two 15-year-old students were killed and more than 18 more were injured.

Sadly, my State is no stranger to these kinds of tragedies. There was a shooting in Italy, TX, outside of Dallas, on Monday. Of course, everybody remembers the shooting last fall at the First Baptist Church in Sutherland Springs, where 26 people were killed and 20 more were injured.

Each time these events happen, I fear that we become more desensitized to these terrible tragedies, and when we are desensitized, we are paralyzed. But we must not be desensitized, and we must not be paralyzed. We must work together to do everything we can to meet this challenge. So it is important for us to work together to find common ground that will improve public safety by targeting criminals who perpetrate acts of mass violence—people who have been convicted of domestic violence, felons, people who have been adjudicated mentally ill.

All of them are disqualified from purchasing firearms. When they lie to the federally licensed firearm dealer who runs the background check, unless those items are reported to the FBI and recorded on that background check, they can get away with a lie, as the shooter in Sutherland Springs did when he had at least three disqualifying events in his life. He had been in a mental institution; he had been convicted of domestic violence—fractured the skull of his stepson in the process and assaulted his wife; and he was a convicted felon. There is no way in the world he should have gotten access to a firearm—except he lied about it. Because the Air Force refused to do its duty and upload those convictions into the background check system, he got away with it.

One way we can begin to address at least some of these horrific incidents is through commonsense bipartisan solutions, such as the Fix NICS Act bill that I introduced. I am beyond gratified to know that many of our colleagues on the Democratic side and on the Republican side have come together to cosponsor this legislation.

When it comes to guns in America, so much of your attitude is a product of where you were raised and how you were raised. In Texas, most Texans believe strongly in the Second Amendment to the U.S. Constitution. I do too. I believe in the right of law-abiding citizens to keep and bear firearms, but I also believe the background check system needs to be fixed. Commonsense, bipartisan solutions like the Fix NICS Act are critical, and we need to act without further delay.

I am gratified that the Democratic leader and the majority leader are among those who cosponsored this legislation, and I hope we will take it up as soon as possible. When these terrible tragedies occur—like this one in Kentucky or the one in Italy, TX, most recently—most people say: We need to do something. We do need to do something, but specifically, we need to fix the broken background check system and save lives in the process.

I don't know how any of us can go home and look into the faces of families who have lost loved ones because people have lied and evaded the background check system because it doesn't work the way it should—I don't know how we can go home and look these families and victims in the face and

say we have done our duty. Until we pass this legislation, we will not have done our duty.

Mr. President, I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DACA

Mr. SCHUMER. Mr. President, the government funding bill that passed on Monday left us—all of us—with 3 weeks to come to a resolution on legislation to protect the Dreamers. At the same time, we must work on legislation to improve American healthcare—I see the Senator from Washington State, who has been so vigilant in that area—and a budget agreement that supports our military and our middle class, delivering long-awaited funds—we Democrats will insist on these—for the opioid epidemic, veterans' healthcare, and pensions. We should feel an urgency about all of these issues and many more that we can make happen.

Leader McConnell's promise to take up immigration on February 8 should light a fire under everyone. The Republican leader and moderate Republicans bear a special responsibility to make sure these votes happen. All of those in the country who want to make sure the Dreamers get treated fairly should be focusing their attention on getting 60 votes on a resolution that is fair to the Dreamers.

The clock is ticking. If we don't solve this problem in 14 days, the Republicans are going to have to explain to Dreamers what their plan is to prevent them from being deported. When those horrible pictures of deportation occur—God forbid that they do, but if they do, it will clearly be on the delay, the obfuscation, and the lack of humanity that too many of our Republican colleagues are showing in this regard.

Every Democrat—all 49 of us—supports DACA. Many of my Republican colleagues do as well. We certainly can find a bill that gets 60 votes in the Senate, and that is where our focus is. I had a very good meeting with the Hispanic groups yesterday. Some of us had disagreements about what happened a few days before, but it was an amiable and fine meeting, and we all agreed that we were going to focus on getting the 60 votes. I hope people throughout the country of both parties, of all political persuasions—business, labor—will join us like a laser in appealing to and imploring more Republican Senators to join us so that we get 60 votes on a fair DACA bill.

We cannot let those who are anti-immigrant, who call giving the Dreamers hope "amnesty," block us because then we will fail, and it will be on the other side of the aisle that made that happen.

Over the weekend—and I am very glad about this—a bipartisan group of moderate Senators from both parties came together in a very inspiring way. Their efforts led to the agreement between the majority leader and me that an immigration bill will receive fair

consideration in a few weeks. That is the first time we have ever heard that guarantee.

The same energy and spirit that the bipartisan group put into forging a compromise this weekend ought to be committed to finding a bill on DACA that will pass this body with 60 votes.

I support the bipartisan group. In fact, as some of our Members on the Democratic side had plans for it, I encourage them to join it and form it. I have had very good conversations with both leaders—Senator MANCHIN, a Democrat; Senator COLLINS, a Republican—and what they are doing is very good for the body. Speaking as Democratic leader, I encourage these kinds of groups to come forward.

I remember the old Senate. I remember that individual Senators were involved in negotiating very important and very difficult issues. It made the Senate a better place, it made the Members feel more fulfilled, and it made our ability to get things done much, much more likely.

Our task is different from the task last week. The Senate must find consensus. For that reason, we need to start from a new place. My negotiations with the President shouldn't dictate talks here on the Hill. That was then; this is now. It was a hope that last Friday the President would have reached out and supported something, that he wanted to get something that we wanted and he proclaimed to want too. It didn't happen. Now the group has to start in a new way, with no preconceptions, and come together and find a bill that can garner 60 votes. That is a job for these Senators who came together so well in the last few days.

Protecting the Dreamers is our moral obligation. The Senate is now in the spotlight. The eyes of the American people, who overwhelmingly sympathize with the Dreamers—90 percent, a majority of Republicans—believe in these Dreamers. They don't go for these calls of amnesty. These people have worked hard. They have been trying so hard to be Americans. They came across the border when they were little, and now they are in our Armed Forces, they are in our factories, they are in our schools, and they are in our offices. To say that allowing them to become Americans is amnesty is nasty—nasty.

Protecting the Dreamers is our moral obligation. The Senate is in the spotlight. The eyes of the American people, who sympathize with the Dreamers—the vast majority of Republicans, as well as Democrats, sympathize with Dreamers, and all of their eyes are on us. We need to get the job done.

#### REPUBLICAN TAX BILL

Mr. President, finally, a word on the Republican tax bill. Republicans promised that the massive corporate tax cut they passed would unleash unprecedented economic growth, raise wages, and boost jobs. We already have evidence that big corporations are not

turning their new tax cut into jobs for the middle class.

There was a lot of hoopla when AT&T said they would give bonuses. Do you know what they did at the same time? They announced plans to fire more than 1,000 workers, starting early this year, despite the tax cut. Macy's announced that it would be cutting 5,000 jobs, despite the tax bill. Kimberly-Clark plans to cut up to 5,500 jobs and close or sell about 10 plants, saying the savings from the tax bill gave them flexibility to make these reductions. Is President Trump going to claim credit for that one? Carrier—a company the President promised to save—continues to bleed jobs. They are a metaphor. A lot of nice announcements, a lot of blitz and glitz, but actually the condition of the American worker is getting no better and many times, worse.

Meanwhile, what are most companies doing—so many of them—with these big tax breaks, these massive tax breaks they got? They are announcing stock buybacks. That benefits the CEO. It raises their stock and doesn't help anybody else. Mastercard, \$4 billion; Bank of America, \$5 billion; Pfizer, \$10 billion; Wells Fargo, \$22 billion; and many, many more. One hundred billion dollars has been announced in stock buybacks since the Senate passed its tax bill.

When the American people learn that some of them are not getting anything, that some of them are getting raises and the rest are getting crumbs and big corporations and wealthy individuals are getting nice, fat pieces of pie, they are going to be outraged. They are already.

My friend the majority leader will not come to the floor and brag about the stock buybacks. He will, however, announce when a company gives a bonus to its workers. Let's hear both sides and let the American people judge. The bonuses are a good thing, but the truth is, these one-time bonuses are a drop in the bucket compared to what corporations could be doing for their workers.

By the way, let me announce a few other things these corporations did after they got the tax breaks. When Bank of America announced \$5 billion in stock buybacks, it also announced that it started charging low-income customers for free checking. When Pfizer announced its \$10 billion buyback, it said it would no longer research for Alzheimer's or Parkinson's, laying off 300 people. Wells Fargo announced \$22 billion in stock buybacks, helping its wealthy shareholders at the same time it is closing 800 branches.

Here is a paragraph from yesterday's New York Times.

Bank of America's bonuses will cost the bank \$145 million in 2018, or about 5 percent of the nearly \$2.7 billion in savings it is expected to reap in 2018 from a lower, 21 percent corporate tax rate. Apple's bonuses will cost \$300 million, a fraction of the \$40 billion, at least, that the tech giant is saving from a single provision in the law, which allows it to return earnings held overseas at less than

half the rate it would have paid under the old system. And two days before Walmart snagged glowing headlines for handing out \$400 million in bonuses and lifting its minimum wage at a cost of \$300 million, the nation's largest retailer by sales unveiled a plan to buy back company-issued debt. . . . \$4 billion.

Minimum wage, they pay out \$300 million; stock buyback, \$4 billion.

I am glad these workers are getting bonuses. They deserve them. But it seems that recently, these bonuses are token efforts to give corporate executives something to point to while they reap huge benefits for themselves and their shareholders.

A CNBC survey found that "cuts in corporate taxes haven't yet had a meaningful impact on American companies' plans to boost investment or raise workers' pay." That is CNBC.

Yes, we could have imagined tax reform that was deficit neutral, that closed loopholes while lowering rates, that lowered corporate taxes but actually stipulated that the money be put into wage increases and new jobs instead of what many companies are doing now—one-time bonuses and massive stock repurchasing programs. Many middle-class families have waited so long for better wages and more jobs. A tax bill properly constructed could have helped deliver that to them. Instead, Republicans squandered their once-in-a-generation opportunity on an extraordinary tax break for big corporations and the already wealthy, and we are already seeing the consequences.

I yield the floor.

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

Mrs. MURRAY. Mr. President, almost a year ago, as Republicans were jamming through the confirmation of Tom Price as Secretary of Health and Human Services, I rose to object to his nomination. I voiced my very deep concerns about whether Secretary Price would be committed to protecting healthcare for our families, committed to putting evidence and sound policy over partisanship and ideology, and whether he would be committed to addressing the many ethical questions about his investments Republicans allowed to go unanswered. Well, he was not.

Today, Secretary Price is infamous for two signature accomplishments: first of all, undermining healthcare access for millions of people; and, second, resigning in scandal and disgrace.

In the wake of Secretary Price's resignation, President Trump had another opportunity to get this right. I believe families in Washington State deserve a Health and Human Services Secretary who will finally put patients ahead of politics.

Unfortunately, after meeting with Alex Azar, hearing his testimony, and carefully reviewing his record and his qualifications, I do not believe Mr. Azar is an acceptable choice to lead the Department, and I will be voting against his confirmation.

From President Trump's first day in office, he has been focused on undermining healthcare coverage by putting up barriers to obtaining care, shortening our enrollment period, expanding loopholes for corporations, and making every effort to throw the entire system into chaos. After a year of President Trump's healthcare sabotage, there were over 3 million more people uninsured in our country. We need a voice to stand up and defend the healthcare our families rely on.

I am alarmed by Mr. Azar's statements, including cheerleading healthcare repeal efforts, predicting that the Affordable Care Act was "circling the drain," even though enrollment stayed strong across the country this year, and detailing specific steps to, as he said, hasten the demise of patients' and families' healthcare.

While President Trump continues to call the opioid crisis a public health emergency, he has yet to treat it like one. So far, his administration has proposed cutting the budget for the Office of National Drug Control Policy by 95 percent. It is focused on gutting Medicaid, which provides critically needed substance use disorder treatment, and they have failed to provide any new funding or resources to support the communities that are fighting this crisis.

Local leaders in my home State of Washington and across the country need a voice at the Department of Health and Human Services committed to bringing more resources, not fewer, to address the opioid epidemic. I am alarmed by Mr. Azar's refusal to support more funding for communities that are hard hit by the opioid epidemic.

President Trump's Department has also shown a concerning pattern of undermining evidence-based policies in favor of ideology. When it comes to undermining evidence, political appointees at Health and Human Services have asked their career staff not to use the terms "evidence-based" and "science-based" because they view them as "essentially meaningless."

When it comes to favoring ideology, not only has the Department taken steps to restrict access to care for women and transgender patients, leaders have also sought to effectively ban words like "transgender" and "diversity" and "vulnerable" among their Department employees—ban the words, and they have not just cut important words, they have gutted valuable, evidence-based programs like the Teen Pregnancy Prevention Program.

This program has provided useful insight on what works to address high teen pregnancy rates. It has been recognized by the bipartisan Commission on Evidence-Based Policymaking for its rigorous approach to evaluation. Yet President Trump's administration chose to unilaterally shorten that program's grants.

We need a voice there who will reject such damaging ideology decisions and

to champion evidence and science and sound policymaking. I do not believe Mr. Azar is that champion—quite the opposite, in fact.

I am alarmed Mr. Azar believes a woman's employer should be able to decide, based on ideology, whether or not her birth control should be covered. I am alarmed by his extreme and out-of-touch views on *Roe v. Wade*, as shown by his support for legislation and political candidates who would undermine the constitutional rights enshrined in this important decision, and his use of ideological rhetoric in discussing the rights guaranteed to women by that landmark case.

Unfortunately, Mr. Azar is the latest in a string of ideologically driven healthcare appointees from President Trump. We cannot tolerate one more nominee overseeing a woman's healthcare programs who is more focused on undermining them than on advancing them.

Finally, I am alarmed by his track record at the pharmaceutical company Eli Lilly. As a nominee, Mr. Azar has said we need to fight to lower drug prices, but during his time as president of Lilly, that company tripled the price of insulin, and Mr. Azar personally approved significant price increases for dozens of the company's drugs.

As a nominee, Mr. Azar may try to assure us that he will fight for patients and protect the health of our communities, but after looking at his record, after reading his past statements, and after discussing these issues with him, I am alarmed he might not stand up for women and families, I am alarmed he might not stand up to the pharmaceutical industry, and I am alarmed he might not stand up to President Trump's agenda, driven by sabotage and ideology.

After months of Republicans putting politics ahead of funding healthcare for children, and as Republicans continue to put politics ahead of funding for community health centers like those in rural Washington State and those across the country that help to serve underserved communities, and as they continue to ignore other primary care programs that bring medical professionals to populations in need like teaching health centers in Spokane, we have to have strong leadership at the Department of Health and Human Services that will demand that we put public health first, not partisanship.

I urge my colleagues today to vote against this nomination.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor to voice my concerns about the nomination of Alex Azar to lead the U.S. Department of Health and Human Services.

The American people deserve a Secretary of Health and Human Services who actually believes in the agency's work and mission, which is to help

America's families, children, and seniors lead healthier and more productive lives.

Nothing in Mr. Azar's record gives me any reason to believe he will do anything other than advance the Trump administration's mission to take healthcare coverage away from millions of Americans and leave everyone else with higher costs.

Instead of working to help more families get the care they need, I fear he will devote most of his time to imposing a harmful, rightwing ideology on patients, on women, and on families.

Mr. Azar will continue the Trump administration's reckless assault on the reproductive rights of women; he will support the far right's relentless war on science- and evidence-based health policy; and he will put the needs of powerful special interests ahead of patients and families.

It is hard to believe the Trump administration has only been in office a year because already it has broken so many of the promises the American people were fed on the campaign trail. During his campaign, President Trump promised he would replace the Affordable Care Act with something truly great, something way better, but under President Trump's watch, things have only gotten worse. Premiums are up, deductibles are up, and for the first time since 2012, the number of Americans with healthcare coverage has gone down.

Now, this is no accident. It is the result of the Trump administration's relentless assault on the Affordable Care Act. That is right. Thanks to this administration's deliberate efforts to sow chaos in our health insurance markets, and subsidies that reduce sky-high deductibles, and give consumers less time to shop for insurance, 3.5 million fewer Americans have coverage compared to 1 year ago. In my State, the number of New Jerseyans enrolled in the marketplace dropped by 5 percent.

Mr. Azar says the Affordable Care Act is "circling [down] the drain," when the reality is, Republicans have done their best to drown it. The Trump administration has no plan to help the growing number of Americans without coverage, and Mr. Azar has offered no solutions to protect their health and financial security. In fact, he believes the paltry tax credits Republicans propose in their Affordable Care Act alternative to buy insurance are too generous—too generous. If I said that to any one of my constituents, they would laugh in my face.

Nothing in Mr. Azar's record gives me any confidence that he will change course. That is because, like former Secretary Tom Price, Mr. Azar lives in an alternative universe, where health insurers will suddenly put the well-being of patients ahead of their stock prices; that if we just scrap the Affordable Care Act, the free market will magically begin covering the sick, caring for families, and protecting our seniors.



Well, we know that is patently false. We already tried letting health insurance companies run the show, and it didn't work because, in America, healthcare doesn't ever go on sale. If it did, people would be banging down doors like Best Buy on black Friday to schedule their heart surgeries and cancer treatments.

Mr. Azar seems to forget that we need commonsense protections to ensure Americans with preexisting conditions have access to coverage; that before the Affordable Care Act, health insurance companies routinely denied coverage for cancer survivors and people with chronic challenges like MS; that children with preexisting conditions like asthma or heart murmurs were blacklisted by insurers for life; that thousands of people were bankrupted by medical bills each and every year, and women were charged higher premiums for the same exact insurance policies as men.

Mr. Azar seems to forget that before programs like Medicare and Medicaid, seniors who worked hard their entire lives languished without care and lived in abject poverty. Do we really want to see seniors backsliding into poverty in 2018?

Now, I know Mr. Azar is a very wealthy man—it almost seems to be a prerequisite in order to serve in the Trump Cabinet—but I encourage him to try to imagine what it is like to work a low-wage job that doesn't provide healthcare benefits and what it is like for parents in New Jersey to go to work every day knowing they are one illness or injury away from ruining their family's financial future.

These men and women are among the 11 million Americans who depend on the Affordable Care Act's Medicaid expansion, including well over half a million in New Jersey alone. Yet Mr. Azar believes he has a mandate to turn programs like Medicare into vouchers that shortchange seniors. He supports turning Medicaid into a block program, which is a way of ultimately dramatically cutting the program and a fancy way of saying States should be allowed to block millions of people from getting the care they need—no matter how much money they make, what ZIP Code they come from, or what healthcare challenges they face.

The American people deserve a Secretary of Health and Human Services who is prepared not only to defend these stalwart programs but is committed to building on their success. After a year of higher costs, less coverage, and empty promises by the Trump administration, the American people want Congress to turn the page. We have the chance to do that by rejecting Mr. Azar's nomination.

It is time we demanded the administration nominate a leader who is truly devoted to helping all Americans get the care they need no matter how much money they make, what Zip Codes they come from, or what healthcare challenges they face.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I join my colleagues on the floor to speak in opposition to the nomination of Alex Azar to head the Department of Health and Human Services.

I believe Mr. Azar is, first and foremost, a product of the pharmaceutical industry, with a long, consistent track record of sharply increasing drug prices during his tenure at Lilly USA.

Furthermore, his nomination makes clear that President Trump did not mean it when he said repeatedly during the campaign that pharmaceutical companies are "getting away with murder" and that he as President would dramatically reduce drug prices for seniors and all Americans. Mr. Azar's nomination is yet one more example of the Trump administration putting special interests above the public interest and public safety.

Mr. Azar has long opposed any Federal intervention in prescription drug pricing, things like allowing Medicare to negotiate for drug prices. Of course, his former company has profited handsomely from the government's hands-off approach. When Mr. Azar became the president of Lilly USA, he also became the chair of its pricing committee and had a major say in price increases for all domestically sold Lilly drugs from 2012 to 2014. During that time, the list and net prices of Lilly's drugs that were sold in the United States increased by double-digit percentages each year.

As cochair of the Senate's Diabetes Caucus, I am especially troubled that during Mr. Azar's time with the company, Lilly more than tripled the price of insulin—jacking up the price from \$74 to \$269. Much of that increase occurred during Mr. Azar's years as chair of the pricing committee. These price increases are not only exorbitant but have caused real hardship to many of the nearly 30 million Americans who live with diabetes. As Candidate Trump would have put it, Lilly, under Mr. Azar's leadership, was "getting away with murder."

I am also concerned that Mr. Azar will continue and even ramp up the Trump administration's across-the-board campaign to sabotage our healthcare system. We are now 1 year into this administration's efforts to undermine the Affordable Care Act. Regrettably, it is working. The uninsured rate rose in 2017 by 1.3 percentage points. That was nearly 3.2 million more people who were without health insurance.

Already, the administration has eliminated those payments that allow insurance companies to keep down premiums and reduce copays and deductibles, and that has created further hardship on people who desperately need health insurance. Without reason or justification, the administration cut the open enrollment period by half. It slashed the budget for

open enrollment ads on TV, radio, and the internet by 90 percent, which shut down most efforts to inform consumers about their enrollment options.

Despite these efforts, they were not successful in dramatically reducing the number of people who tried to enroll in the Affordable Care Act because enrollment for 2018 was 8.8 million people compared to 9.2 million the year before. It shows how desperately people want to have health insurance. Of course, we know that since that enrollment period, the Republican leaders in Congress have used the tax bill to repeal the individual mandate. Meanwhile, in an interview, Mr. Azar spoke of his desire to "hasten [the Affordable Care Act's] demise." Apparently, he doesn't appreciate that the Affordable Care Act and Medicaid expansion, in particular, have been absolutely critical tools in the fight against the opioid epidemic.

I urge Mr. Azar and President Trump to read the front page story in Sunday's New York Times. The story is about the devastating consequences of the opioid epidemic in my State of New Hampshire. The article is titled "How a 'Perfect Storm' in New Hampshire Has Fueled an Opioid Crisis." It was accompanied by an even more compelling article, titled "1 Son, 4 Overdoses, 6 Hours," which profiles the life of Patrick Griffin of Pembroke, NH. In shocking detail, the article documents how Mr. Griffin, who has struggled for years with a substance misuse disorder, overdosed four times within a 6-hour period. Twice within those 6 hours, emergency medical responders came to his house and revived him with Narcan, the antidote that reverses opioid overdoses.

In reading that article, some people will ask: Why can't he just control his substance use disorder? They don't understand this is a disease, that it changes people's brain makeup—the chemistry of an individual's brain. Just like heart disease or diabetes or any other chronic illness, there is a physiology that is involved with that that affects a person's ability to get better.

One of the things that saves people like Patrick when one is overdosing is the drug Narcan, or naloxone, which is the official name. It has been used so much in New Hampshire that most people refer to it as Narcan. We have seen that the pharmaceutical industry has dramatically increased the price of Narcan as this epidemic has spread.

The price of the drug that is needed by so many to save their lives has increased dramatically. A two-dose package of Narcan, manufactured by Evzio, cost \$690 in 2014. It is \$4,500 today. Generic doses of Narcan have increased between 95 and 129 percent since 2012. Bear in mind, it often takes multiple doses to revive people who have overdosed, so this has an impact on our healthcare system. In New Hampshire, it has had an impact on families, on municipalities, on first responders—all of those people who are trying to save people who have overdosed.



As we all know, the opioid epidemic is a nationwide crisis, with some 63,000 Americans having been killed by drug overdoses in 2016. New Hampshire has been especially hard hit. The demise of the Affordable Care Act, which Mr. Azar says he wants, would mean that thousands of Granite Staters would lose access to treatment, with there being devastating consequences. That is true not just in New Hampshire but in States across this country. I think it is unconscionable that a Secretary of Health and Human Services would take away one of our most valuable tools for combating substance use disorders and that he would actively oppose access to healthcare for millions of Americans.

For me, between Mr. Azar's coziness with the pharmaceutical industry and his disdain for the Affordable Care Act, which is the law of the land and which Mr. Azar would be charged with administering as Secretary, I think he is the wrong person to serve in the critically important post of Secretary of Health and Human Services. I intend to vote against his confirmation, and I hope my colleagues will do the same.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

(The remarks of Mr. HATCH and Mr. ALEXANDER pertaining to the introduction of S. 2334 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. HATCH. Mr. President, earlier this week, the Senate voted to pass a continuing resolution to reopen the government. This came after weeks of acrimony and no shortage of hostility here on the Senate floor and elsewhere. While most of the recent debate has been focused on the future of immigration policy, another vitally important priority—and a bipartisan priority, no less—was also addressed this week.

I am talking, of course, about the 6-year extension of the Children's Health Insurance Program, which was included in the funding bill. It is a shame, really, that this bipartisan accomplishment has, in some respects, been overlooked while more attention has been given to partisan squabbling over other divisive issues.

Since its inception, CHIP has been a bipartisan program. In 1997, Senator KENNEDY and I came together to create CHIP in order to provide health insurance to vulnerable children. It was a Republican-controlled Congress working with a Democratic President that brought this program into existence.

The year before, that same Republican Congress and Democratic President worked together to produce another landmark welfare reform bill that sought to replace a culture of dependency with an emphasis on work. S-CHIP became a necessity for those families making the transition.

Prior to the introduction of the original CHIP bill, I came across a number of families with parents who worked

but still could not afford private coverage for their children. Yet they made too much to qualify for Medicaid. Senator KENNEDY and I designed our bill to fill this gap and meet those needs.

Today, the CHIP program provides health insurance for about 9 million needy children every year. While the program isn't perfectly designed—though few programs are—it is widely considered to be one of the most efficient and cost-effective healthcare programs. For that reason, Members from both parties have been supportive of the program since the day it was signed into law.

Last year, with an extension deadline approaching, Senator WYDEN, the ranking member of the Finance Committee, and I went to work on drafting another bipartisan CHIP bill, one that would make needed improvements to the program and extend it for an additional 5 years. We were successful. We introduced our bill in September and, shortly thereafter, the Finance Committee marked it up and reported it by voice vote.

We have been working to pass our bill since last September, and, thankfully, that time came earlier this week. When we voted to pass the CR, we also voted to successfully extend CHIP for 6 years. That is the longest CHIP extension in the history of this program.

Other than that extra year of funding, the bill we passed was identical to the one Senator WYDEN and I introduced last year. I know we have colleagues already talking about adding additional years, and I know a number of stakeholders would like to see that as well. I am definitely open to having a conversation with my colleagues on how we might move forward to support an additional 4 years of funding for CHIP.

In my view, if we can work together to pass a bill adding 4 years to the 6 already in place, that would be simply fantastic, but for this moment, let us not overlook the success we have achieved this week. A 6-year CHIP extension gives security and certainty to millions of American families and allows States to plan their budgets for several years into the future. That is a big deal. Let us keep that in mind as we look for ways to do more.

I would like to thank Senator WYDEN, my partner on the Finance Committee, for his efforts in developing this legislation. I would like to thank other members of the Senate Finance Committee who supported us all the way. Thank you to our distinguished majority leader and his team, as well as the leaders in the House who worked alongside us. I also thank the stakeholders across the country—the Governors, care providers, and of course the families who depend on CHIP for making their voices heard throughout this endeavor. I look forward to working with all of you going forward so we can make sure we do right by the children who benefit from CHIP.

Now, Mr. President, I would like to turn to a related issue in the healthcare space. The Senate will soon vote on President Trump's nominee for Secretary of Health and Human Services. I can think of very few others—and I have only been here 42 years—but I can think of very few others as qualified to take the helm of this very large ship than Mr. Alex Azar.

As Secretary of Health and Human Services, Mr. Azar would be responsible for trillions of dollars in spending, liabilities, and contracts that make up the backbone of our healthcare system.

What is more, Health and Human Services is still in the process of off-ramping many of the poor decisions made throughout the 8 years of the Obama administration. Unfortunately, many of those policies, regulations, procedures, and practices remain in place, continuing to undermine the sustainability of programs like Medicare and Medicaid, and artificially propping up the so-called Affordable Care Act.

The good news is, Mr. Azar brings with him nearly two decades of experience in the healthcare system, working in both the private and public sectors. Mr. Azar spent several years as a senior official at Health and Human Services, holding key positions overseeing Medicare Part D and Medicare Advantage. He also led Health and Human Service's responses to the anthrax victims shortly after 9/11, the SARS and monkeypox crises, Hurricane Katrina, and many others.

Clearly, Mr. Azar has seen both the good and the bad at Health and Human Services and knows how to manage them. I don't think there is anyone here, even on the other side of the aisle, who would contest that. In fact, in the past, Mr. Azar has actually been confirmed twice. With experience both on the company side and the government side of healthcare, he is now only more experienced and knowledgeable.

I think the broad exercise will serve him well, particularly at this critical time when the Health and Human Services Secretary will need to be intensely focused on the opioid epidemic and other major problems facing our country. No doubt all of these are reasons why we reported Mr. Azar out of the Finance Committee with a bipartisan vote. If we set aside the partisan and the preconceived notions some have about certain industries, Mr. Azar would likely get a near-unanimous vote.

I hope at least some of our Democratic colleagues will vote to confirm him. I urge all of my colleagues to join me in doing so.

I yield the floor.

Ms. CANTWELL. Mr. President, today the Senate will vote on the nomination of Alex Azar, President Trump's nominee for Secretary of Health and Human Services. I join many of my colleagues in expressing concerns about this nominee.

First, I believe Mr. Azar will accelerate the Trump administration and

congressional Republicans' harmful agenda on Medicaid, which I view as nothing less than a war on Medicaid.

Medicaid is a lifeline for millions of Americans and a smart healthcare and economic strategy for our country. Last year, I spent hours on the Senate floor presenting data and information to my colleagues showing why cutting and capping Medicaid is a very bad idea. I met with Medicaid patients, safety net hospitals, community health centers, and local elected officials in every corner of my State. They had a crystal-clear message for me: Cutting and capping Medicaid will be bad for patients, bad for the healthcare delivery system, bad for local economies, and bad for our State. They expressed a consensus view that capping Medicaid is not healthcare reform, nor is it innovation; it is simply a budget mechanism to throw people off of healthcare.

Mr. Azar has stated that he favors a block grant or per-capita cap financing approach for Medicaid. He speaks highly of the current Centers for Medicare and Medicaid Services, CMS, Administrator and their troubling regulatory agenda for Medicaid. Mr. Azar has been a cheerleader for the partisan legislation we debated last year that would permanently eviscerate Medicaid. These bills, depending on each iteration, would take Medicaid coverage from 14 million Americans, sunset the successful Medicaid expansion, and eliminate up to one-third of Federal Medicaid investment over the next two decades, according to the Congressional Budget Office. I have every reason to believe that Mr. Azar would continue and accelerate the Trump administration's war on Medicaid.

Second, I have no evidence to suggest that Mr. Azar will stop the Trump administration's track record of throwing needless chaos into the individual health insurance markets.

There is bipartisan agreement that we need to make health insurance more affordable, particularly in the individual market, where about 7 percent of Americans buy coverage; yet the Trump administration has rejected bipartisan consensus and moved us backwards. This administration has proposed to unleash "junk insurance" under the guise of association health plans, cancelled cost-sharing reduction payments, created roadblocks to insurance enrollment, and pursued backdoor schemes to rescind protections for people with preexisting conditions. I have every indication that Mr. Azar will continue this trajectory of higher costs, less coverage, and more uncertainty.

I believe we can and must tackle rising healthcare costs by innovating in the delivery of healthcare, instead of simply capping programs and kicking people off coverage. To that end, I hope that Mr. Azar will advance true delivery system change in the Medicare Program, as he says he wants to, and engage with Senators of both parties to work on good ideas to bring more value

and efficiency to our healthcare system.

For these reasons, I will oppose Mr. Azar's confirmation to be Secretary of Health and Human Services.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### JUDICIARY COMMITTEE OVERSIGHT AND INVESTIGATIVE WORK

Mr. GRASSLEY. Madam President, I come to the floor today to talk about the Judiciary Committee, which I chair, about our important oversight work, the investigative work, and to kind of concentrate on the past year.

There are a lot of issues that need more sunlight and more scrutiny. One of my key concerns is the loss of faith in the ability of the Justice Department and the FBI to do their jobs free of partisan political bias.

The American people are rightfully skeptical because of how the Department and the FBI have handled the following subjects: on one hand, Hillary Clinton, and on the second hand, Donald Trump and his associates. Hiding from tough questions about these controversial cases is no way to reassure the public. If the Department is afraid of independent oversight, that just reinforces people's suspicion and skepticism. The only real way to reassure people is to let the sunshine in and let the chips fall where they may. In each of these cases, the government should obviously find out what happened and hold people accountable if there was any wrongdoing, but it also has to play by the rules and be held accountable for its actions as well. We need to shine the light of day on all of it.

As part of our investigation, we have requested documents and other information from the Department of Justice and the FBI. Much of that information is classified. The Department has provided very limited access to those classified materials. It has limited the Judiciary Committee's review to the chair, this Senator; the ranking member of the full committee, and that would be Senator FEINSTEIN; and the Subcommittee on Crime and Terrorism, and that would be Senator GRAHAM and Senator WHITEHOUSE. The government has also tried to severely limit the number of appropriately cleared staff who can review documents and even take notes.

We have reviewed some information related to whether the FBI used a so-called Trump dossier and the extent of its relationship with its author, Christopher Steele. As we know now, Mr. Steele was hired by Fusion GPS to research Mr. Trump's alleged ties to Russia. His work was funded by the Democratic National Committee and the Clinton campaign. Now, remember, it

took a subpoena and a court battle with the House Intelligence Committee to force that fact out into the open. Lawyers for the Democratic National Committee and the Clinton campaign officials denied it to the press for months. In other words, they lied. The founder of Fusion GPS denied that his firm was "democratically linked." That, too, was untrue.

When the news finally broke, New York Times reporters actually complained that people who knew better had flat-out lied to them about who funded Mr. Steele's dossier. But back before the 2016 election, it is unclear who knew that Steele was gathering dirt on Trump for the Democratic National Committee and for the Clinton campaign. Many of his sources for claims about the Trump campaign are Russian Government officials. So Steele, who was working for Fusion GPS, who in turn was working for the Democratic National Committee and the Clinton campaign, was also working with the Russians. So who was actually colluding with Russians? It is becoming more clear.

Mr. Steele shared his at least partially Russian-based allegations far and wide. He shared them with the FBI. He shared them with the media. According to public reports, he shared them with high-ranking officials in the Justice Department and the State Department.

In the course of our review, Senator GRAHAM of South Carolina and I came across some information that just does not add up. We saw Mr. Steele swearing one thing in a public libel suit against him in London, England, and then we saw contradictory things in documents that I am not going to talk about in an open setting here. I know everybody understands that. From everything we have learned so far, Senator GRAHAM and I believe these discrepancies are significant. So we sent a referral of Christopher Steele to the Justice Department and the FBI for potential violations of 18 U.S.C. 1001.

I guess people are going to say whatever they want to say about this whole matter no matter what the facts are, but it doesn't contribute anything meaningful to the public debate to ignore those facts or to speculate wrongly about Senator GRAHAM's motivations, or mine.

First, despite all the hubbub, this is not all that unusual. Anyone can ask for a criminal investigation. I have done it in the past when I have come across potential crimes in the course of my oversight work, and I have done so publicly. This situation is no different.

Second, as the special counsel has reminded us all recently, lying to Federal officials is a crime. It doesn't matter who is doing the lying, politics should have nothing to do with it.

I have said repeatedly that I support Mr. Mueller's work and I respect his role. I still do. Nothing has changed. I think it ought to be said again in case anyone missed it. The special counsel

should be free to complete his work and to follow the facts wherever they lead, but that doesn't mean that I can ignore what looks like false statements. If an individual sees what might be evidence of a crime, he or she should report that to law enforcement so it can be fully investigated. That is exactly what Senator GRAHAM and I did. That does not mean that we have made up our minds about what happened. It is possible that Mr. Steele told the truth and the other, contradictory statements that we saw were wrong. But, just as any court would do, we start by assuming that government documents are true until we see evidence to the contrary. If those documents are not true and there are serious discrepancies that are no fault of Mr. Steele's, then we have another problem—an arguably more serious problem.

Of course, even aside from these inconsistencies, the public reports about the way the FBI may have used the dossier should give everyone in this Chamber pause. Director Comey testified in 2017 that the dossier was “salacious and unverified.” If it was unverified in 2017, then it had to be unverified in 2016 as well. So it was a collection of unverified opposition research funded by a political opponent in an election year. Would it be proper for the Obama administration—or, for that matter, any administration—to use something like that to authorize further investigation that intrudes on the privacy of people associated with its political opponents? That should bother civil libertarians of any political stripe.

Now, I wish I could speak more openly about the basis of our referral and other concerns, but right now that information is largely classified. That information is controlled by the Justice Department. As I said, the Department has permitted only the chair and ranking member of the full Judiciary Committee, the chair and ranking member of the Subcommittee on Crime and Terrorism of the Judiciary Committee, and a limited number of their cleared staff to see the underlying documents. I have been pushing for the Department to provide the same access to other Judiciary Committee members and their appropriately cleared staffs, but the Department refuses to provide that access or even to brief the other members on the underlying information.

Fortunately, the Department has agreed that it has no business objecting to our members reviewing our own work, so I have encouraged our committee members and their appropriately cleared staff to do just that—review that work. Look at the memo that Senator GRAHAM and I sent to the Deputy Attorney General and the FBI Director. Members can then make up their own minds about what Senator GRAHAM and I have concluded.

I have also encouraged them to review the committee's transcripts and

other unclassified materials that have been available to them and their staffs for a long period of time now—many months.

Finally, I have encouraged them to let me know if they believe that any of that information should be made public. I believe in transparency. We may agree that certain information should be released at the appropriate time, with care to preserve classified information and the integrity of any investigation. I have already been pushing the Department to review the classified referral memorandum to confirm the memo's classification markings so that we can release the unclassified portions as soon as possible. But now the Department has deferred to the FBI, and the FBI is falsely claiming that three of our unclassified paragraphs—each contains the same, single classified fact. Now, that really surprised me because these particular paragraphs are based on nongovernment sources and do not claim to repeat or confirm any information from any government document.

Even if these portions of our referral did reference the allegedly classified fact at issue, it is hard to understand why that fact should be classified.

First, the Deputy Attorney General has discussed the fact at issue with me more than once in an unsecured space and on an unsecured phone line. That ought to tell us something.

Second, the FBI is not acting as if this information would harm national security if released. The FBI never notified the entities copied on the memo's transmittal—for example, including the inspector general and the Intelligence Committees—to ensure that fact was protected as classified. If the FBI really believed this fact was classified, then the FBI and the Department should take better care to act consistent with that belief.

Unfortunately, I suspect something else is really going on. It sure looks like a bureaucratic game of hide the ball rather than a genuine concern about national security.

I am pressing this issue with Director Wray, and I hope we can provide this information to the public as soon as possible. In fact, just this morning, I took a long period of time to handwrite a letter to Christopher Wray, the Director of the FBI, to let him know these very concerns. It has been scanned to him, and I hope people make sure he gets it because I am not sure he always gets my letters, handwritten or typed.

I also believe that the Department should carefully review the entire memorandum and begin an orderly process to declassify as much of that information as possible.

The Intelligence Committee in the House of Representatives recently voted to allow all House Members to review a short memo summarizing what it has learned. Senators are not allowed to see what the House Members know. However, House Members

who have seen it have been calling for a vote to release that memo.

Here in the Senate, the Senate Judiciary Committee has access to the same information that the House Intelligence Committee saw before drafting its summary memo. Our committee does not have the same authority to release classified information that the House committee has. We have to rely on the agency to review and potentially declassify our memo.

Based on what I know, I agree that as much of this information should be made public as soon as possible through the appropriate process—and I don't just mean the summary memos. The government should release the underlying documents referenced in those memos after deleting any national security information that needs to be protected.

But most of this story can be told, and the part that can be told should be told. The American people deserve the truth. Stale, recycled media spin from journalists and pundits who do not have all the facts is not enough. The country is filled with frenzy and speculation, but the people are very hungry for facts. However, I cannot release this information on my own, and neither should anyone else. Classified information is controlled by the executive branch. We should work together to achieve the greater transparency while still protecting legitimately sensitive national security information.

Madam 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.

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

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

Mr. NELSON. Mr. President, I wish to talk about Alex Azar's nomination as Secretary of Health and Human Services. I wish to explain how I am going to vote no by virtue of what I asked him in his hearing in front of the Finance Committee.

Needless to say, programs such as Medicaid, Medicare, the Federal marketplace for health insurance under the Affordable Care Act, and the Children's Health Insurance Program are all healthcare programs that are absolutely essential not only to my State of Florida but to all States. Since we have a higher percentage of the population who are senior citizens, obviously, Medicare is an extremely important one to that segment of our population, who depend on Medicare for their healthcare.

When you look at the Affordable Care Act, which brought healthcare through health insurance to millions and millions of Americans who had not had it before, my State of Florida signed up more people than any other State. Some 1.7 million Floridians signed up

for coverage through healthcare.gov. That was despite the Trump Administration's efforts this past year to undermine the health law by doing such things as not allowing people to get out and give the counseling. So it was on a much lower scale than what had been done before.

My worry is, looking out for the people of Florida, that Mr. Azar will continue to support the administration's efforts to destroy the law and all of the good things it has done, where it has now provided health insurance for so many people—so many people that never had health insurance before. The 1.7 million Floridians who signed up again for health insurance through healthcare.gov is a good example.

One of the statements that Mr. Azar has made—and people in the Trump Administration have been trying to undermine the ACA—is that, in effect, there is no way to fix the law.

Let's turn to Medicaid and CHIP, or the Children's Health Insurance Program. Mr. Azar, I am told, supports changing the structure of the Medicaid Program into a block grant. Ever since the Medicaid law was passed, it sets up, according to whether or not a State has a poor citizenry, a formula that shares money from the Federal Government, and the State matches a certain percentage. In Florida, that is anywhere from 55 percent to 60 percent Federal to approximately 45 percent to 40 percent from the State of Florida. For other States, like Mississippi—with a poor, rural population that needs healthcare but can't afford healthcare—their Medicaid formula is much more paid for by the Federal Government with a lower match from the State.

If you put Medicaid into a block grant, that means the State is only going to get so much money, regardless of whether the population swells. If the needs are greater, that money is it. It is not flexible with the eligibility of people because of their income status. I simply don't think that is right. It is these kinds of issues that concern me greatly about Mr. Azar.

Look at Medicare. As I mentioned, we have a higher percentage of the population that is made up of senior citizens. In Florida, that translates to 4 million senior citizens who depend on Medicare. They are over 65 years of age, and they are eligible for Medicare. That is the way they access their healthcare.

When I asked Mr. Azar about his perspective on changes to the Medicare Program, his answer was deficient. This is what I asked: Do you support raising the Medicare eligibility age?

In other words, a senior would not be eligible for Medicare—healthcare—at age 65; the age requirement would be increased. He did not give me an answer.

I asked: Do you support turning Medicare into a voucher program?

According to CBO estimates, privatizing Medicare would increase

premiums by 30 percent, so I wanted to find out whether, as Secretary of HHS, he would want to turn Medicare into a voucher program. He dodged that question.

I tried a third time with another question to give him a chance to give a straight answer on the record in the Finance Committee. I asked him whether he supports allowing Medicare providers to enter into private contracts with patients instead of the set benefit that a senior knows he is eligible for under the law to get those Medicare benefits.

The practice of entering into private contracts between doctors and other Medicare providers is prohibited under Medicare because it would place seniors on the hook for the difference between what an insurer would pay—an insurance company—and what the doctor or the other provider would charge. That would result in a higher out-of-pocket cost for the senior citizen.

Remember, the question was, do you support allowing Medicare providers to enter into private contracts with patients?

This is what he said: "The mission of HHS is to enhance and protect the health and the well-being of all Americans, through programs that touch every single American in some way, every single day. As Secretary, my job would be to lead HHS in its work toward its mission."

That is not what I asked. I asked specifically whether he wanted to privatize the Medicare benefits and the mechanism by which those benefits would be delivered. That does not give me assurance on behalf of our senior citizens in Florida. To the contrary, if you were to talk to a group of our senior citizens and say that you want changes to Medicare, I can tell you what that would do. That would put a ripple of chills down the spines of senior citizens, for them to think their Medicare would be taken away from them.

Thus, Mr. Azar is a gentleman who is delightful and obviously skilled in the pharmaceutical drug industry. Yet, when we got right down to how he was going to run the HHS as Secretary, I was not assured that our seniors were going to be protected in their healthcare or that poor people were going to be protected in their Medicaid or that the 20-some million people—including the almost 2 million in Florida—who now have healthcare on the private insurance exchange, offered through the Affordable Care Act, were not going to be undermined.

There is just no way that I think this is the appropriate person to be the Secretary of Health and Human Services; therefore, I will vote no.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I come to the floor to express my opposition to the nomination of Alex Azar to be the next Secretary of the Department of Health and Human Services.

Let me admit to the Chamber that this, for me, was certainly not as easy a call as was the first vote on the nomination for this position when Congressman Price was up for the job. I want to talk about the reasons for my vote in opposition, but I first want to begin by giving the nominee some credit for, I think, a very important series of exchanges that he had before the committee.

One of the biggest potential disasters that would have been visited upon this country by 4 years of Secretary Price would have been the reversal of 8 years of transformation in the way that we pay for healthcare through Medicare, primarily.

In 2011, Medicare made almost no payments to providers through what we call alternative payment models. I know this sounds a little weedy, but this is really the way that we drive down healthcare costs in this country, and it is something that Republicans and Democrats should be focused on together.

Alternative payment models generally refer to a switch in the way that we pay for healthcare—a move away from reimbursing providers based on how much medicine they practice to a reimbursement system that rewards providers for the outcomes that they achieve—in fact, rewarding hospitals and doctors and clinicians when they keep their patients out of the doctor's office or out of the emergency room or out of the hospital. This is the exact opposite of what the existing system does, which rewards hospital systems and doctors the more that their patients show up in the emergency rooms and the doctors' offices and in the hospitals.

In the House of Representatives, Tom Price was the leader of the opposition to what we call value-based payment and was the chief defender of fee-for-service payment. While the Obama administration had made remarkable progress—it had set a goal of moving 30 percent of all Medicare payments over to outcome-based payments, which they achieved by the end of 2016—Secretary Price was in the process of moving all of that backward.

The reason I say that my vote here against Mr. Azar was not a slam dunk—it is not a slam dunk—is that I give him credit for his testimony on this question of alternative payments. In answer to a question posed by Senator WHITEHOUSE, he said that one of the greatest legacies of Secretary Burwell's tenure was in the launching of so many of the alternative payment models that we have out there.

I would like to keep driving that forward for all of us who care so deeply about reducing costs in our healthcare system, about integration and coordination, and in our just thinking about ways to deliver better for our patients and beneficiaries. There are so many opportunities for bipartisanship here because we share so many of the same goals on this.

I applaud Mr. Azar for his seriousness about working with Democrats and Republicans to try to shift our payment system over to something that makes more sense, for his openness about how important the Obama-era reforms were, and for his decision, if he gets this job, to reverse some of the sabotaging of those alternative payment models that Secretary Price began.

Unfortunately, my enthusiasm for Mr. Azar's statements on alternative payment models through Medicare are outweighed by his inability to convince the HELP Committee or the Finance Committee that he is going to be a responsible steward of the Affordable Care Act. This is from where much of my worry comes, in part because Connecticut is a State that has efficiently, ably, and responsibly implemented the Affordable Care Act. We have hundreds of thousands of people in our State who now have insurance because of the expansion of Medicaid and because of the successful offering of plans to the uninsured through Connecticut's exchange.

It was perplexing to those of us on the HELP Committee that Mr. Azar seemed to defend the administration's decisions to sabotage and undermine the Affordable Care Act. He even went so far as to try to spin those changes as to be a strengthening of the law, which simply does not pass the straight face test. I get it. During a confirmation hearing, it is very hard for a nominee who may serve in the Cabinet to be critical of the Commander in Chief, the person who has chosen him for the job. Yet it is obvious for everybody to see what is happening by the canceling of payments to insurance companies that helped compensate them for the most expensive patients, by eliminating all of the funding for the marketing and advertising of the exchanges, by shortening the enrollment period in half, by constantly going on social media and telling all prospective enrollees of ObamaCare that the ACA is dead even though it is not dead—even though, as we found out, just as many people signed up this year as signed up last year despite the campaign to undermine it.

We all know that this is an obvious campaign of sabotage—that President Trump is trying to kill the Affordable Care Act administratively because he can't convince the American public to press Congress to do away with it. The Affordable Care Act has the support of the American public today, and that is the reason Congress could not repeal it.

It was very troubling to me that Mr. Azar didn't acknowledge this campaign of sabotage, which leads me to believe he is going to fulfill instructions from the administration, from the White House, to continue it. He went so far during the questioning with me to suggest that shortening the enrollment period actually would help consumers with something that the insurance companies were asking for. That is not true. The insurance companies were not asking for that in Connecticut.

That does not help consumers, certainly, when you are also withdrawing all of the money for marketing and advertising that would have been used to tell people that the enrollment period was being shortened.

At the same time that I am going to vote no on this nomination because I am deeply worried that as Secretary Mr. Azar is going to continue this campaign of ACA sabotage, I do look forward to working with him in a bipartisan way on payment reform—if he will allow it with those of us who will vote against his nomination.

As much time as we spend in the Senate talking about coverage, frankly, the more important, long-term reform is in the changing of how we pay for healthcare because if we fundamentally change the way we pay for healthcare and start rewarding good outcomes rather than just rewarding more medicine being practiced, then we will save enough money to insure everybody in this country through a means that both the Republicans and Democrats can support.

I am going to vote no. I encourage my colleagues who care about the effective administration of the Affordable Care Act to vote no. Remember, it is a remarkable success story that 20 million people have insurance. People know the strength of the Affordable Care Act. That is why they pressed Congress not to repeal it. Despite the undermining campaign, just as many people signed up this year as last year, which is, frankly, extraordinary. I would hope that those people here who believe in the Affordable Care Act, as the American people do, will oppose this nomination. At the same time, I hope that there are significant ways, if he is confirmed, that we can work together with Secretary Azar.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### ROHINGYA REFUGEE CRISIS

Mr. MERKLEY. Mr. President, on August 25, a minority group of Rohingya militants proceeded to attack a number of Burmese police outposts in northern Rakhine State, and they inflicted injuries and killed about 12 members of the country's security forces in the process. These attacks certainly must be condemned, but they have triggered a response by the Burmese Government and military that is beyond horrific—attacks by the Burmese Government and military that have inflicted a massive humanitarian crisis in that nation.

The Burmese military, aided by mobs of local vigilantes, carried out the violence against the Rohingya people in a systematic way. These are people who have been in Burma for generations, but they have been stripped of their citizenship under Burmese law. In the attacks that followed, Doctors Without Borders estimates that well over 6,000 men, women, and children were murdered in just the first month of this ongoing assault, and that included hun-

dreds of children—an estimated 700 children ages 5 and under.

The survivors have shared countless stories of women being raped, men murdered, children murdered in the most inhumane ways imaginable. Human Rights Watch has reported that the Burmese military and the associated vigilantes have burned 354 villages to the ground. The response of the Rohingya has been to flee the country, desperately fleeing as fast as they could the systematic violence inflicted upon them—systematic rape, systematic shooting, the murder of children. The result is that 650,000 people have fled to the adjoining country of Bangladesh, where they are now establishing refugee camps.

These camps are a big improvement from being attacked, shot, murdered, and raped inside Burma, but the camps themselves are just a jumble of split bamboo frames with plastic draped over the tops of them. You can see here in this photo that the ground has been cleared away and people have shoveled out relatively flat sections of the hillside, split bamboo into little pieces, tied them together with threads, and draped plastic over the top of them.

I wonder what will happen when the monsoons come or a severe windstorm comes. I don't think these shelters are going to hold up.

The overcrowded conditions and poor sanitation in these camps put them directly at risk for diseases like diphtheria and cholera, and these camps—full of displaced, disenfranchised, angry young men—are also recruiting grounds for violent extremist groups like ISIS. This is, in the words of the United Nations, the fastest growing refugee emergency in the world. It is unacceptable, and America needs to pay attention and respond.

The flow of refugees has continued, even until now. The numbers have dropped. There aren't that many Rohingya left inside of Burma. The Governments of Burma and Bangladesh are discussing a repatriation strategy on how these individuals may be able to return to Burma, and they have a framework for a plan. Burma says that they will welcome them and let them go home. They have even said that they can return to where their villages were burned and have assistance in rebuilding their homes and community structures.

In the first step, they say that they will house them in reception camps, and they also say that they may put them into model villages. These words "reception camps" and "model villages" are words for encampments that are based on what is already in much of Rakhine, central Rakhine State, which are long-term camps that are essentially prison camps—prison camps for the Rohingya.

If this is not going to unfold in this manner, the world has to be engaged. Right now, of course, the Rohingya who have fled this horrific violence are

not anxious to return immediately because they don't believe the government will protect them. If you had been subjected to a horrific rampage of slaughter and violence, why would you immediately go back to that unless the circumstances were dramatically modified? Can they depend upon the Burmese Government to protect them when they haven't protected them since August? Can they depend upon the Burmese military to protect them when the Burmese military perpetrated these crimes?

Repatriation is important. The ability to go back to the villages and rebuild them is important, and time is of the essence for it to happen in a way that is really going to work. The international community is going to have to be involved.

Let's understand that this assault, which went from August even until now, is not a one-time occurrence. It is the latest in a long line of atrocious assaults on the Rohingya people. In 1978, Burma's military launched Operation King Dragon, causing more than 200,000 Rohingya to flee to Bangladesh. There were similar campaigns of assault in 1992 and in 2012 and in 2015 and in 2016, none as horrific as what was witnessed just a few months ago, in August of 2017, but terrible assaults nonetheless.

Time and again, the Rohingya people have been subjected to abuse, persecution, and violence, and recognize this isn't just a tactic that the Burmese Government and Burmese military have used against the Rohingya. They have used it against other minorities—this systematic strategy of burning the village, shooting people as they flee, and raping the mothers and daughters. We have seen this with assaults on ethnic minorities in the Shan and Kachin States, where people have faced very similar persecution. In fact, in those States, over 100,000 people have been displaced by the military since 2011. So the United States and the world must not only stand up and say that this ethnic cleansing against the Rohingya is wrong, but also say that this strategy being used by the Burmese military against minorities is absolutely unacceptable under any code of moral conduct, under any religious vision, under any civilized understanding of the treatment of citizens.

Much of what took place over the last few decades was out of sight of the world because Burma was closed off to the world. But then Burma went through a diplomatic awakening, the budding of democratic institutions, and they have been more open to the world, so now we can see very vividly what is going on. They are not hidden, and there is no excuse for the world to turn away and not engage.

Neither the Burmese Government nor the military is ready for international cooperation. They have left the international community out of the process of trying to address these issues. They have rejected the United Nations High Commissioner on Refugees—no inter-

national monitoring allowed and freedom of the press curtailed.

The Rohingya people are right to be wary of how they will be repatriated without significant international involvement, without strongly developed measures for their safety, without a changed attitude by the government.

That is why, yesterday in the Senate, I introduced a resolution calling for international pressure and oversight to be brought to bear on the repatriation process. It calls upon the United Nations High Commissioner for Refugees to play a central role in ensuring that any repatriation of the Rohingya people is safe, voluntary, and dignified.

The concern for the treatment of the Rohingya is bipartisan. I appreciate the 14 Senators who have already cosponsored my resolution. Particular thanks go to Senator JOHN MCCAIN and to Senator TODD YOUNG not only for supporting this resolution but also for being advocates for the Rohingya people and for global human rights.

I was profoundly shocked when the Burmese military started these massive assaults back in August. I knew it was important for our government to pay attention, for the people of the United States to pay attention, and for Members of this Senate to pay attention and to weigh in and try to create pressure to end the persecution and create a different path for the future.

In the month that followed, there was a lot of international outcry about how wrong this was, and First State Counsellor Aung San Suu Kyi, who is Burma's head of state, responded with a speech to the world through the United Nations. She invited the world "to go with us into the troubled areas. . . . See for yourself what is happening and think for yourself: what can we do to remove these problems?"

I applauded that attitude and that invitation to the world to be engaged and be involved and see what was happening. Senator DURBIN and I, along with three Members of the House—Congresswoman BETTY MCCOLLUM from Minnesota, Congresswoman JAN SCHAKOWSKY from Illinois, and Congressman DAVID CICILLINE from Rhode Island—came together and accepted her invitation. We accepted her offer, and we planned a trip for November to go see the troubled areas in Burma, just as Aung San Suu Kyi had suggested.

We intended to go to the afflicted areas. We intended to see for ourselves what was happening. We intended to talk to those left behind to get as full a story as possible. And we intended, as she indicated, to think of what we can do to reverse the situation.

The Burmese Government worked with us to plan this trip. It involved a tremendous amount of logistics on how we could get to northern Rakhine State. But at the very last moment, just as we were getting ready to leave Washington, DC, the government reversed course. The Government of Burma said: We invited you, but now we will block you from visiting these afflicted areas.

Clearly, the Burmese Government and military had a lot to hide. Their invitation to the world from the Nobel laureate, Aung San Suu Kyi, turned out not to be sincere. She did not stand behind her invitation. She did not ensure that the world could come and see what was going on.

We were not allowed to visit the villages that had been burned. We were not allowed to visit camps from the previous repatriation of individuals, called internally displaced persons camps, or IDP camps.

We were allowed to fly into the capital of Rakhine State, Sittwe. In the capital of Sittwe, there was something there that I didn't expect at all. In the capital, there is a section of the city that is referred to as the Muslim quarter, the Muslim neighborhood. It is called Aung Mingalar. We were told we could go visit the Muslim quarter, Aung Mingalar, and so we did. This is a street in Aung Mingalar. At the end of the street, you have a police station, and you have a fence. In fact, every route out of this neighborhood is blocked by police.

The people who live there are not currently trapped by high walls and extensive barbed wire, but it is illegal for them to leave this neighborhood—think of the early stages of the Warsaw ghetto in Poland. I had no idea this existed, and it is an indication of the situation the Rohingya live in, not just in this quarter, but there are 120,000 of them in camps that have been set up where they are not allowed to operate as a normal individual, in a normal economy, in a normal village. This neighborhood is functionally sealed off from the rest of the city. They cannot leave and go a short distance away to open their shops, so they have no means to support themselves. They are trapped in a neighborhood cage with the barriers, police station, and consequences if they leave without permission.

If they have a medical emergency, then what they have to do is get permission to leave to travel to an IDP camp—internally displaced persons camp—see a doctor at the IDP camp, get a referral to the hospital, return back to their neighborhood, and then go to the hospital that is just 5 minutes away. So it is a trip of many hours in order to go to the healthcare facility that is just minutes away. Can you imagine what that is like in a health emergency? Why? It is just a direct affliction on these Muslim residents in this Buddhist nation.

They are dependent to survive on relatives who have found a path to other countries who can send money back to them so they can purchase goods, and they are also dependent upon the government. The government provides teachers for the higher high school-level classrooms, and those teachers disappeared after the August assaults and haven't returned. The children of this neighborhood are not allowed to go to the universities. So this may not



look so horrific unless you know the facts; that it is a zone that is essentially a prison inside the capital city for the Muslim residents.

In order to learn more, our delegation traveled to Bangladesh to the refugee camps. We went to a camp called Balukhali, and that visit brought home the breadth and horror of the human rights crisis that these men, women, and children have endured. Speak to any member of the delegation, and they will tell you that articles and reports written about what has happened are not the same as hearing firsthand and face-to-face the stories of the atrocities the Rohingya refugees have suffered. At Balukhali, Senator DURBIN and I went into a temporary classroom with tarp over the top where women had gathered to learn about sanitation and disease prevention, and I asked the interpreter who was with us: Would you ask these women if they have stories they would like to share? I wasn't sure these Muslim women, covered in traditional Muslim clothing, would be willing to share a story with an outsider, but they immediately responded. One woman jumped up, and she pulled the cloth off her arm to show the scars from the burns she had as her village hut came down around her as she tried to escape. Then other women jumped up to tell other stories—of a child being killed in front of her, of a husband being slaughtered, of the trials and tribulations of trying to escape the assault from the military. Every person in that room had tragic and horrifying stories to share—entire villages burned to the ground, entire villages fleeing for the border, being shot at by soldiers as they tried to cross the border into Bangladesh. They themselves did not share stories about the rapes, but they shared those stories with the doctors and others who shared the stories with us.

As you walk around the camp, you see a lot of young kids, a lot of children. Some are helping out with their families. Some are orphans. Some are kicking balls around. I watched one young man run with a little sheet of plastic that he had put split bamboo on to create a little tiny kite, and they could get that thing about 10 feet in the air. He had a smile on his face, and you could almost envision these were regular children growing up like others around the world.

Then I went and visited with a group of the children who were doing drawings, and when you saw their drawings, you realized what they had been through. Here I am talking to a young boy who is showing me his drawing of a helicopter and a military vehicle coming into the village. Here is one of the drawings that was held up. You see the helicopter shooting at the village and the drawing of the machineguns. The village house is under assault. Here is another child's drawings, and again there are helicopters. You see the houses built on stilts. Here is a military man on the ground shooting

at them as they are playing. These children have been through horrific, horrific trauma. Their families have been fractured, they may not have a mother or father, and somehow they are going forward in life.

I would like to say that the situation has improved since our trip, but the situation is still extremely bad. Take a look at this map from Human Rights Watch. These red dots are villages that have been burned—all of these, these two lines of villages. At last count, 354 villages burned, and it wasn't just in August and September but the burning continued. The Human Rights Watch said in October and November, another 40 villages were burned. In fact, one was burning on November 25 right after our delegation returned to the United States of America.

Is it any wonder the Burmese Government didn't want us going in to see any of these sites firsthand? We are not the only ones who were denied access. All of the U.N. organizations, including a factfinding mission and an investigator named Yanghee Lee, were stopped from visiting these afflicted areas. International aid groups like the Red Cross were denied access.

A mass grave containing the bodies of a group of Muslims was uncovered in Rakhine State's Inn Din village just north of Sittwe, the capital where we were. In a rather shocking first, the Burmese military actually accepted responsibility for the deaths, claiming that soldiers and villagers reacted to provocation from terrorists and that those who were involved would be punished. Do you think they are really going to be punished? I will tell you who gets punished. It is reporters, and these are the two reporters who reported it. Where are they? They are in prison—Wa Lone and Kyaw Soe Oo, two reporters for Reuters. Shouldn't the United States and the international community demand that they be set free and demand those who perpetrated these crimes against humanity be the ones in prison? These two young men have been charged with violating the country's Official Secrets Act and are facing 14 years in prison for “illegally” acquiring information and sharing it with foreign media. It sounds to me like these two reporters were doing exactly what Aung San Suu Kyi, the Nobel laureate, said: Come and see.

There is a continuing cycle of violence and radicalization. Burma justifies their actions as a response to attacks by ARSA, but let's recognize a very small group of attacks occurred, and then the response was hundreds of thousands of people had their villages burned to the ground and were driven out of the country.

Well, there is going to be perpetuation of a cycle of violence unless the mindset of the Government of Burma changes dramatically. Right now, we need to be engaged in the possibility of repatriation because it is urgent that these refugees get a chance to return to their villages and rebuild them, but

it will not happen unless we insist on deep involvement by the United Nations.

Reflecting on the Rwandan genocide 4 years afterward, President Clinton said:

We owe to those who died and to those who survived who loved them, our every effort to increase our vigilance and strengthen our stand against those who would commit such atrocities in the future here or elsewhere.

Indeed, we owe it to all the peoples of the world who are at risk because each blood-letting hastens the next as the value of human life is degraded and violence becomes tolerated, the unimaginable becomes more conceivable.

For the thousands of Rohingya slaughtered and the hundreds of thousands more who survived and fled, the unimaginable has become all too conceivable. Five months after these atrocities began, 5 months tomorrow, in fact, the world has not heard from our President about this horrific ethnic cleansing.

I encourage President Trump to weigh in on this, to speak with moral clarity, to condemn the Burmese Government for executing this horrific case of ethnic cleansing, to praise and support Bangladesh for opening its doors, to call on the world to provide Bangladesh with international resources to help address the plight of the refugees, to demand the safe and internationally monitored opportunity for the Rohingya refugees to return to their villages, rebuild their homes, and rebuild their lives.

We in the Senate must not be silenced. Thank you, again, to my 14 colleagues who have already signed on to this resolution. Our repatriation resolution calls on Nobel laureate and head of state Aung San Suu Kyi and Burma's other civilian leaders and military leaders to recognize that longstanding prejudices haunt Burma and commit to implementing all the recommendations of Kofi Annan's Advisory Commission on Rakhine State, which seeks to end the discrimination against the Rohingya and reduce the tension with other minorities.

The Burmese Government could begin doing so immediately by lifting restrictions on the IDP camps and the Aung Mingalar, while planning to shut down the IDP camps entirely and restoring the opportunity for full participation in society.

We call upon Burma to work with Bangladesh and the U.N. High Commissioner for Refugees to ensure the voluntary and safe repatriation of refugees. Safety must be assured for these refugees. There must be no forcible repatriation. It must be voluntary, it must be safe, and it must be monitored by an international organization. We can make sure they get assistance in returning to rebuild their homes and their lives.

We must call on Burma and Aung San Suu Kyi to embrace transparency, to grant humanitarian aid groups access, to release the two journalists in prison for doing their jobs. Finally, we

must call on the international community to invest in the future of the Rohingya people. Everyone has a part to play in the economic development of the Rakhine State—the poorest state in Burma—for the benefit of all.

In closing, anyone who looks at the events that have occurred since last August can plainly see the massive scale of human catastrophe. Let it not continue. The world that cried out “never again” so passionately decades ago, that rallied against the war crimes of Kosovo, that condemned the Rwandan genocide has an obligation to stand up once again—this time in Burma—for the universal right of every human to live in peace, free from fear and free from persecution.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

#### NOMINATION OF R.D. JAMES

Mr. BARRASSO. Mr. President, I rise in support of the nomination of R.D. James to serve as Assistant Secretary of the Army for Civil Works. The Assistant Secretary establishes policy direction and provides leadership for the Civil Works programs at the U.S. Army Corps of Engineers.

In this position, Mr. James will play a central role ensuring the navigability of America's ports and inland waterways. He will oversee the Army Corps' flood and storm risk management and responses to emergencies like the hurricanes we saw in Florida and Texas this past fall.

Mr. James will also play a central role in modernizing America's aging water infrastructure. This month, the Committee on Environment and Public Works, which I chair, has held two hearings on the needs and challenges facing America's water infrastructure. These hearings are important steps as the committee works toward a new Water Resources Development Act, which will be reauthorized this year.

It is critical to have Mr. James confirmed so he can partner with us in this important process. I look forward to working with Mr. James on projects and issues that are important to my home State of Wyoming. He has already committed to me that he will work to find a permanent solution to preventing ice-jam floods, like those that caused the Big Horn River to flood the city of Worland, WY.

There is no reason this confirmation should be delayed any further. His nomination was unanimously approved by voice vote in both the Senate Armed Services Committee and the Environment and Public Works Committee. Mr. James is well qualified for this position.

He has served as a civil engineer member of the Mississippi River Commission since 1981. That is 37 years. He was appointed to that position by both Democratic and Republican Presidents. Mr. James is also an accomplished farmer and businessman. He is experienced, qualified, and ready to start.

It is time for the Senate to confirm his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Missouri.

Mr. BLUNT. Mr. President, I wish to thank Senator BARRASSO and Senator CARPER for their bipartisan work to get this nomination to the floor.

I have known R.D. James for a long time. He understands the projects involved, the work involved, and the challenges involved. He is a civil engineer and brings a lot of experience to this job.

The work of Senator CARPER and Senator BARRASSO is deeply appreciated. I think it will be appreciated by the Corps and the Department of Defense.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate has been running a bit behind. I wanted to accommodate my Republican colleagues.

I ask unanimous consent that the vote be moved to 2:20 p.m., rather than 2:15 p.m., on Mr. Azar.

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

Mr. WYDEN. Mr. President, a year ago, the President stormed into office promising better, cheaper healthcare for everyone. He said he would bring prescription drug prices down because, in his words, drug companies were “getting away with murder.”

So as we move to this vote, as the senior Democrat on the Finance Committee, I wanted to make sure we took stock after year 1. The Trump record on healthcare is worse than your garden variety case of a President failing to live up to his campaign promises. This President has surely hurt the people he promised to help. Very shortly, the Senate will vote on the nomination of Alex Azar to be the Secretary of Health and Human Services. In this position, he would be the captain of the President's healthcare team. So in my view, this debate is about a lot more than Mr. Azar's resume. It is a referendum on a year of healthcare failure, particularly on prescription drug costs, and it is a referendum on what I consider to be a healthcare agenda of discrimination.

I am going to begin with the skyrocketing prescription drug prices because they are a gut punch for millions of Americans each time they step up to the pharmacy window. Few promises the President made with respect to healthcare resonated more than his promise to bring down prescription drug prices, but now, a year later, he has chosen Alex Azar, a drug company executive with a documented history of raising drug prices.

From 2012 until last year, he was the head of Eli Lilly's American subsidiary, Lilly USA. He chaired its U.S. pricing, reimbursement, and access steering committee, which gave him a major role over drug price increases for every product Lilly marketed in America. On Mr. Azar's watch, Lilly more than doubled the prices of drugs used

to treat diabetes, osteoporosis, heart disease, and ADHD. And these are only some of the drugs under his purview.

He told the Finance Committee staff that he had never once approved a decrease in the price of a drug at Lilly. Mr. Azar said: That is just how the system works. Prices always go up. I would say that Mr. Azar may have had his facts straight about the system, but that doesn't make it right. Mr. Azar was a part of this broken system, and despite the cheerful overtures that he has made to Senators on both sides of the aisle over the last few weeks about how he wants to work on the issue, he has not offered even a single concrete example of how he would actually change the system he said is broken. He will not give us an example of how he would change it to make it better.

Members of this body, Democrats and Republicans, have come forward with specifics about what they would do to help those Americans getting clobbered at the prescription drug windows across the land. We have colleagues who are for drug importation. We have colleagues who are for more negotiating power for Medicare. We have colleagues who understand the challenge with the pharmaceutical benefit managers, where there is so little transparency. We asked Mr. Azar repeatedly for examples, but all he had to say about this system that was so broken is that he would be “open” to ideas.

As important as that is, there is a whole lot more for Senators to reflect on as they think about this vote. After a year in office, the Trump administration is steadily and relentlessly enacting a healthcare agenda of discrimination—discrimination against those with preexisting conditions, discrimination against women, discrimination against LGBTQ Americans, discrimination against those struggling to get ahead. The question up for debate today ought to be whether or not this nominee to head this critical office of healthcare policy is going to end that discrimination.

Colleagues, as you think about this vote, all I can tell you is that when you review the record—in the face of an administration moving relentlessly to promote discrimination in healthcare—there is not a shred of evidence that Mr. Azar is going to try to stop it, reform it, or in any way try to make sure that those Americans—all of them—get a fair shake.

From day one, in addition to this pattern of discrimination, the administration has been on a campaign of sabotage against the Affordable Care Act and the private health insurance markets. They cut the open enrollment period in half. They slashed the advertising budgets. They made it harder for people to sign up in person. That is the major reason why the number of Americans without insurance coverage increased by more than 3 million last year. Our friends and our neighbors are one sudden illness or injury away from the nightmare of personal bankruptcy

as a result of the healthcare policies this administration has pursued and cheered.

Even worse—and I touched on this yesterday—the administration is bringing back to life junk insurance, letting fraudsters get back into the insurance business with health plans that aren't worth the paper they are printed on. It takes me back to my days as co-director of the Oregon Gray Panthers. Back then, I met older people who sometimes had 15 or even 20 private insurance policies to supplement their Medicare. Those policies were junk. Some of them were just out-and-out scams.

So the Congress passed a law. I was proud to be a part of that bipartisan coalition to change it to protect older people. The law worked. We drained the swamp when it came to those fraudsters ripping off seniors. Then 8 years ago, some of the key parts of the Affordable Care Act put consumer protections in place so that nobody of working age would get ripped off with junk insurance. It is those policies and those people that the Trump administration would let the fraudsters exploit because the Trump administration wants to undo those protections against fraudsters who are ripping off those of working age.

They have already taken steps on what are called Association Health Plans. Next up are short-term plans that are likely to be even worse.

What this comes down to is the Trump administration's tradition of turning back the clock on healthcare and allowing junk insurance to discriminate over preexisting conditions and age. This is going to be a big test for Mr. Azar if he is confirmed.

I would just ask my colleagues: We will see if Mr. Azar is going to look the other way and allow scam artists to peddle junk coverage, or is he going to protect Americans who need care and health coverage they can count on?

There is also an array of discriminatory policies with respect to women's health. They tried to take away guaranteed no-cost access to contraception, essentially taxing women for their gender. Fortunately, that move has been held up in the courts. They overturned longstanding protections dealing with States and family planning—what amounts to an attack on a woman's right to see the doctor of her choosing and an attack on Planned Parenthood.

They are broadening exceptions that give employers and universities say over what healthcare women can access. When asked on these issues during his nomination hearing, Mr. Azar said: "We have to balance, of course, a woman's choice of insurance that she would want with the conscience of employers and others." My counter to that is absolutely not. There is no balancing women's choices against anything. In America, a woman's choice of healthcare ought to be her choice and nobody else's.

In much the same way as going after women's healthcare, this administra-

tion is permitting discrimination against LGBTQ Americans in need of healthcare.

Then, finally, there is Medicaid. In just the last few weeks, the administration has been giving States a green light to slap punitive, new requirements and limitations on Americans covered by State Medicaid Programs. This action by Health and Human Services goes after people across the country who are working on an economic tightrope. They are people who are taking care of kids or elderly parents or who are struggling with a chronic condition.

These punitive new requirements aren't going to improve anybody's healthcare. As the first waivers are coming out from the Department of Health and Human Services, the public is learning some disturbing details. In Kentucky, the State is introducing what sounds a lot like a literacy test for healthcare. Nobody in this body should have to be reminded that the history of literacy tests is an ugly and discriminatory one. That is the wrong direction to take on healthcare.

I close by saying that the record after 1 year shows that the Trump agenda on healthcare isn't about improving care for all Americans. The Trump agenda on healthcare is about discrimination and ideology.

So the question, as my colleagues come over to this floor to cast their votes, is whether the Trump administration is going to be allowed to continue to turn back the clock and advance discrimination. Given the opportunity to demonstrate that he would actually lead the Department in a new direction, he came up short. So I will not support his nomination.

Through my time in public service, back from those early days working with the senior citizens, I have always said: Healthcare has to be a bipartisan issue. To do healthcare right, you have to find a way to bring people together.

If Mr. Azar is confirmed, I hope he will make his stated willingness to listen to ideas a reality and begin to work closely with colleagues on both sides of the aisle to actually make some changes in these key areas I have described. From policies where we just sit on the sidelines with our skyrocketing drug prices, to sitting out in the fight against opioids, to allowing discrimination against women, to rolling back the protections on Medicaid—these are issues that go right to the heart of the health and safety of millions of Americans.

Mr. Azar certainly does not carry the ethical baggage of his predecessor, Tom Price. The question for the Senate this afternoon—after we have asked him again and again and again to give any examples of how he would break with these harmful policies of the last year, we have come up short. So I regret to say to the Senate that I am going to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, all postcloture time has expired.

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

Mr. BURR. 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 Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 21 Ex.]

#### YEAS—55

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Carper	Heitkamp	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Coons	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Jones	Thune
Crapo	Kennedy	Tillis
Cruz	King	Toomey
Daines	Lankford	Wicker
Donnelly	Lee	Young
Enzi	Manchin	
Ernst	McConnell	

#### NAYS—43

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Klobuchar	Shaheen
Brown	Leahy	Smith
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Casey	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Nelson	Whitehouse
Gillibrand	Paul	Wyden
Harris	Peters	
Hassan	Reed	

#### NOT VOTING—2

Corker      McCain

The nomination was confirmed.

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

#### CLOTURE MOTION

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

The 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 Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer, John Barrasso, Richard Burr, Ben Sasse, Richard C. Shelby, Cory Gardner, Mike Crapo, James E. Risch, Shelley Moore Capito, John Hoeven, Dan Sullivan, Rob Portman, John Thune.

The PRESIDING OFFICER (Mr. TOOMEY). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN)

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 22 Ex.]

#### YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

#### NAYS—49

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	
Harris	Nelson	

#### NOT VOTING—2

Corker	McCain
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The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the motion to invoke cloture is agreed to.

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

The VICE PRESIDENT. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

#### OFFSHORE OIL AND GAS DRILLING

Mr. WHITEHOUSE. Mr. President, I begin today by adding a Rhode Island voice to the chorus of coastal communities around the country standing against President Trump's reckless and unwelcome choice to try to allow oil and gas drilling off of nearly all U.S. coasts.

The Rhode Island ocean economy is worth over \$2 billion and employs more than 40,000 people. For whatever potential gain of fossil fuel corporations, offshore drilling introduces all sorts of hazards to our fishing industry and people who work in tourism and recreation along Narragansett Bay.

Remember how devastating the 2010 BP oil spill was in the Gulf of Mexico? This graphic depicts what a spill that size would look like off of New England.

The administration has tossed aside a 5-year plan that underwent multiple revisions and involved multiple agencies over multiple years taking into account the input of stakeholders and literally millions of comments from the public.

The final plan that had been developed after all that effort allowed for only 10 lease sales in the Gulf of Mexico and one sale in the Cook Inlet program area off the Alaska coast. There were no lease sales allowed in the Pacific or Atlantic. Why? Because everybody hates it.

In ruling out drilling off our Atlantic coast, the Bureau of Ocean Energy Management cited "strong local opposition, conflicts with other ocean uses, . . . current market dynamics, . . . [and] careful consideration of the comments received from Governors of affected states."

None of that has changed, and the Trump administration ought to listen to those coastal voices, not just the occasional Republican Governor of a coastal State seeking a political boost.

Rhode Island, the Ocean State, has come out strongly opposed to this proposal. Our Governor, Gina Raimondo, said the administration's plan is "endangering the health of nearly all coastal waters in our country, including our 400 miles of coastline in Rhode Island, so that rich oil companies can get richer."

Rhode Island Attorney General Peter Kilmartin vowed to "continue to fight this latest move by the Trump admin-

istration to give the oil and gas industry carte blanche to destroy our environment."

Rhode Island is a leader in offshore wind development. It was the first in the Nation to have steel in the water, first in the Nation to have electrons flowing to the grid. We also have vibrant fisheries and a longstanding fishing economy. We depend on our coastal economy for that, for tourism, and for many other things. Also, we are especially susceptible to sea level rise and other consequences of climate change. We are not about to go back in time and endanger our coast with the extraction of more dirty fuels.

Here in Washington, I led a bipartisan group of New England Senators seeking legislation to bar offshore drilling along our New England coast. My Rhode Island colleague, Representative DAVID CICILLINE, introduced the companion legislation in the House of Representatives. The Trump administration will not be following through on its rash plan if New England's bipartisan Members of Congress have anything to say about it. The value of healthy oceans and coasts is tangible and immediate for us.

The larger backdrop to this conversation about offshore drilling is that our oceans are steadily getting sicker, even without the threat of additional oil spills. The oceans have absorbed approximately 30 percent of the excess carbon dioxide that we have added to the atmosphere since the industrial revolution began. That is changing the ocean's chemistry dramatically. The oceans have already absorbed roughly 90 percent of the excess heat trapped in the atmosphere by those greenhouse gases. We would not be living the way we have gotten used to through our development as a species if it weren't for the ocean absorbing so much of that excess heat. We owe the oceans a lot, but as a result of that excess carbon dioxide and excess heat, our oceans are warming, and because they are warming, they are rising and, as well, of course, they are growing more acidic, putting marine life, coastal communities, and ocean economies all in jeopardy.

Oceans face another emerging problem, which is deoxygenation. Oceans need oxygen, and fish and other creatures that live in the ocean need oxygen, and we are finding that there is less and less. Low-oxygen zones in the ocean are nothing new. Dead zones or areas where oxygen levels drop too low for marine life to survive occur naturally, but dead zones are worsening. They are worsening near the coasts where agricultural runoff spurs rapid blooms of phytoplankton. When the phytoplankton die, their decomposition consumes large amounts of oxygen from the water, and fish and other marine animals suffocate. We saw this just a few years ago in Narragansett Bay's Greenwich Bay area.

Now, the Gulf of Mexico routinely sees dead zones as nitrogen-rich waters

flow from farms in the heartland, down the Mississippi River, and into the gulf. Last year's gulf dead zone reached record levels. NOAA, which measures these things, estimated the dead zone to be the size of New Jersey—the largest ever recorded in the Gulf of Mexico. NOAA assessed that the cause was unusually heavy rains in the Midwest associated with climate change that washed large amounts of fertilizer into the river and down to the gulf.

NOAA is not alone. Last year's Climate Science Special Report, the scientific backbone for the Federal Government's Fourth National Climate Assessment, discussed the growing issue of climate change-driven ocean deoxygenation. The report did not mince words. "Global ocean deoxygenation is a direct effect of warming." As water warms, it loses its capacity to absorb gases like oxygen, and warmer water circulates less, meaning there is less mixing of water and oxygen between the surface and deeper waters. The report attributes 85 percent of global oxygen loss to this stratification, as it is known, of the water.

Worldwide, ocean oxygen levels have declined. According to the Climate Science Special Report, the North Pacific, North Atlantic, Southern Ocean, subtropical South Pacific, and South Indian Oceans are all expected to experience further deoxygenation. Oxygen may drop off as much as 17 percent in the North Pacific by 2100 if we don't rein in carbon emissions.

Not surprisingly, fish and other marine wildlife try to steer clear of dead zones. If they are not able to breathe in these low-oxygen waters, they can die. Dr. Callum Roberts, a researcher at the University of York, has also warned that large and fast-moving fish that use more oxygen, like tunas, billfish, sharks, and fish like this unbelievably beautiful marlin, are being relegated to shrinking high-oxygen areas causing them to change how they hunt. A 2010 paper in *Deep-Sea Research* estimated that from 1960 to 2008, the areas in the ocean where oxygen levels are too low to support fish and other big ocean organisms have grown by over 1.7 million square miles—an added 1.7 million square miles with oxygen levels too low for God's beautiful creatures like this one.

One example of this phenomenon comes to us from former NOAA researcher Dr. Eric Prince, who noticed that blue marlin, a fish which is actually well known for its diving capabilities, would not leave the top hundred feet of ocean off of Costa Rica and Guatemala. Elsewhere, in the ocean, marlin regularly go half a mile down to hunt. The reason for constraining themselves to that top 100 feet of ocean? "A deep, gigantic and expanding swath of water that contained too little oxygen." A 2011 study in *Nature Climate Change* estimated that over 50 years the surface ocean habitat in the tropical Northeast Atlantic used by

tunas and billfish, like the blue marlin, has shrunk by 15 percent due to deoxygenation.

A study published earlier this month in the prestigious journal *Science* warned that though there may be a short-term fishing surge due to the crowding of fishing species into surface waters—they are easier to find because there is less oxygenated water that they are in—"in the longer term, these conditions are unsustainable and may result in ecosystem collapses, which ultimately will cause societal and economic harm."

This portends devastating effects. The World Health Organization says around 1 billion people rely on fish as their main source of protein. The U.N. Food and Agriculture Organization estimates 10 to 12 percent of the world's population base their livelihoods on fisheries or aquaculture. Bringing it closer to home, commercial fish landings for Rhode Island for 2016 totaled 82.5 million pounds and were valued at nearly \$94 million. In 2014, the New England ocean economy was valued at over \$17 billion and employed nearly a quarter of a million people. All of that is at risk as we pull out the cornerstones of our ocean ecosystem.

Here is where it actually gets a little weird. Oxygen depletion could actually spur a boom in nitrogen-breathing microorganisms—tiny microbes that breathe nitrogen instead of oxygen. They might then demand enough valuable nitrogen that they crowd out other ocean species that also need nitrogen, and these nitrogen species exhale nitrous oxide, which is a greenhouse gas which creates another possible climate change feedback loop.

As a recent Washington Post story put it, our growing understanding of ocean deoxygenation "underscores once again that some of the most profound consequences of climate change are occurring in the oceans, rather than on land."

As Dr. Denise Breitburg, the lead author of the recent *Science* paper said, "Of course, declining oxygen isn't happening in isolation. . . . Warming itself threatens marine food webs, as does acidification caused by increased carbon dioxide in the water. But the threats are worse when combined."

That is what we are seeing—deoxygenation, warming, acidification combined.

We recklessly ignore the warnings that the oceans are screaming at us. Scientists are seeing numbers and conditions in the oceans they have never seen before. We ignore also the high tides that now regularly flood downtowns of major cities as sea levels rise. We ignore fish species moving northward and offshore in search of cooler waters away from traditional fisheries. We ignore the oyster spat dissolving in acidic seawater before they can grow to maturity. We ignore coral reefs turning white and dying in warm, acidic seas. We ignore the record strength of warm-water-fueled 2017 hurricanes that killed

people, destroyed homes, and caused billions of dollars in damage.

I wonder how long can we ignore the cries from our oceans? Truly, it is time to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. 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. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. today, all postcloture time on the Brownback nomination be considered expired and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

I further ask unanimous consent that the vote on the James nomination occur at 1:45 p.m. on Thursday, January 25, with all other provisions of the previous order in effect.

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

The Senator from Maryland.

#### BRINK ACT

Mr. VAN HOLLEN. Mr. President, I want to start my remarks today by focusing on a serious threat to our national security, and that is North Korea's nuclear program—both its nuclear weapons program as well as its missile program.

At this moment the United States must exert maximum economic pressure to get North Korea to engage in meaningful discussions with the goal of denuclearizing the Korean Peninsula.

That is why Senator TOOMEY and I introduced the BRINK Act. I was pleased to see the changing of the guard here at the desk, with the Senator from Pennsylvania having just been the Presiding Officer and the Senator from Colorado taking over, because I know the Senator from Colorado has also been very deeply involved in this issue to try to make sure that we address the threat of the North Korea program.

The BRINK Act is bipartisan legislation passed unanimously out of the Banking Committee back on November 7. It imposes very tough sanctions on North Korea, and, just as importantly, it has enforcement mechanisms to make sure financial institutions anywhere in the world that are not cooperating with the United States and our allies to impose those sanctions on North Korea are penalized. It is a very simple message: You can do business with North Korea or you can do business with the United States. You cannot do business with both.

Given that this passed unanimously out of the Banking Committee on November 7, and that since then North

Korea has tested an ICBM that analysts believe is capable of reaching all of the United States, we should move forward on this legislation now. In fact, just yesterday CIA Director Pompeo said that “North Korea is ever closer to being able to hold America at risk” and that its nuclear weapons program had developed at a “very rapid clip.”

We have no time to waste. We should move forward immediately on the BRINK Act and move forward on other legislation that came out of the Foreign Relations Committee on this issue. I think we owe it to the American people to do this right away, without further delay.

#### DETER ACT

Mr. President, I would like to turn now to another security threat to our country—a threat, really, to the core of our democracy—and that is foreign interference in our elections.

We all know we have great divisions and differences on lots of issues around our country and in this body, but one thing that should unite us all and one principle that should bring us all together, Democrats and Republicans alike—in fact, Americans, regardless of political party or political stripe—is that we should protect our democratic process. We should protect the integrity of our elections and our democratic institutions.

We know that our democracy has been under threat by foreign powers that want to interfere in our democratic process. In a declassified report released in January of last year, the intelligence community unanimously assessed that “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election.” As part of that campaign, the Kremlin hacked and released emails of the DNC. It could be the DNC yesterday, and it could be the RNC tomorrow. It could be any entity that they would seek to disrupt.

In 2016 they also breached voter registration databases of State and local election boards. They hacked a major voting software supplier and launched an extensive disinformation campaign targeting American voters during the 2016 election cycle. Their goal was not just to disrupt the candidacy of Secretary Clinton. Our intelligence community has assessed that Russia sought “to undermine public faith in the U.S. democratic process.” Even more importantly, the unanimous consensus of the intelligence community was that Moscow will apply its “lessons learned” to future elections in the United States and around the world.

We know that cyber attacks on our electoral system are only going to get more aggressive and more sophisticated over time, and Russia is not the only foreign power capable of waging a cyber war on our democracy. We should expect that other hostile actors will seek to undermine our democratic system, as well.

With this in mind—even as we assess what happened in 2016—it is really im-

portant that we come together to focus on what could happen in 2018 and beyond. We need to work together urgently to prevent these attacks on our democracy. The question is, How do we do that? There are lots of things we can be doing, but one way is to make very clear to any foreign adversary that the costs of interfering in our elections far outweigh the benefits.

In order to effect that calculation, Senator RUBIO and I recently introduced the Defending Elections from Threats by Establishing Redlines, or the DETER, Act. The DETER Act is a bipartisan bill, and it is designed to be forward looking and to prevent foreign interference in our elections. It sends an unequivocal message to any foreign power: If you attack American candidates, campaigns, or voting infrastructure, you will automatically face severe consequences, and we will use the full range of the tools at our disposal to impose those punishments.

To start, the DETER Act mandates regular reporting from the executive branch to the Congress on foreign threats to our elections. Specifically, it requires the Director of National Intelligence to issue a determination to Congress, not more than one month after every Federal election, on whether or not a foreign government or an agent acting on behalf of a foreign government has interfered in that election.

The Director of National Intelligence will talk to all of their colleagues in the intelligence community, make a determination about whether or not there has been interference in an election, and report to Congress as to whether that answer is yes or no.

The DETER Act lays out four redlines—four criteria—that actors cannot cross without retaliation from the United States. If you go over this tripwire, you will face severe penalties.

What are the tripwires?

First, a foreign government cannot hack the infrastructure of elections and campaigns and leak or alter that information. This ensures that a foreign power would pay a stiff price for leaking campaign emails or breaching voter registration databases—all actions Russia undertook in 2016.

Second, a foreign government could not block or disrupt access to the infrastructure of campaigns and emails without tripping the penalty provisions. This means, for instance, that a foreign adversary could not launch distributed denial-of-service attacks on websites providing voters with information on their polling locations. We have seen Russia employ these attacks to undermine elections in parts of Europe, and they could do the same here in the United States in the future.

Third, a foreign government cannot purchase advertising intended to influence an election, including online ads. This is already prohibited by our law. So it makes sense to make this one of the redlines that cannot be crossed without suffering the penalties laid out

in the bill. We know that Russia purchased more than 3,000 Facebook ads during the 2016 cycle to sow divisions among Americans on issues like immigration, gun rights, the Black Lives Matter movement, and Muslim Americans. They targeted these ads to maximize turmoil and polarization.

Finally, the bill sets up another redline—another tripwire—where a foreign government cannot use social or traditional media to spread significant amounts of false information to Americans. We know that Russia mobilized an army of bots and trolls to promote false information to Americans during the 2016 cycle. In fact, the Kremlin even established a troll farm in St. Petersburg with staff dedicated to spreading this false and divisive content in the United States. Under the bill I introduced with Senator RUBIO, those actions would not go unpunished.

So those are the tripwires. Those are the redlines that are established in the bill, and the Director of National Intelligence has to report after an election whether or not Russia or any other foreign power tripped over those redlines. The bill is very clear. It says that if Russia crosses any of those redlines in a future election, a series of sweeping sanctions would be triggered within 10 days of the determination by the Director of National Intelligence. The bill lays out those sanctions very clearly.

Major sectors of Russia's economy, including finance, energy, metals, and mining, would be subject to automatic, mandatory sanctions. Every senior Russian political official or oligarch would be barred from entering the United States and would have their assets blocked. These sanctions are far, far stronger than any action taken to date with respect to Russia. The DETER Act conveys to Putin and others in Moscow, in unequivocal terms, that the United States will not tolerate attacks on our democracy. If it does, and the Director of National Intelligence reports that to Congress, then these automatic sanctions will be imposed.

So if you are Vladimir Putin and you are trying to decide whether you want to mess around in the U.S. election, you have to recognize that if you get caught—and they got caught in 2016; it is just that when they got caught, there were no automatic penalties. But if this legislation passes the House and the Senate and is signed by the President, this time, they have to consider that if they get caught, they will face very severe penalties. So, in my view, the costs of getting caught are huge and are something that would greatly deter Russia or any other foreign power from tripping over those redlines.

To the extent we can, we should impose these costs in partnership with like-minded nations, especially our European allies, which have long been subject to Russia's cyber attacks on their democratic processes. That is



why the DETER Act requires the administration to work with the European Union to take strong and collective measures against Russia for its cyber meddling.

As we know, Russia is not the only adversary capable of launching these kinds of attacks to disrupt our democracy. Other hostile powers or other adversaries may look at what Russia did in 2016 and what it has done in Europe and they, too, may seek to exploit American vulnerabilities in future elections. They will certainly look at that possibility if they know they can get away with it without paying any consequences. In fact, in testimony to Congress last May, the Director of National Intelligence identified China, Iran, and North Korea as other major foreign governments that have the capability today to launch those kinds of cyber threats against our democracy. So this legislation urges the administration to present Congress with a deterrence strategy for each of these countries and any other foreign government likely to interfere in our elections going forward.

The bill that Senator RUBIO and I have introduced would have automatic sanctions take place against the Russian economy immediately upon a determination by the DNI or within 30 days of a determination by the DNI that they went over and crossed these redlines. It also asks the administration to set up a similar regime with respect to these other countries so they would also face automatic penalties if they interfered in our elections.

Let me end with this: There is nothing more important to our democracy than making sure we protect the integrity of that process. That should be something we agree on, and I know we agree on that. I know we agree on it as Republicans and Democrats. In fact, stepping back from party labels, we all want to make sure we have free and fair elections that are free of interference and intrusion from any adversary seeking to disrupt the democratic process.

We also know both in our gut and from our intelligence agencies that Russia and other foreign powers will continue to seek to interfere in our elections unless—unless—they are deterred from doing so. The only way to deter them from doing so is to make it absolutely clear in advance—in advance—that if they interfere and get caught, there will be an automatic penalty, and that is a tripwire that is automatically triggered upon a finding by the DNI that they have interfered in our elections.

That is why it is so important to set this up right now, before the November 18 elections and before future U.S. elections, to put this regime in place, to put this structure in place that says to Vladimir Putin—and to develop methods to make sure we have it in place with respect to other countries that have a high risk of interfering in our elections—if you meddle, if you try to

undermine our democracy, you will pay a penalty. Don't do it.

I hope we will move together on a bipartisan basis to take this step to protect our democracy.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I come to the floor to express my concerns over the nomination of Sam Brownback to serve as Ambassador at Large for International Religious Freedom at the State Department. I do not take my vote against a former colleague's nomination lightly nor do I question Governor Brownback's devotion to his own faith. Indeed, as a person of faith myself, I admire it.

I firmly believe, however, that anyone seeking to represent the United States of America must actively champion the rights of all people to worship freely and without fear. The right to religious freedom is enshrined in our Constitution, and it is a value that we must champion at home and abroad.

Having devoted my life to serving the people of New Jersey—a State enriched by incredible diversity—I believe religious freedom is part of what makes America exceptional. Even in the 21st century, we live in a world where governments and nonstate actors still use religion as a tool of oppression. They cloak their authoritarianism in the guise of divine inspiration, using their faith to justify the persecution of anyone they choose.

The U.S. Ambassador for International Religious Freedom must commit to defending the rights of all religious minorities around the world—Christians and Muslims, Jews and Sikhs, Hindus and Baha'i. Unfortunately, Governor Brownback's career has been defined by a lack of tolerance for those who do not share his own beliefs. I fear he will focus solely on protecting Christian minorities, while we must acknowledge publicly that people of all faiths are persecuted and demand equal representation.

Additionally, his own personal record on important issues gives me concerns. Consider his troublesome record on protecting the rights of LGBTQ individuals. I was deeply disturbed that when pressed during his confirmation hearing, Governor Brownback could not even bring himself to muster a resounding “no”—that it is never acceptable for a government to imprison or execute an individual based on their sexual orientation. Condemning such horrific human rights abuses should never be a heavy lift for anyone who seeks to represent our Nation on the global stage.

I cannot in good faith support the confirmation of someone as Amba-

sador at Large for Religious Freedom who does not believe that all individuals are created equally in God's image.

During his hearing, Governor Brownback also declined to say whether political leaders should be able to use religion to deny women access to healthcare and deprive them of their basic human rights. His silence spoke volumes.

At a time when the Trump administration continues to expand the scope of the global gag rule to the effect of preventing healthcare workers from doing their jobs and providing lifesaving care, we need a leader who recognizes that women's rights are human rights and who knows that the oppression of women by religious zealots is a hallmark of despotism.

During his time as Governor and here in the Senate, Mr. Brownback often used religion to push policies that undermine the rights of women to access healthcare, control their own bodies, and determine their own destinies.

As much as I know the people of Kansas wish to see Governor Brownback sent abroad and out of their State, I cannot support his confirmation today. In these uncertain times, in a world rife with challenges, our Ambassador at Large for International Religious Freedom must be a champion for people of all faiths and a warrior for the human dignity of all of God's children.

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.

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

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

All postcloture time is expired.

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

Mr. RISCH. Mr. President, 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—49

Alexander	Cotton	Grassley
Barrasso	Crapo	Hatch
Blunt	Cruz	Heller
Boozman	Daines	Hoeben
Burr	Enzi	Inhofe
Capito	Ernst	Isakson
Cassidy	Fischer	Johnson
Cochran	Flake	Kennedy
Collins	Gardner	Lankford
Cornyn	Graham	Lee

McConnell  
Moran  
Murkowski  
Paul  
Perdue  
Portman  
Risch

Roberts  
Rounds  
Rubio  
Sasse  
Scott  
Shelby  
Sullivan

Thune  
Tillis  
Toomey  
Wicker  
Young

John Barrasso, Richard Burr, John Cornyn, Thom Tillis, John Hoeven, Tom Cotton, Joni Ernst, James M. Inhofe, Steve Daines, Mike Crapo, James Lankford, Roy Blunt.

#### NAYS—49

Baldwin  
Bennet  
Blumenthal  
Booker  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Cortez Masto  
Donnelly  
Duckworth  
Durbin  
Feinstein  
Gillibrand  
Harris

Hassan  
Heinrich  
Heitkamp  
Hirono  
Jones  
Kaine  
King  
Klobuchar  
Leahy  
Manchin  
Markey  
McCaskill  
Menendez  
Merkley  
Murphy  
Murray  
Nelson

Peters  
Reed  
Sanders  
Schatz  
Schumer  
Shaheen  
Smith  
Stabenow  
Tester  
Udall  
Van Hollen  
Warner  
Warren  
Whitehouse  
Wyden

#### NOT VOTING—2

Corker

McCain

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

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

The PRESIDING OFFICER (Mr. TILLIS). The majority leader.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 294, S. 2311.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, S. 2311, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, 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 motion to proceed to S. 2311, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer,

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 622, David Stras. 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 David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, 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 David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Pat Roberts, Roy Blunt, Tim Scott, Todd Young, Richard C. Shelby, Chuck Grassley, John Boozman, Marco Rubio, Mike Crapo, Steve Daines, Jerry Moran, David Perdue, Tom Cotton, John Cornyn, Roger F. Wicker, John Thune.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 552, R.D. James.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of R.D. James, of Missouri, to be Assistant Secretary of the Army.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. MCCONNELL. Mr. President, last week Americans from all across the country—including many from Kentucky—came here to Washington to speak up for unborn children whom our legal system has denied the right to life. Now Congress has an opportunity to take a step forward.

The United States is currently one of just seven countries—just seven—in-

cluding China and North Korea, that permits elective abortions after 20 weeks. It is time we began to remedy this obvious and tragic moral wrong. The long-overdue legislation that we will be voting on soon would do just that.

I am pleased to have filed cloture on this bill to protect unborn children who are capable of feeling pain. I am proud to cosponsor it, along with many of my colleagues, and I look forward to voting for it early next week.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

#### REMEMBERING TIM O'CONNOR

Mr. LEAHY. Mr. President, I would like to take a moment to remember a remarkable Vermonter, Tim O'Connor, who passed away last week.

For those of us who knew him, Tim was unforgettable. He had a terrific sense of humor, especially when it involved the Irish. Marcelle and I have been friends with Tim and his wife, Martha, since I was a young lawyer starting my practice. We fondly remember meals at their home and how they cared for us and our children as I was first running for Senate.

Tim loved Vermont and was committed to making a difference, both in Brattleboro and statewide. He set an example for the importance of public service, serving in positions as humble as town moderator, to those as important as speaker of the Vermont State House. He served as a Democrat in the Vermont House of Representatives from 1969 to 1981. Throughout his career, Tim embodied bipartisanship above all else, reaching across the aisle to put Vermonters first. In what surely sounds like a fairytale in this hyperpartisan era, when Tim served as speaker of the house, Republicans controlled the chamber.

The only thing that Tim loved more than our State was his family. Marcelle and I have them in our hearts, and our prayers go out to Martha, Kerry, Kate, and Kevin. I called Martha to tell her how I will miss him, but that I will look, every day, at the walking stick Tim brought me from Ireland.

I ask unanimous consent that Bob Audette's article in the Brattleboro Reformer be printed in the RECORD.

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

[From the Brattleboro Reformer, Jan. 17, 2018]

# VERMONT MOURNS THE DEATH OF "A GENTLE SOUL"

(By Bob Audette)

BRATTLEBORO, VT.—By all accounts, Timothy J. O'Connor Jr. was kind, fair, amicable, no-nonsense, intelligent and witty.

The list of adjectives does not end there, but suffice it to say, Brattleboro, Windham County and Vermont are all the better because of O'Connor, who died Tuesday afternoon at the age of 81 at Dartmouth-Hitchcock Medical Center in Lebanon, N.H.

Perhaps the most succinct description came from O'Connor himself in a 2010 interview with the Reformer, describing his three-term tenure as Speaker of the House in Montpelier: "It was a job where you were like the traffic cop at the downtown Main Street circle, trying to get five lanes of cars to move and go with some order, trying to get people to basically compromise on certain positions in order to get legislation passed."

That interview was conducted after the House of Representatives presented a resolution honoring O'Connor. "It is a way to honor Tim's work in the past and to thank him for his continued work in our community, where he is valued for his expertise, sharp wit and humor," said former legislator Sarah Edwards at the time the resolution was sponsored.

## A ROLE MODEL AND A MENTOR

O'Connor, who was born in Brattleboro on Dec. 13, 1936, served as a Democrat in the Vermont House of Representatives from 1969 to 1981. He was chairman of the House Judiciary Committee from 1973 to 1975 and served as Speaker of the House from 1975 to 1981. In 1980, he launched an unsuccessful bid for the governor's office.

Before his career as a politician, O'Connor graduated from St. Michael High School in Brattleboro in 1954 and then the College of the Holy Cross in Worcester, Mass. After he graduated from Georgetown University Law Center in Washington, D.C., in 1961, he attended President John F. Kennedy's inauguration. He married Martha Elizabeth Hannum of Putney on July 8, 1961, and in 2017 they celebrated their 56th wedding anniversary.

He began his legal career in the law offices of Edward A. John, at the age of 25. O'Connor practiced law until his 2011 retirement, though he served as Town Meeting Moderator through 2012.

"He's been a role model and mentor for all of us, and the profession is going to be less for his leaving," Theodore Kramer, of Kramer Law Offices in Brattleboro, told the Reformer in 2011. "Timmy really is one of a kind. He's an exceptional attorney and just a spectacular, quality guy, very reliable and professional."

"Tim was like a father to me and very much like my own father," Brattleboro attorney Jeffrey G. Morse told the Reformer on Wednesday. Morse learned from O'Connor when starting his own law career. "We have lost a truly great man."

## IMPECCABLE LOYALTY AND INTEGRITY

"We need more Timmy O'Connors today more than ever," said Peter Shumlin, who served as governor of Vermont for three terms. "He couldn't care less who you were, what the color of your skin was, your religious beliefs or your sexual orientation. All he cared about was the quality of your character. And you could trust him to stand behind you once you became friends."

Shumlin noted that when O'Connor was elected Speaker of the House, the Legislature was dominated by Republicans. If that

wasn't remarkable enough, O'Connor served three terms as Speaker. "What made Timmy such an unshakable friend and fine servant to Vermont was that everybody knew his loyalty and integrity were impeccable," said Shumlin. "Because of that, Republicans, Democrats, Independents and everybody else trusted him with their own future."

"Tim pulled off an impossible upset getting elected Speaker in a minority house," former legislator Michael Obuchowski told the Reformer in 2010. "He had the ability to convince people, and how he convinced them was with his Irish kindness and fairness."

"In his years leading the Vermont House, his unrivaled ability to build consensus and find common ground earned him genuine respect and support from all sides of the aisle," stated current Speaker of the Vermont House of Representatives, Mitzi Johnson, in an email to the media.

"Just getting elected Speaker is an amazing feat, but to be elected by both parties, as a member of the minority party, and for more than one session, is unheard of," said Mike Mrowicki, who represents Putney, Dummerston and Westminster in the Vermont House. "He was an amazing public servant and a coalition builder."

But, noted Mrowicki, O'Connor's interest in people went beyond consensus building. "Tim was always eager to hear how you were doing and wanted to know if he could help in any way."

## A LISTENER, NOT A TALKER

U.S. Rep. Peter Welch told the Reformer that O'Connor and John Carnahan were the first two people he met when he moved to Vermont in 1974 to pursue a legal career. Being elected the Speaker of the House while a member of the minority party was a result of O'Connor's personality, his decency and his civility, said Welch. "He embodied an ethic in Vermont that you work together with people of opposing parties to get things done."

Welch said that during his career in politics he has tried to emulate O'Connor and Bob Gannett, who represented Brattleboro and Windham County in the Vermont State House for more than 25 years.

"They inspired me to focus on the issues, find common ground, not to get personal and be open and generous with your colleagues," said Welch. "It was effortless with Tim. He is truly one of the giants of Vermont politics."

What also made him unique among politicians, said Welch, was that O'Connor was a listener and not a talker. "Unless you got him on the topic of Ireland, and then you couldn't get him to shut up."

"Tim had such a great sense of humor, especially when it involved the Irish," said U.S. Sen. Patrick Leahy. "I will miss him but I'll look, every day, at the walking stick he brought me from Ireland."

## A PROUD IRISHMAN

O'Connor was a member of what Fran Lynggaard Hansen described in her book, "Brattleboro: Historically Speaking," as the Irish on Elliot Street.

According to Hansen's retelling, O'Connor's grandparents, Timothy Patrick O'Connor and his wife, Hannah Daly O'Connor, came independently from County Kerry in Ireland. They met in Norwich, Conn., later moving to Bellows Falls where relatives found them jobs in a local paper mill. Eventually, the couple moved to Putney, where they raised two boys and two girls. Later, the family moved to Brattleboro. O'Connor's grandfather died in an industrial accident in 1915, according to the story he told to Hansen, and his grandmother later died of tuberculosis. "Richard and Hanna Hasey took my father in and raised him as their own since he was the youngest and they didn't want

him to go to an orphanage," O'Connor told Hansen. The senior Timothy O'Connor went to the Bentley School of accounting and finance in Boston and worked for Barrows Coal Company for 48 years, according to "Brattleboro: Historically Speaking."

"Tim was a wealth of knowledge about our town and its characters past and present," wrote Hansen on the Reformer's Facebook page. "More than that, he was a gentle soul; a kind man who quietly helped so many people. The weight of his life will be felt in Brattleboro for a very long time."

## A MAN IN SERVICE TO HIS COMMUNITY

"Tim O'Connor understood, and in many ways embodied, what it meant to serve his community and his state," said U.S. Sen. Bernie Sanders. "Moreover, in this era of increasing political divisiveness, Tim serves as a model for bringing people together."

As Town Meeting Moderator for Brattleboro for more than two decades, his reputation for his enthusiastic use of his gavel to rein in the meanderings of Town Meeting Representatives frustrated some people, but always brought a chuckle to many more.

"There were many memorable Town Meetings that Tim moderated," wrote Fred Noyes, who recorded a number of Representative Town Meetings for BCTV. "I would sometimes say that he was the grandpa of our town."

"I've seen my share of Town Meeting moderators over the years, in Brattleboro and beyond," wrote Mary H. White, of Brattleboro. "Tim was the best, by far."

"Tim O'Connor was a kind, caring, funny, wise, and generous person who gave decades of tireless public service to Brattleboro and all of Vermont," said Brattleboro Town Manager Peter Elwell. "We will miss him terribly, but will always be grateful for who he was and how he lived."

Becca Balint, the current president of the Vermont Senate, said O'Connor was very supportive of her in pursuing a career in politics. "I greatly respected his advice and perspective on working in the Legislature, and I'm so grateful that he saw and nurtured my leadership qualities. Tim O'Connor is known in the State House as a man who cherished and modeled civility and collegiality. He brought his heart to his work, and in doing so he positively impacted so many legislators and constituents."

"Speaker O'Connor had the reputation of a true public servant—a reputation he earned through his unique ability to achieve consensus and compromise," said Gov. Phil Scott. "His years of leadership have made a lasting mark, and his positive impact on Vermont will not soon be forgotten."

## FOREVER LOYAL

Shumlin said when he volunteered to work for Tom Salmon's campaign for governor in the early 1970s, "Timmy took me under his wing, he tutored me, taught me, cared for me and kept me out of trouble. I was forever loyal to him after that."

If more politicians were like O'Connor, said Shumlin, "We wouldn't be in the mess we are in now."

During a recent visit to O'Connor, Shumlin said his mentor was incredulous over the adversarial atmosphere in Washington, D.C.

"He said, 'I never thought I would live to see the day when division and name-calling would come from the President of the United States of America. It's just so discouraging.'"

Such a comment from O'Connor was very rare, said Shumlin. "Tim was a person who rarely spoke ill of anybody. He had a heart of gold and would fight for folks without a voice. That, combined with his impeccable integrity, made him one of the great leaders of our time."

Jim Douglas, who preceded Shumlin as governor, agreed.

"At a time when rancor has permeated our political process and collegiality seems to have disappeared from the public square, Tim O'Connor stands as a glorious example of what a public servant should be," said Douglas. "We need more like him today."

Douglas, a Republican who served as House Majority Leader, also recalled his time working with O'Connor, whom he described as "a tremendous leader."

Like others who served with O'Connor, Douglas said he was fair and impartial and that he cared about each legislator, regardless of party affiliation, and displayed a genuine nonpartisanship that earned the respect of all of his colleagues.

"I had the temerity to challenge his reelection as Speaker in 1979," said Douglas, who would later serve three terms as Vermont's governor. "He defeated me handily, but there were no hard feelings: he promptly re-appointed me to chair a committee."

James Valente, of Costello, Valente & Gentry in Brattleboro, said everyone should try "to be a little more like Tim in our daily lives. He could teach without lecturing, argue without fighting, and make you laugh without teasing."

A funeral Mass is scheduled for Saturday at 1 p.m. at St. Michael Catholic Church in Brattleboro, with arrangements organized by Atamaniuk Funeral Home.

The family requests no flowers. Contributions may be made to the St. Brigid's Kitchen renovation fund in care of St. Michael Catholic Church, 47 Walnut St., Brattleboro, VT 05301.

Survivors include his wife; a son, Kevin O'Connor of Brattleboro; two daughters, Kate O'Connor of Brattleboro and Kerry (Robert) Amidon of Vernon; three grandchildren, Daniel, David and Jacob Amidon of Vernon; and a brother, W. Brian O'Connor of Amherst, Mass.

"Tim lived his life with a commitment to making a difference, and he did—in his community and in our state," said Leahy. "He set an example for the importance of public service, from serving as Town Moderator, to Speaker of the House. Tim did so in the Vermont tradition of bipartisan leadership and putting people first. Tim's ability and efforts to reach across the aisle and to lead in ways that fostered bipartisan cooperation will long be remembered and are an example to all."

#### ADDITIONAL STATEMENTS

##### REMEMBERING JAMES ROBESON

• Mr. CASEY. Mr. President, I would like to take this opportunity to recognize the heroic life of Scranton firefighter Captain James Robeson on the 10th anniversary of his death.

Captain Robeson was more than just a firefighter. He was a loving husband to his wife, Linda, and a caring father to his son, Ryan. He was a friend to many, a mentor to his colleagues, and a hero to us all.

Captain Robeson made a career out of service and protection. He willingly served and courageously protected his colleagues, the city of Scranton, and all of us who inhabit it. Each time duty called, Captain Robeson heroically was one of the brave individuals running into the flames and chaos, while every-

one else was running out. Captain Robeson was a man of high honor and integrity, two qualities demonstrated when he laid down his own life in an attempt to save another.

Ten years after his death, it is still my honor to have been given the opportunity to serve a man as brave, honorable, and respected as Captain Robeson. His unquestioned willingness to serve others and courageous ultimate sacrifice is a reminder to me about the true meaning of public service.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-4131. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation" (RIN3052-AD29) received in the Office of the President of the Senate on January 23, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 943. A bill to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes (Rept. No. 115-201).

#### 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. PAUL:

S. 2333. A bill to prohibit assistance to the Government of Pakistan, and to require the Department of State and the United States Agency for International Development to transfer amounts to the Highway Trust Fund equivalent to historic levels of assistance to

Pakistan; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, Ms. HARRIS, Mr. CORKER, Mr. DURBIN, Mr. ISAKSON, Mr. COONS, and Mr. JONES):

S. 2334. A bill to amend title 17, United States Code, to provide clarity with respect to, and to modernize, the licensing system for musical works under section 115 of that title, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of that title, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUNDS:

S. 2335. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 2336. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on providing intensive community care coordination and supportive services to veteran families who lack adequate access to services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET:

S. 2337. A bill to provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 108

At the request of Mr. HATCH, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 322

At the request of Mr. PETERS, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 526

At the request of Mrs. FISCHER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 526, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

S. 740

At the request of Mr. LEE, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 740, a bill to prohibit mandatory or compulsory checkoff programs.

S. 833

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 833, a bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

S. 918

At the request of Mr. PORTMAN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 918, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 1148

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1148, a bill to amend title XIX of the Social Security Act to provide States with the option of providing medical assistance at a residential pediatric recovery center to infants under 1 year of age with neonatal abstinence syndrome and their families.

S. 1354

At the request of Mr. CARPER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1354, a bill to establish an Individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

S. 1556

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1556, a bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

S. 2004

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2004, a bill to increase funding for the State response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis.

S. 2127

At the request of Ms. MURKOWSKI, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Michigan (Mr. PETERS), the Senator from North Carolina (Mr. BURR) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 2127, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 2144

At the request of Mr. VAN HOLLEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2144, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements.

S. 2203

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2203, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2255

At the request of Mr. YOUNG, the name of the Senator from Maryland

(Mr. VAN HOLLEN) was added as a cosponsor of S. 2255, a bill to reauthorize title VI of the Higher Education Act of 1965 in order to improve and encourage innovation in international education, and for other purposes.

S. 2330

At the request of Mr. FLAKE, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2330, a bill to prohibit earmarks.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, Ms. HARRIS, Mr. CORKER, Mr. DURBIN, Mr. ISAKSON, Mr. COONS, and Mr. JONES):

S. 2334. A bill to amend title 17, United States Code, to provide clarity with respect to, and to modernize, the licensing system for musical works under section 115 of that title, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of that title, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise with my good friend from Tennessee to discuss some truly landmark legislation we are introducing today that is long overdue. It is called the Music Modernization Act, and it will reshape the music licensing landscape to bring it into the 21st century.

As a songwriter myself, I have a deep interest in music issues and in ensuring we have a music licensing system that works. Unfortunately, our music licensing laws have not kept pace with technological change. We have an outdated, antiquated system that is designed for the era of CDs and cassette tapes rather than the era of digital streamlining and audio on demand.

Most of us rarely think about the complex laws that govern who can listen to what music when and who gets paid when we purchase an MP3 or listen to an interactive stream. We pay our money to iTunes or the streaming service without thinking about how that money then gets distributed to dozens or even hundreds of actors across the music industry. You have songwriters and publishers and recording artists and record labels. You have agents and broadcasters and streaming services and performing rights organizations. You have multiple copyrights across multiple individuals for the same song. It is a dense, interconnected web of licenses, rights, and legal obligations that all need and should be carefully calibrated, but our current regime is not well calibrated—far from it.

To begin with, the process of ensuring that songwriters are paid when the songs they have written are downloaded or played on the internet is a complete mess. The problem lies in matching sound recordings to the underlying musical work; that is, to the

song performed in the sound recording. When a person downloads or streams a song, there are actually two sets of copyright holders whose interests come into play.

The first is the recording artist who owns a copyright in the sound recording; that is, in the recorded version of the song. Often, the recording artist will have assigned his or her copyright to a record label.

The other relevant copyright holder is the songwriter—the person who actually wrote the music and, in virtually every case, the lyrics that the recording artist performed. The songwriter owns a copyright in the song itself, in the actual words and music. Often, the songwriter will have assigned his or her copyright to a music publisher.

When a sound recording is reproduced, whether by download, interactive stream, or fixing the song on a CD or other physical object, the recording artist and songwriter or their respective assignees will both receive royalties. The recording artist receives a royalty for the sound recording itself, and the songwriter receives a royalty for the underlying song. These are called mechanical royalties because, historically, the reproduction of sound recordings was done through mechanical means. Think of a vinyl record and its grooves.

There is also a second type of royalty that comes into play when a song is performed publicly, such as on the radio, at a concert, or over a digital transmission service like Pandora. This type of royalty is called, sensibly enough, a public performance royalty. Just like with mechanical royalties, it is paid to both the recording artist and the songwriter or their assignees.

As I said earlier, the problem lies in matching the sound recording to the underlying musical work; that is, in determining who should get paid when an individual downloads a song or listens to an interactive stream.

Figuring out the recording artist is pretty easy. When digital music services play music, they play sound recordings. They play a song recorded by Taylor Swift or Jay-Z or Garth Brooks or they offer the sound recording for download. In either case, determining who recorded the song is straightforward. Figuring out who the songwriter is, however, can be much more complicated.

A recording artist may play 10 different songs by 10 different songwriters on a single album or 10 separate writers may have contributed to a single song, with each being entitled to a cut. Unlike with recording artists, it is usually not apparent from the sound recording itself who the songwriter is.

Of course, the recording artist—or the record label, if the recording artist has assigned his or her rights to a record label—may know who the songwriter is, but not always, and it is simply not feasible for digital music providers to independently track down

every individual songwriter for the millions of songs they offer over their services.

The problem of unmatched works—that is, works for which the sound recording has not been matched to the underlying songwriter—creates significant difficulties for both digital music providers and songwriters.

Start with digital music providers. By law, these services are required to pay mechanical royalties to songwriters for interactive streams and digital downloads. But if they don't know who the relevant songwriter or publisher is, they can't pay the royalty. This exposes digital music providers to significant liability if a songwriter or publisher later appears and asserts their rights. At the same time, songwriters get short shrift because they don't get paid when they are supposed to be. Streaming services play their songs and digital platforms offer their songs for download without paying the required royalties. As you can see, this is a complicated system. It is a bad situation all around.

That is where the legislation Senator ALEXANDER and I are introducing today comes into play. Our bill, the Music Modernization Act, creates a blanket mechanical license for digital music providers. This license, which will be administered by a mechanical licensing collective, will enable digital music providers to obtain a single mechanical license for the music they play rather than having to individually seek out songwriters and publishers. Services that obtain the license will receive liability protection.

Songwriters and publishers, in turn, will benefit from increased royalty payments. Among the mechanical licensing collective's duties will be establishing and maintaining a public database that identifies musical works and their owners. This will help reduce the number of unmatched works.

In addition, the Music Modernization Act provides that royalties for unmatched works will be distributed after a holding period of 3 years to known copyright holders on a market-share basis. This means that rather than going unpaid, royalties for unmatched works will go to existing copyright holders according to how active each copyright holder is in the marketplace.

Our bill also contains a critical update to the rate standard for mechanical royalties for songwriters. Current law requires the Copyright Royalty Board to consider a variety of statutory factors in setting mechanical royalties. These factors, however, do not accurately reflect market demand, with the result that songwriters are paid a below-market rate. Our bill revises this standard to instruct the Board to establish rates that reflect what a willing buyer and willing seller would agree to in the marketplace.

Lastly, the bill makes two changes related to public performance royalties for songwriters. As I explained earlier, this type of royalty comes into play

when a song is performed publicly, such as on the radio, at a concert, or over a digital transmission service like Pandora.

Public performance royalties for songwriters and publishers are administered through performing rights organizations, or PROs, the best known of which are ASCAP and BMI. ASCAP and BMI offer blanket licenses to radio stations, restaurants, digital transmission services, and others that allow licensees to play all songs in the PRO's catalogue. These blanket licenses are governed by 1940s-era consent decrees that require all rates under the licenses to be set or approved by a Federal judge in the Southern District of New York.

The Music Modernization Act makes two changes relevant to these consent decrees. First, it says that any judge in the Southern District of New York may hear a rate-setting case involving ASCAP's or BMI's license fees, not just the particular judge who oversees the consent decree.

Second, the bill revises current law to allow judges in these rate-setting proceedings to consider evidence of public performance royalties paid for sound recordings in setting public performance royalties for songwriters. The purpose of this provision is to better align public performance royalties for sound recordings with public performance royalties for the underlying musical work and to ensure that songwriters are properly rewarded when a song they write becomes a hit.

As I mentioned earlier, music licensing is an incredibly complicated subject. I have endeavored today to explain the Music Modernization Act in a straightforward way that individuals not steeped in this subject can understand. The key points are as follows. First, the bill will have to solve the problem of unmatched works so that digital music providers are protected from liability and songwriters receive the royalties they are due. Second, the bill will better align royalties for songwriters with royalties for recording artists and with market demand. It will also bring much needed transparency to our music licensing system by creating a public database that identifies musical works and their owners.

I am pleased to report that our bill has broad support across the music industry, which is a tremendous thing. One of the things that makes this legislation such a breakthrough is that we have been able to get the songwriting side of the industry—the songwriters and their representatives in all these matters in the publishing and PRO community—on board with the recording and distribution side of the industry—the record labels and digital music providers. Indeed, I don't think I have ever seen a music bill that has had such broad support across the industry. All sides have a stake in this, and they have come together in support of a commonsense, consensus bill that addresses challenges throughout the music industry.

I should also note that introduction is just the start of the process. Bills change as they move through markup and floor consideration, and there are some outstanding issues in the latter part of the bill that remain to be resolved with broadcasters. I am committed to working through these issues as the bill moves forward so that we have the broadest consensus possible.

I said at the outset that I am a songwriter myself. I have a deep and abiding interest in these issues. These matters are personal to me. They are also an important part of my legacy. I am relatively unknown, and I don't expect to make a lot of money out of the music industry, but I am deeply interested in this, in making sure that those who do create these wonderful musical subjects will be treated more fairly than they are today.

I have fought long and hard for strong copyright protections my entire time in the Senate. I have passed a number of landmark copyright bills, from the Copyright Term Extension Act to the Digital Millennium Copyright Act to the Family Movie Act.

The Music Modernization Act is another in that long line of landmark legislation. In fact, I view it as the capstone of my work on copyright. I say that because I want my colleagues to know how important this bill is, not just to me but to my friends, and I want my friends in the industry to know how important this bill is to me as well. I have less than a year left in this body, and one thing that I am dead set on is enacting this bill into law before I leave.

I hope my colleagues will join me in supporting and sponsoring this bill. The music we create in our country is an important part of our culture and of the message we carry to the rest of the world. Let's do everything we can to ensure we have a music licensing system that is fair, that rewards creativity, and that creates the right incentives to write, perform, and sell music. That is exactly what the Music Modernization Act will do.

I have a partner in this business of trying to get this bill through, the great Senator from the State of Tennessee, LAMAR ALEXANDER, who himself is a very accomplished musician. He is a great piano player, and he is a great friend, and he understands these issues as much as if not more than anyone else I know in the Congress of the United States. I just feel very indebted to him and blessed to have him as one of the people who will be working with me on this matter.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from Utah for his leadership. He is not only the senior Republican Senator and former chair of the Judiciary Committee, which will hear this legislation, and chairman of the Finance Committee, he is a songwriter himself. He is not



just a songwriter; he has a platinum record, he has a gold record, and he has another one that might become gold. So he knows what he is talking about.

I think, for all of us in the Senate, when ORRIN HATCH says that in his 40 years or so here—more than any other Republican Senator—this is the capstone of his career in his work on copyright and it is personally important to him, that means something to the rest of us here. I think that means—among all of the other issues here—we are going to pay more attention to this, and we are going to work hard to pass it. I hope it also means something to those outside this Chamber—the songwriters themselves, the digital music companies, the music publishers, the broadcasters. This is something we intend to do. We intend to make this a law because it is right thing to do, because the songwriters aren't being treated fairly, and because it is important to Senator HATCH, whom we respect.

When Senator HATCH stands up on the floor and says: I have been working since 1977 on copyright issues—and we know how many important issues he has dealt with—and he says this is a capstone of all those issues, we should pay attention to that, and we should deal with it. I think we will be able to deal with it because we start off with very strong bipartisan support.

This afternoon, Senator HATCH and I will file the Music Modernization Act. We will begin with eight Members of the Senate, including Senator HATCH, as the lead sponsor; I will be there, in addition to Senator WHITEHOUSE, a Senator from Rhode Island, a Democrat; Senator CORKER, a Senator from Tennessee; and Senator DICK DURBIN, the Senator from Illinois.

DICK DURBIN is in Nashville nearly as much as ORRIN HATCH is in Nashville. He is not a songwriter, but he loves country music, and he loves songwriting and music, and he is the No. 2 Senator in the Senate, the Democratic whip. To begin to have that sort of co-sponsorship, in addition to Senator ISAKSON, Senator COONS of Delaware, and our newest Senator, Mr. JONES of Alabama—those are the eight of us in the Senate who are starting this bill. We hope others on both sides of the aisle will see the wisdom of it.

Italy has its art, Egypt has its pyramids, Napa Valley has its wine, and Nashville has its songwriters. Songwriters are the lifeblood of Music City. The mayor of Nashville was in my office today and we talked about that. We have thousands of songwriters in Nashville. We have a lot in Memphis too. We have many in Bristol and Knoxville in East Tennessee, where country music really started. They are waiters, they are bus drivers, they are teachers. They have other jobs as they build their songwriting careers. Their paychecks ought to be based on the fair market value of the work they create. Songwriters are paid when their songs are played. We want to make sure that

their hits that are heard around the world are felt in their pocketbook.

The arrival of the internet has transformed the music industry, but it has also meant that many songwriters simply aren't paid their royalties when their songs are played online. This is the first problem—the arrival of the internet.

The second problem is, when the songwriters are paid, they are not paid a fair market value for their work. Senator HATCH, as I have mentioned, has long been an advocate for musicians. He understands this.

We have worked together for over a year with Representative DOUG COLLINS in the House of Representatives on the Music Modernization Act, which eight of us will introduce this afternoon. It is bipartisan. It represents the first major consensus legislation that has the support of songwriters, music publishers, digital music companies, and the record labels. Senator HATCH and I are going to continue to work together to make sure it has the support of broadcasters as well.

More importantly, the legislation will have a real impact on songwriters in Tennessee and elsewhere. First, it creates a simple licensing system for direct music services, like Pandora and Amazon to reflect a changing music industry. Second, it will make it easier for the songwriters to be paid when their music is played or someone buys a song that they wrote. Third, it will allow them to be paid for the fair market value of their work.

Now, to give you an idea of what this really means, let me tell you a story about songwriting. I do not have the experience that the Senator from Utah has. He has written more than a hundred songs over the years and cowritten some of them with a number of Nashville songwriters, as a matter of fact, and he even has a song that is a platinum record. But a few years ago, I was in East Tennessee, in my hometown of Maryville. I walked out of the pharmacy, and I saw an older couple sitting in a pickup truck, and I asked them how they were doing. The woman said of her and her husband: "We're just falling apart together."

Well, that weekend my son Drew was having a songwriters' retreat at our home in East Tennessee. He is in the music business. So I told one of them, Lee Brice, about what the woman said to me: "falling apart together." Lee Brice said: I think I can do something with that. So he, Billy Montana, and Jon Stone, the songwriters, wrote a song called "Falling Apart Together." Lee Brice put that on one of his albums, and I got one fourth of the song rights. That is the way it works in Nashville. If you contribute anything, including just the song name to a song, you get a part of the royalty. Well, Lee Brice is a pretty well-known singer, as well as a songwriter, and he put the song on his album. You would think the royalty would add up to a lot of money, but in 2016, on my Senate fi-

nancial disclosure, I reported receiving \$101.75 in royalties from my one-fourth of the song "Falling Apart Together." If you are a songwriter living in Nashville, Memphis, Los Angeles, New York, or anywhere—or Provo or Salt Lake City—you can't make a living on \$101.75.

The other problem facing songwriters is that music is increasingly played online. Companies like Spotify, Pandora, Amazon, and Apple offer listeners virtually unlimited access to digital music libraries that they can play using the internet whenever they want. According to Nielsen, there are nearly 86 million paying subscribers to these types of digital music streaming services—86 million paying subscribers. In 2016, these subscribers listened to more than 252 billion music streams, including repeated songs. So in 2016, for the first time in history, streaming music services—songs played online—generated more than half the music industry's revenues. Digital music services such as Spotify, Pandora, and Apple Music generated the majority, or 51.4 percent, of the music industry's revenues.

So we know that the internet has changed our world. It has changed politics. It has changed newspapers. It has changed retail. We have seen the effect of it. It has changed the music industry too. One half of the music industry's revenues come from online songs that are played and, as Senator HATCH has said, our laws have not kept up with that and, as a result, our songwriters—the creators who have a right under our Constitution to be paid for their work a fair market value—aren't being paid. In many cases, when they are paid, they are not being paid a fair market value. Sales of compact discs fell below \$100 million in 2016, a 17-percent decline from 2015. This means that it is getting much more difficult for songwriters to make a living and Congress can't change the fact that the internet and other new technologies have changed the music industry, but we do have a responsibility to update our laws to keep up with what has happened.

So how did we get in this mess, and what laws are we talking about updating? In 1909, more than a century ago, Congress gave copyright owners of musical works the exclusive right to make, reproduce, and distribute their own musical work. At the time, the works were primarily piano rolls. So we are talking about laws that were created for player pianos. Congress sets a royalty to be paid to the owners of those piano rolls at \$0.02 per copy. The Copyright Royalty Board, a three-judge panel at the Library of Congress, still sets those royalty rates today. The current rate is 9.1 cents, and it is based on a below-market standard.

Another problem, as Senator HATCH mentioned, is that ASCAP and BMI, the two largest performance rights organizations, are subject to a 76-year-

old consent decree with the Department of Justice—that means an agreement agreed upon in 1940 or so—and ever since then, it has been governing these performance rights rates. These consent decrees never contemplated the internet, and today they are harming national songwriters. The biggest problem with these outdated consent decrees is that songwriters don't get paid the fair market value for their work.

Songwriters negotiate with radio stations for the right to play their music in exchange for “reasonable” performance royalty. If songwriters and the radio stations can't agree on the reasonable royalty, the songwriters have to go to a Federal rate court, which means their case is heard by district judges in the Southern District of New York. Under current law, the judge is not allowed to consider what the song's performer earns when he sets a reasonable royalty. The Music Modernization Act changes that by allowing ASCAP and BMI to present new evidence about the fair market value of the songwriter's work, like what a performer might earn, to a Federal rate court judge when there is a dispute about royalty rates.

The legislation also allows more Federal district judges to hear these types of cases. The music industry has changed dramatically in the past 109 years. It is time to update our music licensing laws to ensure that songwriters can continue to make a living.

Now, what the Music Modernization Act does to solve the problem is this. It creates a new simplified licensing entity to make it easier for the digital music companies—this is Spotify, Pandora—to obtain a license to play songs and ensure songwriters are paid when their music is played. Instead of Spotify and Pandora tracking down each songwriter or a songwriter's publisher to get permission to play his song, they will be able to submit one license and start playing a song right away. Transitioning to a blanket license for reproductions was recommended by the Copyright Office of the Library of Congress. In a February 2015 report on music licensing reforms, the Copyright Office recommended this blanket licensing approach that is included in the Music Modernization Act. The Copyright Office report concluded that “song-by-song licensing is widely perceived as a daunting requirement for new services and as an administrative drag on the licensing system as a whole.” The move to a blanket system would allow marketplace entrants to launch their services—and begin paying royalties—more quickly.

Another important point is that the new licensing entity will not be a new government agency, and the digital music companies will pay to set it up and keep it running, not songwriters. The new entity will be governed by songwriters and music publishers, giving songwriters a say in how their work is used for the first time. The new

entity helps songwriters because it will collect royalties each time a song is played, look for the songwriter, and hold on to the royalties for 3 years until they can be found. This helps songwriters because it ensures they are paid royalties for their work, whether they have a publisher or not. This helps digital music companies because it makes sure songwriters are paid and that means fewer lawsuits.

The legislation also improves transparency by creating a publicly accessible database for all music works, and it requires digital music companies to pay songwriters their royalties every month. Songwriters will receive usage reports on music that is played to make sure the money is all there. The new database is important because maybe a young aspiring songwriter co-wrote a song under an alias or moved or simply can't be located. The legislation allows songwriters to audit the licensing entity once a year, if the songwriter chooses.

Finally, the legislation requires the Copyright Royalty Board at the Library of Congress to use a fair market standard of what a “willing buyer” would pay a “willing seller” when the Board sets royalty rates. This helps songwriters receive a fair market royalty when their song is played online.

The Music Modernization Act, as Senator HATCH said, has broad support—unprecedented support. It is a consensus piece of legislation. It is supported by the National Music Publishers Association; the Digital Media Association; the American Society for Composers, Authors and Publishers, or ASCAP; Broadcast Music, Inc. or BMI; the National Songwriters Association International; and the Songwriters of North America. On January 8, these groups joined the Recording Industry Association of America, the Recording Academy, and more than a dozen music industry groups in endorsing the Music Modernization Act. It will help thousands of songwriters in Nashville, across Tennessee, and across this country.

Songwriters, music publishers, and digital music companies have reached a consensus. Now it is up to Congress to provide a result. That is why I am working in such a bipartisan way and am so glad to be working with such imminent leaders as Senator HATCH, Senator DURBIN, and others to pass the Music Modernization Act and give Tennessee and our Nation's songwriters the fair pay they have earned.

I want to thank Senator HATCH's staff, as well as my own staff, once again, because they have been working on this issue for some time. Senator HATCH was the original cosponsor of legislation in the 114th Congress, titled the Songwriter Equity Act. I am proud to work with him.

I want to thank Representative DOUG COLLINS and Representative HAKEEM JEFFRIES, who are the sponsors of the bill in the House of Representatives. They are leading the effort to get the

bill through the House Judiciary Committee so it can be considered by the full House.

Finally, I wish to thank Bart Herbison, with the National Songwriters Association; David Israelite, with the National Music Publishers Association; Beth Matthews, with ASCAP; Mike O'Neil, with BMI; and Greg Barnes and Chris Harrison, with the Digital Media Association. These individuals have all worked together and negotiated for months to try to produce consensus legislation to help songwriters and modernize the music licensing laws.

So let me end where I began. This is a bill to help songwriters. This is a bill to modernize a copyright system. This is a bill to help our laws keep up with the digital age, the internet world. This is a bill that has consensus among digital companies and songwriters and publishers for the first time. This is a bill to honor ORRIN HATCH, who has served in this body since 1977, who is a songwriter himself, and who has been our leader on modernizing copyright laws from the very beginning. I intend to work as hard as I can in a bipartisan way, both in the Senate and the House, to pass this bill for the good of our country and as a capstone of the career of our senior Senator, Mr. HATCH.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Mr. President, I can't express my appreciation well enough to thank the Senator from Tennessee for this wonderful set of remarks he has just given. He has outlined it as well as it could be done. Tennessee has always been very well represented, but LAMAR ALEXANDER is one of the great Senators here, and I am just grateful that he is standing side by side with me on this.

The songwriters of America have been mistreated for years and years and years, and it is time to change it. It is time to get some equity and some fairness into this system, and I think LAMAR has outlined that about as well as it could be outlined. I want to personally express my appreciation to the Senator from Tennessee for what he has said here today.

Mr. COONS. Mr. President, I would like to thank Senator HATCH for his leadership on intellectual property issues throughout his distinguished career in the Senate. I was pleased to join him in securing the passage of the Defend Trade Secrets Act in the last Congress, which established a Federal civil right of action to protect this valuable form of intellectual property.

Likewise, I am pleased to join Senator HATCH as a cosponsor on the Music Modernization Act. This important piece of legislation will bring much-needed transparency and efficiency to the music marketplace and more fairly compensate songwriters for their valuable creative work. I note that there are some outstanding issues in the latter part of the bill that remain to be resolved with broadcasters and other

music licensees. Senator HATCH has indicated to me that he intends to work through these issues as the bill moves from introduction to markup so that we can have the broadest consensus possible for this legislation. I thank Senator HATCH for this commitment and commend him for his leadership on ensuring that the copyright laws stay apace with evolving technology.

Mr. HATCH. Mr. President, I thank my good friend, Senator COONS, for co-sponsoring the Music Modernization Act and for his engagement on this critically important subject. Like Senator COONS, I want this bill to achieve broad support so that it can move forward in a consensus manner. To that end, I intend to work with broadcasters to address their concerns as the bill moves from introduction to markup and look forward to a productive, successful dialogue on these issues.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. GRASSLEY. Mr. President, I have 6 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 10 a.m., at Walter E. Washington Convention Center to conduct a hearing entitled "Driving Automotive Innovation and Federal Policies."

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 10 a.m., to conduct a hearing entitled "This is Not a Drill: An Examination of the Wireless Emergency Alert System."

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 10 a.m. to conduct a hearing on the following nominations: Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Daniel Desmond Domenico, to be United States District Judge for the District of Colorado, and Adam I. Klein, of the District of Columbia, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board.

#### SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 9:30 a.m., to conduct a hear-

ing entitled "Turning 65: Navigating Critical Decisions to Age Well."

#### SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 2:30 p.m., to conduct a closed hearing.

#### SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, January 24, 2018, at 3 p.m., to conduct a hearing.

#### PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Anna Bonelli, a detailee on the Senate Committee on Finance, be granted floor privileges for the duration of the Congress.

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

#### ORDERS FOR THURSDAY, JANUARY 25, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, January 25; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the James nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Thursday, January 25, 2018, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### UNITED STATES TAX COURT

COURTNEY DUNBAR JONES, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JOHN O. COLVIN, RETIRED.

#### THE JUDICIARY

ALAN D. ALBRIGHT, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE WALTER S. SMITH, JR., RETIRED.  
SUSAN BRNOVICH, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE NEIL VINCENT WAKE, RETIRED.

DOMINIC W. LANZA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE SUSAN RITCHIE BOLTON, RETIRED.  
JOHN B. NALBANDIAN, OF KENTUCKY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JOHN M. ROGERS, RETIRING.

MAUREEN K. OHLHAUSEN, OF VIRGINIA, TO BE JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

FOR A TERM OF FIFTEEN YEARS, VICE LAWRENCE J. BLOCK, TERM EXPIRED.

ROBERT R. SUMMERHAYS, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE REBECCA F. DOHERTY, RETIRED.

JOSEPH L. FALVEY, JR., OF MICHIGAN, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE ALAN G. LANCE, SR., RETIRED.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271(E):

#### To be lieutenant commander

AUGUSTINO ALBANESE II  
VICTOR M. ALMODOVAR  
TIMOTHY R. ANDERSEN  
LINA R. ANDERSON  
RAPHAEL S. ANDERSON  
TAYLOR S. ANDREWS  
SAMUEL G. ANDRIESEN  
CHARLES M. ARENA  
JOELLEN M. ARONS  
SEAN R. ARUMAE  
OMAR S. ASTRERO  
KENNETH AU  
TODD J. BAGETIS  
RYAN W. BALL  
RAFAEL E. BATLLE  
ROBERT E. BATLLE  
BRIAN M. BEACH  
KIRK J. BECKMANN  
BEAU C. BELANGER  
BRADLEY P. BERGAN  
BENJAMIN J. BERMAN  
PETER A. BIZZARO  
STEVEN C. BLUM  
DAVID J. BLUNIER  
COLIN M. BOYLE  
ROBERT L. BRAHAM  
SCOTT M. BRANNER  
MICHAEL R. BRASHIER  
MARK J. BRASS  
CARLON F. BRIETZKE, JR.  
CHRISTOPHER M. BRIGGS  
JEROME BROWN  
MARGARET A. BROWN  
ROBERT J. BROWN  
JOSEPH P. BURGESS  
ANDY J. CEELEN  
JON E. CHAPLEAU  
RYAN H. CLARK  
CATLIN R. CLEMONS  
DANIEL P. CLOONAN  
MARK D. COBB  
ALEJANDRO M. COLLAZO  
MICHAEL J. COLLET  
ANNEXA M. CORMIER  
CASEY S. CORPE  
JUDE COSTELLO  
LEIGH G. COTTERELL  
BIANN I. CREQUE  
DALE T. CRESSMAN  
DANIEL P. CROWLEY  
LEE K. CRUSIUS  
IAN A. CULVER  
ALEXANDER B. CURRIE  
ANDREW J. CZARNIAK  
MICHAEL S. DAFFLER  
LINDEN M. DALE  
JONATHAN DALE  
SAMUEL M. DANUS  
CLAIRE P. DAVENPORT  
DANIEL A. DAVIS  
LISA M. DEPACE  
RYAN N. DICKSON  
NATHAN R. DOWNEND  
ROY T. DUFF  
CODY B. DUNAGAN  
KEVIN J. EDES  
TAYLOR K. EGGLESTON  
LUCAS A. ELDER  
JAMES W. ELLSWORTH  
BRANDIE E. ELMORE  
JASON A. ERICKSON  
ROYSBEL ESTUPINAN  
BRETT D. ETTINGER  
MEGHAN J. FAIRHURST  
DOUGLAS C. FALLON  
JUSTIN C. FELLERS  
MATTHEW J. FETZNER  
RYAN M. FISH  
BRIDGET J. FLORES  
JOSEPH T. FORGENG III  
IAN A. FOSTER  
KENNETH J. FRANKLIN, JR.  
RACHEL A. FRANKLIN  
SCOTT R. FRESHOUR  
ADAM R. FRYE  
JOSHUA N. GALDOS  
BRETT C. GARY  
ROBERT S. GAY  
JUSTIN R. GEAR  
MICHAEL W. GIBSON  
THOMAS G. GIBSON  
MARY A. GILDAY  
LAURA E. GOULD  
LINSEY M. GRANGER  
TONY L. GREGG  
STEVEN M. GREY  
RICHARD C. GUY  
NATHAN HALL  
DANIEL K. HAN

JESSE B. HARMS  
 JOSEPH A. HAYNSWORTH  
 RYAN R. HERBERT  
 MAUREEN K. HEGERICH  
 ANDREW S. HEIL  
 JOSEPH H. HERD  
 KATRIAN M. HERNANDEZ  
 SAMMY A. HILL  
 ASHLEY E. HOLM  
 LA'SHANDA R. HOLMES  
 AMANDA L. HOOD  
 ROBERT D. HORNICK  
 CHRISTOPHER R. HOWARD  
 THOMAS E. HUMPHREY  
 GREG S. ISBELL  
 MCCLAIN G. ISOM  
 MICHAEL R. JACKSON  
 KRISTEN R. JAEKEL  
 EUNICE A. JAMES  
 JASON E. JAMES  
 HARRY B. JEFFRIES  
 PAUL H. JOHANSEN  
 GRANT W. JOHNSON  
 GREGORY S. JOHNSON  
 MICHAEL G. JOHNSON  
 CRAIG E. JOHNSTON  
 JUSTIN R. JOLLEY  
 KIMBERLY D. KAISER  
 DANIEL J. KEARNEY, JR.  
 TAYLOR C. KELLOGG  
 CHARLES P. KELLY  
 MORGAN E. KELLY  
 MARK R. KETCHUM, JR.  
 JESSE C. KEYSER  
 CHRISTOPHER M. KIMREY  
 HAYLEY L. KOVAL  
 MATTHEW T. KRUEGER  
 NICHOLAS E. LAJOIE  
 ROBERT D. LALLY  
 JOHN P. LAMORTE  
 NESTOR L. LAZURIVAS  
 BRENDAN H. LEAHY  
 AMANDA M. LEMONDE  
 DANIEL R. LIBRANDO  
 BENJAMIN M. LITTS  
 RYAN S. LLOYD  
 ANDREW P. LUND  
 LANCE M. LYNCH  
 MARK T. MAGRINO  
 ALBERTO D. MARTINEZ  
 ANTHONY R. MARTINEZ  
 MICHAEL A. MASTRIANNI  
 JEFFREY M. MATEJKA  
 GEORGE R. MATTHEWS  
 COLIN K. MCKEE  
 TIMOTHY P. MCNAMARA  
 MATTHEW J. MEINHOLD  
 MICHAEL W. METZ  
 ABIGAIL S. MILLER  
 DANIEL A. MILLER  
 NICHOLAS M. MONACELLI  
 AUSTIN MONTANEZ

PATRICK R. MOON  
 RICHARD A. MOONEY  
 SAMANTHA J. MUDON  
 KEVIN H. MURPHY  
 IAN J. MURRAY  
 BENJAMIN E. NEAL  
 BRYANA K. NICHOLAS  
 MICHAEL J. NOVAK  
 STEPHEN R. NOWELL  
 AMY M. OHEARN  
 MICHAEL S. OUBRE  
 JULIAN M. OWEN  
 RAYMOND C. PAMATIAN  
 NICHOLAS A. PAPARIS  
 BRADLEY C. PEIFER  
 SHANNON J. PEIFER  
 MATTHEW D. PEKOSKE  
 KATHERINE M. PELKEY  
 MATTHEW R. PERKINS  
 ANDREW P. PERODEAU  
 WILLIAM M. PHILYAW III  
 JEREMY W. PICHETE  
 HAROLD N. PIPER III  
 CORINNE M. PLUMMER  
 PATRICK T. PLUMMER  
 JARROD E. POMAJZL  
 EARL H. POTTER IV  
 TAKILA S. POWELL  
 BENJAMIN E. POWERS  
 JEFFREY M. PREBECK  
 JULIA K. PRESNELL  
 SHANNON M. PRICE  
 SARAH M. PULLIAM  
 ADAM R. RECKLEY  
 KRISTINE R. RED ELK  
 JOSEPH E. REITMEYER  
 NATHANAEAL J. RHODES  
 MATTHEW D. RICHARDS  
 TYSON L. RICHARDS  
 AARON L. RIUTTA  
 LUIS D. RIVAS  
 DIANNA M. ROBINSON  
 KEITH C. ROBINSON  
 CHRISTOPHER A. ROGERS  
 JENNIFER A. ROGERS  
 MATTHEW A. ROMANO  
 ANTHONY A. ROMERO  
 EMILY A. ROSE  
 ALAN K. ROSENBERG  
 DAVID P. RUHLIG  
 ELIZABETH A. RUNCO  
 TASHA R. SADOWICZ  
 THOMAS A. SAPP  
 JAMESEN G. SAVIANO  
 NICOLAS M. SCHELLMAN  
 TARA M. SCHENDORF  
 DARIN W. SCHNEIDER  
 KENISHA J. SCOTT  
 BRIAN W. SEEKATZ  
 JOHN C. SEITZ  
 NATHANIEL P. SELAVKA  
 STEWART L. SIBERT

ANDREW J. SOMPLASKY  
 NATHANIEL L. SOULERET  
 DANIEL E. STEPLER  
 KODY J. STITZ  
 JEREMY D. STRICKLAND  
 TYLER A. STUTIN  
 MICHAEL D. TAPPAN, JR.  
 STACEY W. TATE  
 TERRENCE M. THORNBURGH  
 JAMES E. TOOMEY IV  
 KEVIN M. TRUJILLO  
 BENJAMIN R. TUXHORN  
 AARON L. URBANAWIZ  
 VINCENT A. VASATURO  
 JOHN VASILARAKIS  
 EMILIANO P. VASQUEZ  
 DANIEL VELEZ  
 SCOTT T. VERHAGE  
 CHRISTOPHER M. VERLINDEN  
 DAVID R. VIHONSKI  
 ZACHARY R. VOJTECH  
 ERIC G. VRYHEID  
 RAYMOND W. WAGNER  
 ARNOLD D. WALLACE  
 KENNETH L. WALTON  
 MORGAN I. WAY  
 BENJAMIN J. WEBER  
 JAMES A. WEST  
 DIXON T. WHITLEY  
 THOMAS F. WIELAND  
 MARIA C. WIENER  
 ANDREW C. WILLIAMS  
 JOSHUA B. WILLIAMS  
 NIYA J. WILLIAMS  
 RICHARD C. WILLIAMS  
 DANIEL M. WILTSHIRE  
 MATTHEW D. WINLAND  
 SCOTT M. WOODCOCK  
 LISA WOODMAN  
 ERIC R. WOYNAROSKI  
 DAVID J. WRIGHT  
 PATRICK J. WRIGHT  
 YVONNE C. YANG  
 NICHOLAS P. ZIESER

### CONFIRMATIONS

Executive nominations confirmed by  
 the Senate January 24, 2018:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALEX MICHAEL AZAR II, OF INDIANA, TO BE SEC-  
 RETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF STATE

SAMUEL DALE BROWNBACK, OF KANSAS, TO BE AM-  
 BASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS  
 FREEDOM.