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## Senate

The Senate met at 9:30 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.

O Eternal God, who rules the raging of the sea, You are our guardian and friend. Place Your arms of protection and wisdom around our lawmakers, shielding them from life's pitfalls and using them for Your glory. Lord, be their refuge and strength, a very present help in trouble. May they rejoice because of Your mercies, serving You with grateful hearts. Turn the night of their distress into the morning of Your hope, causing them to wait patiently for the unfolding of Your loving providence. May they feel Your everlasting arms beneath them and find peace in Your presence.

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. PAUL). The majority leader is recognized.

### CONGRATULATING THE NKU NORSE MEN'S BASKETBALL TEAM

Mr. MCCONNELL. Mr. President, I wish to start by taking a moment to congratulate the men's basketball team of Northern Kentucky University for an impressive accomplishment.

My home State of Kentucky is without a doubt known for college basket-

ball, and now we have another reason to be proud. With last night's win, the NKU Norse secured the Horizon League championship and earned a ticket to the NCAA Tournament. With their recent entrance into Division I play, this is the first year the Norse have been eligible for a spot in the tournament, and their season of hard work has paid off.

I would like to congratulate the team, Head Coach John Brannen, and the entire program, and I look forward to watching them continue their incredible season.

### CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, the passage of the Every Student Succeeds Act was one of the great triumphs of the last Congress. It represented the most significant education reform in over a decade. It heralded "the largest devolution of federal control to the states in a quarter-century," as the Wall Street Journal put it, empowering parents, teachers, and schools at the expense of Washington bureaucrats. It passed the Senate with wide bipartisan support, 85 to 12; President Obama signed it into law.

Yet just a few months later, his administration set to shift power back from parents and schools to the Washington bureaucracy by regulation. The Obama administration's so-called accountability regulation was written in direct—direct—contradiction to the law that passed Congress with overwhelming bipartisan support and is a prime example of the Executive overreach we in Congress are working to overturn.

Today, however, thanks to the Congressional Review Act, we have the opportunity to move past this overreaching regulation and empower those closest to our kids once again to ensure our schools are held to the highest standards.

We will also have the opportunity to move past another Obama-era regula-

tion that hurts students and those seeking to go into the teaching profession. I am talking about a regulation that allows the Federal Government to insert itself into the way States choose to prepare their teachers for the classroom. States are supposed to be the leaders on core curriculum and decisions on how to prepare teachers to best meet the needs of their students—not Washington bureaucrats. By repealing this regulation, we could help restore that process. Further, this regulation increases administrative burdens that only divert much needed resources and focus away from students.

As the Kentucky Association of Colleges for Teacher Education put it, voting to remove the harmful teacher preparation regulation "will allow Kentucky universities and colleges to continue developing and supporting outstanding teachers who positively impact P-12 children."

"Teacher preparation programs have limited and shrinking resources," the letter said. "[Our] members want to spend those resources on developing exemplary teachers rather than working on compliance regulations that have not been shown to result in better prepared and higher quality teachers."

That is from the Kentucky Association of Colleges for Teacher Education.

Groups like this know firsthand that more flexibility is the key to improving our schools. They know that those closest to students are best positioned to help our children succeed. They know that the one-size-fits-all education policies of the past are unsustainable for the future. So it is time to move past both of these harmful education regulations.

In particular, I want to recognize Senator SASSE and Senator ALEXANDER, the HELP Committee chairman, for their leadership on these issues. They introduced legislation similar to the House-passed proposals that we will vote on this week to overturn these unfair regulations.

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



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I encourage colleagues to support both CRA resolutions so that we can continue building upon educational policies that put America's students and educators first.

#### REPUBLICAN HEALTHCARE BILL

Mr. MCCONNELL. Mr. President, just before the election, CNN ran an article with the following headline. This is CNN: "Is ObamaCare really affordable?" Answer: "Not for the middle class." It was true then, it is true now, and it will continue to get worse unless ObamaCare is repealed and replaced.

In places like my home State of Kentucky, relief cannot come soon enough. Because of ObamaCare, premiums in Kentucky shot up by as much as 47 percent this year. Almost half of the counties in Kentucky have only one option for insurance providers on the ObamaCare exchange. Families are losing their doctors and are being forced into junk plans. The list of broken promises goes on and on.

I have said it before; I will say it again: The status quo is unsustainable. We cannot sit on our hands and do nothing. We must act before the market collapses.

Americans have repeatedly demanded the repeal of ObamaCare, and Republicans are fulfilling our promise to do just that. The bill unveiled in the House this week represents an important step toward that pledge. It will bring much needed relief to families and small businesses. It will give Americans more control over their own healthcare choices. It will help stabilize the marketplace. And just yesterday, Health and Human Services Secretary Dr. Tom Price sent a letter expressing the administration's support for it. Here is what he said: "These proposals offer patient-centered solutions that will provide all Americans with access to affordable, quality, healthcare," he wrote. They will also "promote innovation, and offer peace of mind for those with pre-existing conditions," he said.

In the coming weeks, committees in the House will publicly debate this bill. I hope Members will take the time to consider the bill and continue to ask questions.

Once we receive the bill from the House, the Senate will act because here is what we know: ObamaCare is a direct attack on the middle class. It will continue to get worse unless we act to repeal and replace it, and we are determined to keep our promise to the American people to do just that.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### TRUMPCARE

Mr. SCHUMER. Mr. President, the House Republicans have finally unveiled their healthcare plan after nearly 8 years without a plan of their own.

TrumpCare is finally public, and each hour that goes by brings a new set of concerns and new groups that oppose the bill, from all places along the ideological spectrum. Even a growing number of conservatives are expressing their distaste for the legislation.

The fact of the matter is that TrumpCare is a mess. It will mean higher costs and less care for most Americans. When you look at the details, you can see that TrumpCare amounts to two separate systems of healthcare in America: cheaper healthcare for the rich, more expensive healthcare for everybody else.

Under TrumpCare, if you make more than \$250,000 a year, you will get a huge tax break. The average is \$200,000 a year, because most people are way above that \$250,000. If you are in the middle class, the cost will increase by \$1,500 annually, and by 2020, over \$2,000 a year.

Let me repeat that. If you make over \$250,000, your average tax break is \$200,000. If you are in the middle class, your average increase in costs is \$1,500 up. What kind of plan is that?

Donald Trump has talked about helping working America. The plan he has embraced, TrumpCare, helps the rich and hurts the average American. That is not surprising given all the other things they are doing the same way. This administration continues—and healthcare is part of that—to talk like populists but act like those helping the wealthy special interests time after time.

Let me repeat that. Under TrumpCare, if you make more than \$250,000, you will get a tax break on average of \$200,000 a year. If you are in the middle class, the cost will increase by about \$1,500 annually, and after 2020, by \$2,000 a year.

TrumpCare is a healthcare handout for the wealthiest Americans and fake healthcare for everybody else. Under TrumpCare, if you are a member of the Trump Cabinet—stocked with billionaires—you are going to get a tax break, but if you are 60 years old, on the cusp of retirement but still waiting because you are not yet eligible for Medicare, TrumpCare would allow insurers to charge you more simply because of your age—discrimination against the elderly, against those 50 to 65, who have worked so hard but don't yet have Medicare. That is wrong.

If you are between 55 and 64, the total cost for you will increase \$5,269 a year. Let me repeat that. If you are between 55 and 64, the total cost would increase

by \$5,269 a year. That is only the next 2 years. By 2020, it goes up to \$6,000 a year.

For a working family, they can't afford that. What is this all about? They said it would be better care and cost less. It is worse care and it costs more.

How about this? Under TrumpCare, a wealthy insurance executive making over \$500,000 a year is allowed a tax break. If you are struggling to make it into the middle class with an income of 250 percent below the poverty line, your costs are going to go up by nearly \$3,000 a year, and by 2020, \$4,000 a year—once again, helping the wealthy special interests, in this case insurance executives, and hurting those struggling, climbing the ladder to get into the middle class.

If you are a working mother and you get healthcare from Planned Parenthood, too bad, TrumpCare cuts all Federal funding for Planned Parenthood for a year.

I am wearing my red tie today to honor the Day Without Women. Unfortunately, TrumpCare is the healthcare bill that forgot about women. Women are an essential part of our workforce in America. They ought to be able to go to the doctor or provider of their choice, even if that is Planned Parenthood.

When you look at the fine print of this bill, it has jagged edges. TrumpCare shifts the costs and burdens from the wealthy to the poor, from the insurance executive to the middle-class family.

The more Americans hear about this plan, the less they are going to like it. They were already against repeal before this plan came out. Can you imagine what is going to happen now as they read the details? I believe the Congressional Budget Office, when they score it, will ultimately show America everything America needs to know—how this bill would likely hurt overall coverage numbers and affordability and, at the same time, explode the deficit.

You are getting worse healthcare and increasing the deficit. What kind of combination is that? No wonder the Republican leadership in the House is trying to rush through the bill even without a score. They don't want the American people to see it. I don't think they even want their own Members to have a chance to study it because it is a near certainty that this bill will cause millions to lose insurance as well as blow a gigantic hole in the Federal budget.

In conclusion, it is reckless for Republicans to make Congress vote on this mess of a plan before we have those answers from CBO. Simply put, TrumpCare is a mess for the American people. We Democrats will fight it tooth and nail.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### 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.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 58, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

#### CALLING FOR AN INDEPENDENT, BIPARTISAN COMMISSION

Mr. DURBIN. Mr. President, in recent weeks, we have seen an astonishing series of revelations about Russia's efforts to influence the 2016 election in support of the Donald Trump campaign. Last week, the Washington Post reported that Attorney General Jeff Sessions met with the Russian Ambassador in July and September during the campaign. Yet, during his confirmation hearing, the Attorney General said under oath: "I did not have communications with the Russians."

Last Thursday, the Attorney General announced he would partially recuse himself from any investigation into the Presidential campaign. I note that this was a partial recusal when it comes to investigations into Russia's influence on President Trump and his circle of advisers and associates. The scope of the recusal is still unclear. For example, Attorney General Sessions does not even appear to believe that his own meeting with the Russian Ambassador on September 8, 2016, was related to the campaign. The scope of his recusal will need to be clarified.

We also continue to learn of previously undisclosed communications between the Russians and President Trump's inner circle. For example, we learned last week that Jared Kushner, President Trump's son-in-law and senior adviser, had met in December with the Russian Ambassador in Trump Tower, along with the President's National Security Advisor, Michael Flynn, who resigned on February 13. People across America are wondering when the next shoe will drop.

It is becoming clear that the President is desperate to change the head-

lines from these Russian revelations—so desperate, in fact, that in a series of tweets on Saturday morning, President Trump claimed that President Obama had wiretapped Trump Tower in an act President Trump described as "McCarthyism" and "Nixon/Watergate." Well, President Trump's tweets again made news but not in the way he had hoped. It quickly became clear that President Trump has no evidence to back up his claims. In fact, it appeared he got his information not from America's law enforcement or intelligence agencies but from rightwing talk radio.

On Sunday, the former Director of National Intelligence, James Clapper, denied the President's claims, and the Director of the FBI, James Comey, took an extraordinary step of calling on the Justice Department to publicly deny the President's claims. Even Republicans like House Oversight Committee chairman JASON CHAFFETZ and TREY GOWDY, chairman of the Select Committee on Benghazi, said they had not seen any evidence that would support what President Trump tweeted. Nonetheless, the President's spokespeople doubled down, saying that the President does not accept the contention of the FBI Director and he stands by his tweets.

Let's be clear. President Trump is playing games with the credibility of his Presidency. Donald Trump is destroying the credibility of the Office of the President 140 characters at a time. If President Trump had consulted with his adviser—any credible adviser—prior to his tweets, he would have learned something that is crucial, and it is as follows: The President of the United States does not have the authority to order a wiretap. Instead, such a wiretap can be granted upon a finding by a court that there is probable cause to believe the target has committed a crime or is an agent of a foreign power.

Clearly, there are more revelations to come. The only question: How long is it going to take? How much damage will be done to the credibility of the Office of the President and America in the process?

These recent events confirm yet again the need for an independent, transparent, bipartisan commission led by Americans of unimpeachable integrity to get to the bottom of this Russian attack on the United States. Russia attacked our democracy. We need to fully understand what happened. We certainly need to prevent it from happening in the next election or ever again.

This week, a USA TODAY/Suffolk University poll found that Americans, by a margin of 58 percent to 35 percent, believe an outside independent investigation is needed into Russian involvement in our election. It is worthy of note that just a few weeks ago, only 30-something percent of the American people were aware of this controversy with Russia. Now over 55 percent of people want an independent investigation. America is listening.

We also need the Justice Department and the FBI to proceed with a credible, impartial investigation to determine if there may have been any criminal conduct involved.

Yesterday, the President's nominee for Deputy Attorney General, Rod Rosenstein, appeared before the Senate Judiciary Committee. If confirmed, Mr. Rosenstein would oversee any Justice Department investigation into the Trump administration's Russian connections after Attorney General Sessions has partially recused himself. So I pressed Mr. Rosenstein to clarify the scope of Attorney General Sessions' recusal commitment. I also asked, as did Senator FEINSTEIN, whether Mr. Rosenstein had read the January 6 Intelligence Community assessment into Russian election interference. I cannot explain it, but in 2 months Mr. Rosenstein had not read this 15-page, unclassified report that is available on the internet. It focuses on the major issue he will face initially as Deputy Attorney General, and he told us he had not read it.

Let me add that I respect Rod Rosenstein. He served as U.S. attorney in Maryland, appointed first under a Republican President and held over under a Democratic President, and that says a lot about his professionalism as a prosecutor, his reputation, and his integrity. It is hard for me to believe that he could come before a hearing, which he knew would focus on the need for a special prosecutor to look into this Russian interference, and not have been briefed to read the 15-page public report that summarizes the conclusions of all of America's intelligence agencies when it comes to this Russian interference.

I am sure he is an excellent lawyer who wouldn't enter a courtroom or stand before a judge or jury without complete preparation to the best of his ability, but yesterday, time and again, he told us he didn't take the time to read this report. I urge him to do so as quickly as possible, and when he reads it, he will see that our intelligence agencies are unequivocal in their statement that Vladimir Putin was setting out to elect Donald Trump and to defeat Hillary Clinton. This is not a report from the Democratic National Committee; it is a report from our intelligence agencies. And whomever Putin was trying to help, that is secondary to the fact that he was hacking into the internet, disclosing materials, and trying to become a material player in our Presidential election.

Mr. President, 3 weeks ago, I went to visit Poland, Lithuania, and Ukraine. They are watching this carefully because they have been the victims of Vladimir Putin and Russia's attempts to interfere in their elections, and now they hear the United States has been victimized by Putin, as well.

One of the scholars in Poland asked me what I thought was a very clear question, and I can't answer. He said: If

the United States will not take the interference of Putin in your election seriously, how can the people of Poland believe you will take your NATO commitment to protect us from Putin seriously? Important question. Valid question.

There are exceptions on the Republican side of the aisle, and I would like to point out one of them. My friend, my colleague, and the chairman of the Foreign Operations Subcommittee of Appropriations, LINDSEY GRAHAM of South Carolina, made an extraordinarily forthright statement yesterday about the need for an investigation into this Russian interference. Thank goodness he is stepping away from party loyalty and stepping up when it comes to defending this Nation. I salute my Republican colleague for his leadership on this issue.

It is important to step back from the daily dysfunction we have when it comes to the Russian investigation and the White House and lack of governing and remember what is really at stake.

Five months ago, our intelligence services disclosed evidence that a foreign adversary—one ruled by a dictatorial former Communist KGB agent—was trying to help its preferred candidate in the U.S. Presidential election. Think about that for a moment. An adversary of the United States—a country which has imprisoned millions of Europeans in the Communist system for almost half a century and which today rigs elections and silences or murders members of the media and opposition—committed what I believe is akin to a cyber act of war against America in trying to elect someone they saw as more sympathetic to their interests.

Since those early reports, we have been provided with damning evidence by our intelligence agencies on the depth and sophistication of this operation—so favorable to its nefarious goal that it had Russian intelligence operatives boastfully celebrating after the outcome of the election.

We also know that members of President Trump's campaign met with those thought to be Russian intelligence; had suspiciously timed communications with the Russian Government just after the Obama administration placed sanctions on Russia; and in the case of top Trump advisers Michael Flynn and Jeff Sessions, refused to disclose those meetings, both in public and in one case to the Vice President and in another case to the Senate Judiciary Committee.

No candidate would or at least should want help from a foreign dictator to help win political office in the United States. So in a situation like this, the response is obvious: Help in any way possible to clear suspicions and concerns. Go forward and serve the American people with an investigation. It seems so obvious.

Leon Panetta was on one of the Sunday morning talk shows. Leon Panetta is a friend. I served with him in the

House of Representatives. He was the Chief of Staff to the President of the United States, President Clinton. He served as Secretary of Defense. He headed up the Central Intelligence Agency. He is an extraordinarily gifted and well-thought-of person who has a record of public service that is enviable. He was asked about what the Trump White House should do about this allegation of Russian interference in the election and the suggestion that they might have been complicit.

He said: Get out in front.

The President of the United States should say: I have nothing to hide, and we will fully cooperate with an independent commission to get to the bottom of what happened in that election. But instead, what do we have? Fanciful—in fact, patently false—tweets by the President, alleging a wiretap by the former President. President Trump, if he has nothing to hide, should help us clear this up once and for all.

To my Republican colleagues, so many patriots and champions of American national security, it is time for more to join Senator GRAHAM and others to step up and speak out even on the floor of the Senate about this situation.

Each one of us in the Senate swore to support and defend the Constitution of the United States against enemies foreign and domestic. Clearly, the Russian attack is a call for all of us—of both political parties—to step up. This issue is not going to go away. We are going to continue to pursue the truth.

#### NOMINATION OF SEEMA VERMA AND THE REPUBLICAN HEALTHCARE BILL

Mr. President, I come to the floor to speak about the recently released Republican healthcare repeal bill and to speak on the nomination of Seema Verma to serve as Administrator of the Centers for Medicare and Medicaid Services.

CMS is an agency touching the lives of 125 million people, and 34 percent of Americans receive their health insurance under one of the three Federal programs run by that agency—Medicare, Medicaid, and the Children's Health Insurance Program. These programs are vital to the health and well-being of seniors, children, persons with disabilities, and low-income families. Yet, with those vows to repeal the Affordable Care Act, President Trump, Health and Human Services Secretary Tom Price, and congressional Republicans are sadly attempting to gut the Medicaid program and to jeopardize the future of Medicare.

The head of CMS should be someone who believes in these core programs and is willing to fight to preserve them. Instead, Ms. Seema Verma's record—as well as comments she made during her confirmation hearing—indicates she is more than willing to take dramatic steps to force people to lose their health insurance or dramatically increase out-of-pocket costs.

From her refusal to disavow efforts to repeal the Affordable Care Act to

her willingness to cut the Medicaid Program, I do not believe Ms. Verma is the right person for this job.

When it comes to the Affordable Care Act, our constituents—Republicans, Democrats, Independents—are angry and frightened about what the Trump administration and congressional Republicans might do to healthcare. Based on what has finally been released, they have good reason.

In over 2 months, Republican leaders in Washington have taken numerous steps to change and even sabotage our healthcare system, jeopardizing patient access to care and throwing the system into chaos.

Before President Trump took office, congressional Republicans rammed through a budget bill, laying the groundwork for a quick, silent repeal of the Affordable Care Act, despite the fact that they had no replacement. Then, on his first day in office, the President signed an Executive order to weaken the Affordable Care Act, instructing Federal agencies to stop doing their job under the law. The President then acted hastily to stop Federal outreach efforts—TV ads, radio spots, and emails intended to encourage more Americans to sign up for health insurance.

I watched yesterday as the Speaker of the House, PAUL RYAN, said that the Affordable Care Act is collapsing. Well, I can tell you, it needs help and it should be bipartisan. Instead, the Republicans are doing everything they can to jeopardize it.

Last week, the President met with big insurance companies to discuss what they want for healthcare. But where were the patients, the hospitals, the doctors, the nurses, the community health centers in these conversations?

It is clear that congressional Republicans want to move full steam ahead on repealing our healthcare law. The problem has always been and still is that they can't agree on how to move forward. They don't have a plan to protect people. Some Republicans just want to repeal. Others want to repair. Others want to rebuild. They can throw out all the "R" words they can find in the dictionary, but at the end of the day, they don't know what they want to do. These disagreements are becoming even more obvious in the last week.

For the past few months, House Republican leaders have been meeting secretly to craft a repeal bill. Well, they finally unveiled it. No wonder they wanted to keep it secret.

Incidentally, this bill, which has been authored by the Republicans—a party that claims a commitment to fiscal soundness—has not been scored by the Congressional Budget Office. We don't know, even as it is being considered by committees in the House of Representatives, whether it is going to add to the deficit or not. You would think that the party of fiscal integrity—the Republican Party—would ask that question early on. As yet, they have no answer, and they are proceeding full steam ahead.

The bill, first, would end Medicaid as we know it, cutting \$370 billion from the program and limiting care. Who are the beneficiaries of Medicaid? The largest group of beneficiaries are kids and mothers. The second most expensive group are seniors, many of them in nursing homes who, without Medicaid and Medicare, could not even continue in a good nursing home environment.

Keep in mind that one in five Americans currently depend on Medicaid for their health insurance—65 million people nationwide. That includes 35 million children, 7 million seniors, 11 million people with disabilities.

We used to say: Well, Medicaid is for poor people. Well, it certainly is for lower income Americans, but many of them are working low-income Americans who still qualify for Medicaid.

My friend, who has worked in the motel-hospitality industry all of her life, in her sixties, sadly, is a part-time employee, despite her hard work. She can't afford health insurance, but she qualifies for Medicaid. She is part of the working poor, and she is one who needs this benefit. If the Republicans have their way and reduce Medicaid coverage, she could certainly lose it.

In my home State of Illinois, 650,000 people have gained healthcare coverage under Medicaid, thanks to the Affordable Care Act. For her and others I have met, it is the first time in their life that these men and women—often in their sixties—for the first time in their life have health insurance.

Of Illinois' 18 congressional districts, not a single one has less than 71,000 Medicaid enrollees. Nearly half of all the kids in Illinois, 1.5 million children, get their healthcare through Medicaid, and the Republican repeal bill is going to endanger that.

That is so obvious that yesterday the Republican Governor of Illinois, who was careful in his words and seldom reacts, came out publicly and said that the Republican repeal bill would significantly hurt our State of Illinois. That is from a Republican Governor.

Medicaid is the largest payer of long-term care for seniors in the Nation and in Illinois. It is one of our best tools, incidentally, for addressing the opioid epidemic, ensuring that those facing addiction have access to treatment. And the Republicans want to cut that.

Medicaid has been a lifesaver to Illinois hospitals, especially in my part of the State, downstate Illinois.

Repeal of the Medicaid expansion, as the House bill proposes, could result in the loss of up to 90,000 jobs in Illinois.

The Republican repeal bill on healthcare is a jobs killer in Illinois and across this Nation. We will see hospitals cutting back on personnel in an attempt to adjust to the cutbacks in coverage and the increases in cost brought on by the Republican repeal bill.

But the bill goes even further. It dramatically restructures the entire Medicaid Program. When talking about the plan for Medicaid, congressional Re-

publicans throw around innocuous terms: per capita caps, block grants, more flexibility, modernizing. Don't be lulled in a false sense of security by these words. This Republican healthcare repeal bill would significantly cut back on Federal spending on Medicaid, shifting the cost to States, families, and individuals who are currently struggling to get by today.

With less funding, States would be forced to throw people off of Medicaid, limit the types of healthcare services offered, create waiting lists, and much more. In the name of State flexibility and modernizing, it would mean that more and more people would be showing up in emergency rooms in Illinois and across the Nation with no health insurance coverage under the Republican approach.

Oh, they will get care, and it will cost. They can't pay for it, and that cost will be shifted to others with health insurance.

Unfortunately, Ms. Verma has significant experience in this exact type of healthcare rationing. In her role as a private healthcare consultant, she championed radical Medicaid overhauls. She supports making low-income Medicaid beneficiaries pay more money. She believes that Medicaid beneficiaries need "more skin in the game." I wonder how many Medicaid recipients Ms. Verma has actually sat down and met with.

The Illinois folks whom I know are the mom working two jobs, struggling to take time off from work to take her kid to the doctor, or the senior who has literally spent down all of her life savings on nursing home care and has no place else to turn.

Devising plans that restrict access to care for the most vulnerable among us are not the qualifications I am looking for in the person who wants to run the agency responsible for Medicare, Medicaid, and CHIP.

Finally, on the House Republican repeal bill, in addition to gutting Medicaid, the bill eliminates the Prevention and Public Health Fund, which currently provides the Centers for Disease Control and Prevention \$900 million, or 12 percent of their annual budget. The bill defunds Planned Parenthood. The bill allows insurers to charge older people significantly more in premiums than allowed under current law. The bill, incidentally, dramatically cuts taxes for the wealthiest people in America and increases costs for middle-income families. What is most telling, as I mentioned earlier, is that the House Republicans won't even send this bill or wait for a report from the Congressional Budget Office before proceeding.

How many people will lose their health insurance under the Republican repeal plan? How will out-of-pocket expenses go up for families under the Republican repeal plan? How much responsibility and burden will be shifted to the States under the Republican repeal plan?

For now, Republicans can claim ignorance because they have decided to move forward before there was a report from the Congressional Budget Office.

Thank goodness some Republicans are speaking out against this terrible plan—maybe not for the same reasons I oppose it. But conservatives say it doesn't rip health insurance away from more people more quickly, and moderates worry about Medicaid—demonstrating, again, the lack of a consensus on the Republican side when it comes to the future of healthcare.

We have big challenges ahead—challenges that will determine whether we have as many people in America with health insurance tomorrow as we have today and how much it will cost.

I don't believe the Republican repeal bill is the right path forward, and I don't believe Seema Verma is the right person to stand up and fight for our Nation's seniors, children, and low-income families. For that reason, I will be voting against her nomination to serve as Administrator of the Centers for Medicare and Medicaid Services.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### AMERICAN HEALTH CARE ACT

Mrs. GILLIBRAND. Mr. President, I rise to oppose the American Health Care Act. This bill will destroy the Affordable Care Act, even though the Affordable Care Act has given more Americans access to quality, affordable healthcare than ever before in our history. It would force middle-class families to pay more money for less care. It would leave more people uninsured by a lot. It would allow insurance companies to charge older Americans with what is essentially an age tax, as if our parents and grandparents don't already pay insurance companies enough for their care.

It would cause many working families to lose coverage from their employers because, under this new bill, companies would no longer have to provide their workers with healthcare, and without a mandate to do so, we know many of them will not.

It would drastically cut Medicaid funding, which would cripple our State budgets and would leave many seniors in nursing homes and lower income New Yorkers stuck without a way to pay for the medical care they actually need to survive. This bill would also take away healthcare for millions of women, including lifesaving healthcare services like breast exams and pap smears.

On top of all of this, as if to add insult to injury, this so-called healthcare plan would give tax breaks to health insurance CEOs who make more than

\$500,000 a year. How is any of this going to make people in my State or in my colleagues' States healthier?

I am struggling to understand, amid all of the problems we seem to have and all of the problems we need to solve in this Chamber, why this Congress seems to have a singular fixation on taking away access to healthcare from some of the most vulnerable people in our communities. I continue to be amazed by how little empathy there seems to be in this Chamber for the millions of women, older Americans, and lower income Americans who do not have the incredible resources that we have here in Congress and who desperately need the Federal programs this bill will cut.

The legislation is completely out of touch with the actual needs of the people in my State. It is driven by ideology, as if it is somehow the wrong thing to do to help people in our States live healthy and fulfilling lives.

If someone is diagnosed with cancer and the only way he can afford to see an oncologist and have surgery is through an Affordable Care Act health plan, do you think he cares whether his insurance coverage was made possible by ObamaCare? If your parents or grandparents suffer from dementia and the only way they can afford the constant care and medical attention is if they sign up for Medicaid, do you think they care that Medicaid is a program that is actually run by the Federal Government?

I don't think families care about that. I think they are much more concerned about whether they have access to the insurance plans that actually cover their needs, that actually treat their illnesses, that actually give them the medicines they need, and that allow them to heal and get back to full strength.

That is why the Affordable Care Act has done so many good things for people in our States—because access to healthcare is a human right. Now that millions more Americans finally have it, it is wrong to take it away from them.

I urge my colleagues in this Chamber to think much more about the women in their lives who need access to these preventive healthcare services, to think about all of the hard-working Americans who do not earn a lot, though they work full-time jobs and cannot afford it, and to think about all of the older Americans who are really being disadvantaged through this bill so they will not be able to afford that 24/7 or nursing care they need. This bill harms all of them, and it makes their lives much harder, not easier.

I implore all of my colleagues to reject this bill.

Mr. President, I ask unanimous consent that the time spent in quorum calls on H.J. Res. 58 be charged equally to both sides.

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

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

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

#### REPUBLICAN HEALTHCARE BILL

Mr. Kaine. Mr. President, I rise to talk about the replacement plan for the Affordable Care Act that is being considered by the House.

In December, I was informed that I was going to get one of my dreams to come true in the Senate. I had asked to be on the Health, Education, Labor, and Pensions Committee when I came in, in January of 2013, and I was not on the committee. I had no complaints because I had other good committees, but I was told in December that, for this Congress, I would be added to the committee, and I am thrilled to serve on it.

When I found that I was going to be added to the committee, I knew one of the first issues we would be tackling is what to do about the Affordable Care Act. So I have started to pay visits around the State to as many stakeholders as I can, including patients, doctors, medical students, hospitals, behavioral health facilities, allied health training programs in regions all across the State, military families in Hampton Roads just last Friday, as well as patients and their families in Chesterfield County last Friday. In all of these visits, my question has been: We are going to be tackling the Affordable Care Act; tell me what works, what doesn't work, and what we can do better. That has been the goal.

Today's committees in the House, two committees, are considering a plan that House Republicans have put on the table and are touting as a replacement of the Affordable Care Act. I just want to talk about what it would mean, if passed, to Virginians and Americans.

This plan will reduce the number of Americans with insurance. We dropped the uninsurance rate to a historic low, but the gains that we made would be reversed and the numbers of Americans with insurance would go down.

It would raise healthcare costs, particularly on seniors, which I will discuss in a minute.

It would dismantle the Medicaid Program at the service of tax cuts for the wealthiest.

It is not an adequate replacement; in fact, it would be a dramatic retreat, and it would be a retreat that would violate promises that had been made by the President and other leaders.

Republicans—and I will get into this—have made a number of promises about what a replacement would look like, but this plan falls far short of that. That is why, within 36 hours of it being put on the table, stakeholders across the spectrum, including the American Hospital Association, AARP,

the American Medical Association, nurses, nursing homes, and Republican Governors have come out to either dramatically and flatly oppose this plan or suggest significant concerns with it.

The bill has yet to be scored by the Congressional Budget Office, but the House is trying to push it through committee, and even through the floor, if they can, before the CBO tells the American public what this plan would cost and, every bit as importantly, what it would cost Americans in terms of the number of people who would lose their health insurance.

A very poignant comment about the plan that was in the paper this morning was from the Republican Governor of Nevada, Brian Sandoval, who said: We Republican Governors have talked to Congress and said please pay attention to what we have to say. States bear a huge burden on these programs, especially Medicaid. He said: We gave ideas to the leadership, to the majority about the replacement, but none of our ideas are in this plan.

Without a CBO score, the American public and this body are completely in the dark about how many people will lose coverage and about how this will affect the American economy. Why would we move forward? Why would we try to push a vote even in a committee, much less on the House floor, before the CBO has given us this score? We don't serve the American public well by doing that.

What does the replacement bill do? One, it ends the expansion of Medicaid that was a core component of the Affordable Care Act—the expansion that has been embraced by more than 30 States. Then, it takes the traditional Medicaid Program and really dismantles it, instituting a per capita fee for enrollees, and moving it more towards a block grant program. That is the first thing it does.

Second, with respect to seniors, this plan would repeal a provision in the Affordable Care Act that says seniors cannot be charged more than three times the premium of a young person; it would repeal that, and it will allow insurers to charge older customers five times as much as younger customers. It would also give States the ability to set even more unfavorable ratios for seniors. This will have a significant impact on the premium of older Americans.

Third, the plan repeals the income-based subsidies, premium assistance, and cost-sharing reductions in the current Affordable Care Act and substitutes less generous tax credits that will not be adjusted to average costs of plans in particular markets. So if you are a middle-income individual in a high-cost market, you are really out of luck with this plan.

Let me give an example of how insurance would be affected in particular communities all over Virginia if the House plan were adopted. If you are 60 years old and you make \$30,000 per year, under the House plan, here is

what happens. First, the cost of your insurance can be dramatically raised because you are not, at age 60 now, limited to three-to-one over a young person's premium; they can charge you five-to-one over a young person's premium. So the premium cost, if you are a 60-year-old making 30,000 bucks, goes up significantly.

Now, you get a tax credit, just as right now you get a subsidy, but the tax credit is much less generous. So the cost of your policy goes up, but here is what happens in communities all over Virginia—tax credit compared to the subsidy they currently get.

In 2020, in Augusta County, VA, in the Shenandoah Valley, the tax credit you get is worth only about half of the subsidy you would get if we continued the Affordable Care Act. So the price is up, but your tax credit is less generous by half of the current subsidy.

In Fairfax, your tax credit is 41 percent less than the subsidy; in Bedford, 51 percent less than the subsidy; in the city of Norfolk, 51 percent less; in Rockingham, 50 percent less; in Pittsylvania, 49 percent less, and Pulaski County in far Southwest Virginia, 54 percent less.

So if you are a senior, your costs go up, but the assistance you get in the tax credit is dramatically less generous than the assistance you currently get with the premium subsidy.

The bill establishes a penalty if you don't have continuous insurance. An insurer can charge you 30 percent more in premiums if you go 2 months or more without insurance. So if you are unemployed, you lose your insurance. If you forget to pay a premium for two months, you lose your insurance. If you have any gap of 2 months, that is an opportunity for insurers to come in and sock you with a massive penalty.

The bill repeals funding to a healthcare provider of choice for millions of American women: Planned Parenthood. It is really important to be specific about this. There is not in the Federal budget a line item that says Planned Parenthood gets axed. What Federal funds go to Planned Parenthood? Well, first, the Hyde amendment says no Federal funds can go to any organization for the provision of abortions—Planned Parenthood or anybody else. Planned Parenthood receives Federal funds because it provides healthcare to women who are eligible for Medicaid. So when Planned Parenthood treats a woman who is Medicaid-eligible for a medical service that is eligible for a Medicaid reimbursement, then Planned Parenthood is able to bill Medicaid just like a doctor's office is. And Planned Parenthood is the healthcare provider of choice for millions of American women to do annual checkups, pap smears, cervical cancer tests, and all kinds of basic healthcare provisions. But under this bill, Planned Parenthood will be disbarred from the Medicaid Program, even when they are providing services to Medicaid-eligible women—services that are covered by Medicaid.

The one thing about this bill that I would say—if you were going to say: Well, who is a guaranteed winner in this bill because there are a lot of losers, and I have tried to summarize them—the guaranteed winner is that this bill overwhelmingly repeals the provisions that raise revenue. This bill is a big tax cut bill.

The biggest revenue raisers in the Affordable Care Act were tax cuts on the wealthiest citizens. There is a tax increase for nonwage income by the top earners in the United States and an additional hospital insurance tax that also affected individuals of high income.

What this bill does is cut taxes that almost exclusively benefit the wealthy, while the bill is taking away these coverages and provisions that protect middle and lower income Americans. The tax cuts in this bill would save the top 0.1 percent of earners in the United States about an average of \$195,000 a year. So if you are in the top 0.1 percent and this bill passes, you are going to get an average of a \$195,000 tax break.

Millionaires get 80 percent of the value of the high income tax cuts in the House bill, with the elimination of the hospital insurance tax on high earners and the Medicare tax on investment income. In fact, a family who is going to do incredibly well under this bill is the family of our President, Donald Trump. As high earners, they are going to get a huge tax cut with this bill.

I have to ask: Is this bill a healthcare bill or is it basically a tax cut bill? You could look at this bill as basically being that the driver of it is who benefits from it. It is a tax cut on the wealthy, paid for by slashing Medicaid, slashing healthcare coverage, slashing Medicare's trust fund, slashing Planned Parenthood, taking protections like preexisting conditions that really matter to people and reducing them. So I have a real question about whether this bill is a healthcare bill at all or whether, under the guise of a repeal and replace of ACA, it is a tax cut for the wealthiest, financed by slashing the healthcare safety net.

Let me read to my colleagues what certain Republican leaders have said about this bill in the past. The deputy leader here in the Senate—a friend—from Texas, Senator CORNYN, said to Republican Governors—Governors have a lot at stake in this. I was a Governor. I know how much Governors depend on Medicaid and healthcare programs. Here is what he said on January 19, 2017: "Nobody is going to lose coverage."

No exception, no qualification. "Nobody is going to lose coverage." That is what he said to the Republican Governors.

We were awaiting the CBO score suggesting potentially how many millions will lose coverage. Many people will lose coverage. That is not what was promised.

But, more importantly, probably, what did the President say? When the President was campaigning as a candidate, this is what he promised the American people: "I am going to take care of everybody. I don't care if it costs me votes or not. Everybody's going to be taken care of much better than they're taken care of now."

That was the test that he set for himself about an ObamaCare replacement—that no one would be worse off and that many would be better off. This does not meet that promise. It fails that promise.

At a December press conference the majority leader, Senator MCCONNELL said: "Surely, we can do better for the American people," and "we will work expeditiously to come up with a better proposal than current law."

Again, the promise was, we will take where we are right now and we will make it better. Nobody will lose coverage; everybody will be taken care of better. We will come up with a better proposal than the current law.

This is not that proposal. Turning Medicaid from a Federal guarantee to a per capita cap on spending doesn't mean everyone is covered; it means cuts to the States that would force States to cut eligibility, reduce benefits or provider payments. That is why providers, like the hospital associations and nursing homes, and the Republican Governors, like Governor Sandoval, are deeply opposed to this particular version. It is not better for the American people.

Protecting people with preexisting conditions, which the current bill does, but only if they have continuous coverage—that is not better for the American people because what if you lose your job or you can't afford benefits or you have a break in coverage for two months, and then you suddenly find that you are not protected, and your preexisting condition can be used against you to bar you from insurance for the rest of your life.

If you are unemployed and have a break in coverage, how do you afford a 30-percent surcharge on health insurance premiums like this plan proposes that insurance companies can sock you with? That is not better for the American people.

In closing, I will repeat something that 13 Democrats put into a letter to the Republican leadership in January: We want to work together to try to make healthcare better. We are willing to sit down at a table. We have ideas for how to improve not just the Affordable Care Act but prescription drug prices under Medicare Part D, something our citizens are deeply concerned about. We need to work together on affordability. We need to work together to make sure small businesses are able to afford coverage. We have to bring prescription drug pricing down. I know Republicans have ideas about how to do that and Democrats do too. The time is now to sit down and try to figure that out.



Passing a precipitous repeal, trying to rush it through before the CBO scores it—a precipitous repeal that would take health insurance away from many, that would jack costs up on seniors, that would punish so many Virginians by reducing the subsidies they get now and replacing them with a less-generous subsidy—that will break a promise the President made. That will break a promise other leaders have made.

We had a HELP Committee hearing recently where we had witnesses who had been called by Democrats and Republicans before us, talking about things we need to do to fix and improve the Affordable Care Act. They all agreed we needed to find improvements and fix it—all of them. Democrats, Republicans, Independents, they all agreed we need to find improvements. They all agreed a repeal of the Affordable Care Act would be a catastrophe.

There were four witnesses. I asked them this question: If we need to make improvements, what is the best way to do it? Should we do it fast, carelessly, and secretly or should we do it slowly, deliberately, and publicly transparently?

They all said: Of course, there is only one answer to that question. We are talking about people's health. We should do it deliberately, carefully, and transparently, rather than fast, carelessly, and secretly.

We are proceeding right now in the fast, careless, and secret mode. This particular plan comically was locked in a room and nobody was able to see it last week. One of our Senate colleagues went over and tried to get in to see what was in the plan—a Republican colleague, the Senator from Kentucky. Now that the plan is out in the light of day, I think we can see why they were hiding it—because it has so many elements that are frightening so many people.

We can get this right. We can get this right by sitting down and having a discussion about what I have been talking to my constituents about: in the healthcare system right now, what works, what doesn't work, and what we should change. If we bring constituents around the table—individuals, hospitals, insurance companies, pharmaceutical companies, businesses that are trying to buy insurance, doctors and nurses—if we get people around the table, they will break us out of the “them versus our” thing. We listen to them. We ask them those questions—what works, what doesn't, what can be fixed. We will find a path to meet the promise the President made, to meet the promise Senator CORNYN made, which is not make anything worse but taking the system as it is right now and making it better. We will only do that if we engage in a dialogue rather than trying to rush. That is what I encourage my colleagues to do.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EARMARKS

Mr. FLAKE. Mr. President, within a matter of days, our national debt will top \$20 trillion, notching another ominous milestone in our Nation's long-running addiction to spending. How did we get here?

A decade ago, taxpayers learned that many of their elected representatives were complicit in an insidious practice that rotted the legislative branch to its core, and that is congressional earmarking. Called a “gateway drug” by our distinguished former colleague from Oklahoma, Senator Tom Coburn, earmarks have long exacerbated the Federal Government's spending addiction.

As old as the Republic, earmarks have always been used by generations of politicians as currency to curry favor with well-connected special interests. After public outrage reached a critical mass, both the House and the Senate instituted bans on earmarking, ending what had been a corrupt pay-to-play culture in Congress.

In order to preserve this important check against the corrupting influence of earmarks, I recently sent a letter to President Donald Trump respectfully urging him to veto any legislation containing earmarks that reaches his desk. I thank my colleagues, Senators JOHN MCCAIN, MIKE LEE, RAND PAUL, TED CRUZ, and BEN SASSE, for co-signing this letter.

Mr. President, I ask unanimous consent to have printed in the RECORD the following letter.

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

U.S. SENATE,

Washington, DC, March 7, 2017.

President DONALD J. TRUMP,

*The White House,*  
*Washington, DC.*

DEAR PRESIDENT TRUMP: With our national debt set to top \$20 trillion within days and growing at a rate of over half-a-trillion dollars a year, bringing fiscal sanity to the federal budget requires immediate attention and action. We write today to urge opposition to any efforts by Congress to return to earmarking.

While cutting unnecessary and wasteful spending may be commonsense to most taxpayers, behind every dollar spent is a boisterous special interest group with the loudest being Congress itself. Even with a full agenda that includes repealing Obamacare, reforming the tax code, easing the regulatory burden, and strengthening our nation's security, some lawmakers are focused on reviving the corrupt practice of earmarking that was ended in 2011 after what seemed like an endless series of corruption scandals.

Fondly described as a “favor factory” by a lobbyist convicted of exchanging gifts for government grants, earmarks represent the pay-to-play culture you have pledged to end. It is unfathomable to those of us who fought

to end earmarks and witnessed our colleagues go to jail for corruption that pork barrel politics would return, especially at this time when Americans are clearly fed up with business-as-usual. However, despite the success of the current moratorium enacted in both chamber of Congress, there are efforts underway seeking to revive the disdainful practice.

President Reagan vetoed a highway bill in 1987 because it was larded up with 152 earmarks. Escalating exponentially, the over-budget transportation bill signed into law in 2005 contained more than 6,300 earmarks. Earmark proponents are trying to reassure that this time will be different, promising fewer projects and even rebranding them as “congressionally-directed spending.” With the serious fiscal problems facing our nation, processing thousands or even hundreds of pork requests will only distract and delay addressing pressing national needs and push spending decisions once again into the murky shadows.

We respectfully urge you to make it clear that you will veto any bill Congress sends to you containing earmarks within the legislative text or the accompanying report. We look forward to working with you to make Washington more accountable and stop wasteful spending where it starts, which is often right here in Congress.

Sincerely,

JEFF FLAKE.  
MIKE LEE.  
JOHN MCCAIN.  
RAND PAUL.  
TED CRUZ.  
BEN SASSE.

Mr. FLAKE. To explain the urgency behind my letter to the President, I wish to remind my colleagues in this body, many of whom were not in the Congress before enactment of the moratorium, just how bad the earmarking epidemic became.

For the uninitiated, the term “earmark” is a euphemism for when lawmakers work to circumvent the regular, normal appropriations process in order to secure special funding for projects in their home districts or their States. This resulted in Federal tax dollars being doled out to Members of Congress on a whim, bypassing normal rigorous Federal and public vetting.

Instead of focusing on oversight responsibilities or devising legislative solutions for the Nation's most pressing challenges, lawmakers and staffers devoted thousands of man-hours toward filling earmark requests. Congressional appropriators and appropriations committees transformed into what were termed “favor factories,” abandoning oversight responsibilities to focus on rationing out pork. To me, that was one of the most insidious parts of the whole earmarking era.

We have oversight responsibilities in Congress. There is a huge Federal budget on which we should be providing oversight, but instead of poring over agency spending and searching for waste in our trillion-dollar discretionary budget, Members and staff devoted countless hours to roughly 2 or 3 percent of the Federal budget. There was so much focus on just doling out what represented 1 or 2 or 3 percent of the Federal budget that we basically neglected the rest of the Federal budget in terms of oversight.



In less than 20 years, the number of earmarks in the Transportation bill alone grew from 152 to 6,300. President Reagan, I believe, in 1988 famously said that he vetoed the highway bill because he hadn't seen that much pork since he handed out ribbons at the county fair. There were 152 earmarks in the Transportation bill that year, and by 2005 it was 6,300. That is an increase of more than 4,000 percent.

Examples of earmarks range from a quarter billion dollars for a bridge to nowhere in Alaska—everybody became familiar with that one; \$50 million for an indoor rainforest in Iowa, paid for by taxpayers across the country; and half a million dollars for a teapot museum in North Carolina. All of these earmarks added up, eventually totaling about \$29 billion a year.

It was in this environment that, along with a small group of like-minded colleagues, I set out to put an end to this form of transactional politics that had infected the Halls of Congress. Our mission was to place a permanent moratorium on congressional earmarks.

It took unprecedented revelations of widespread corruption and illegality and ultimately the jailing of lawmakers, staffers, and lobbyists before the public's outrage forced Congress to clean up its act. But even brazen instances of public corruption didn't stop Congress from dragging its feet on reforms, and the majority party, my party, paid the price at the polls in 2006.

The dominant mood of the electorate at that time—that of mistrust in government institutions—is strikingly reminiscent of the drain-the-swamp mentality that permeated last November's election. But despite this surging anti-insider sentiment across the ideological spectrum, there is now a chorus of lawmakers from both sides of the aisle working behind the scenes to lift the congressional earmark moratorium. These earmark defenders will trot out arguments ranging from constitutional prerogative to the insignificance of earmarks relative to the entire Federal budget. They will say: It is OK to earmark. We are only earmarking 1 percent of the Federal budget.

But all of these defenses ring hollow. The constitutional power of the purse is not a blanket mandate for Congress to spend freely; rather, it is a fundamental duty to prevent the executive branch from wasting taxpayer dollars. By using earmarks to funnel billions of dollars to special interests, Congress ceases to be a check on the executive branch. We have become no better than the free-spending bureaucrats whom we rail against.

While we were ultimately successful in securing earmark bans in both the House and the Senate, today we are seeing far too many cracks in those foundations. With so many in Congress now willing to sacrifice fiscal discipline, we have to remain vigilant against the return to business as usual.

We can't afford to forfeit the hard-fought progress we have made.

The Senate Republican conference's vote earlier this year to preserve the earmark ban was an important step in the right direction, but we need to do more. That is why I sent the letter to President Trump, and it is why, should earmarks return, I intend to challenge each one of them on the Senate floor. Just as I did in my time in the House, I will file amendments to force debate and force votes on these earmarks. That way, Members can publicly defend their earmarks to the hard-working taxpayers they represent.

As we look forward to the future, I have been encouraged by the President's recognition of Washington's addiction to spending and his administration's commitment to finally doing something about it. I look forward to working with the administration to make the Federal Government leaner, more transparent, and more accountable to the taxpayers it serves.

#### BORDER ADJUSTMENT TAX

Mr. President, I take the floor today to express my concern with the border adjustment tax. The border adjustment tax is quickly becoming the centerpiece of a planned overhaul of our tax and trade policies. I am certain that I am not the only one hearing that this approach could make everyday consumer products more expensive at the very places middle-class families shop the most. From the aisles at big-box stores to the checkout lines in grocery stores, household staples could be pushed out of reach for those who can least afford it.

In addition, there are concerns that this new policy could disrupt global supply chains and make it harder for our country's largest private sector employers to grow and to do business.

There are those who suggest that the known downsides to the new tax will be a wash because the U.S. dollar will be stronger; however, others are not so comfortable gambling the purchasing power of the average consumer on the unpredictability of international currency markets.

At first glance, the plan seems simple enough: Tax companies in the United States less and tax goods made overseas more. That seems simple. According to supporters, this would boost our exports, incentivize companies to locate operations here in the United States, and it would reduce our trade deficit. Unfortunately, it turns out that is not so easy. Looking inward, we simply do not produce everything we need here in the United States. That is why we trade with other countries in the first place. And for the things we do make here, those products often require inputs from all over the world. In fact, whether it is raw material or specialty parts, roughly 50 percent of our Nation's imports consist of inputs for U.S. production and manufacturing. Let me say that again. Roughly 50 percent of our Nation's imports consist of inputs for U.S. production and manu-

facturing, many times for products that are then shipped overseas.

Because of our trade deals with other nations, these inputs are cheaper than they would be otherwise. Cheaper inputs mean lower production costs for U.S.-based businesses, which in turn allows these companies to expand production and to reduce prices.

What will happen if we place a 20-percent tax on all imports? Looking beyond our borders, we should also consider the reaction such a tax is sure to trigger amongst our trading partners. If the protectionist trade policies of the past have taught us anything, it is that countries tend to retaliate when they believe trade obligations have been violated. When we increase barriers to trade, nobody wins.

Do I agree that we should work to make U.S. businesses more competitive? Absolutely. Do I agree that we need to reform our Tax Code? You bet. Tax reform and pro-growth trade policies have been at the top of my list of priorities throughout my tenure in Congress.

I look forward to working with my colleagues to lower corporate and individual tax rates, eliminate costly tax earmarks, and make our Tax Code flatter, simpler, and more conducive to growth. There will always be winners and losers in a robust debate on reforming the Tax Code. We ought to make sure the middle class isn't in the losing column.

I yield back the remainder of my time.

Mr. President, 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. 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.

#### AMERICAN HEALTH CARE ACT

Mr. CORNYN. Mr. President, this week our colleagues in the House released a plan to clean up the mess left in the wake of the ObamaCare's failed promises. The bill known as the American Health Care Act represents the next step forward in keeping our promise to repeal and replace ObamaCare, which continues to fail Texans and folks all across the country.

Instead of helping more Americans and more Texans by providing more healthcare choices, ObamaCare has actually led to dwindling insurance options in a lot of counties across the country. In fact, it is estimated that almost 40 percent of counties in Texas have just one option on the exchange this year. It is hard to shop, it is hard to compare, and it is hard to get the benefits of competition when there is only one option because of ObamaCare.

So that is actually the opposite of what the President and the advocates for the Affordable Care Act promised. That is what happens when government interferes with the market and

takes a one-size-fits-all approach to our Nation's healthcare. The fact of the matter is that the path that President Obama put us on is not sustainable. It is hurting families and burdening job creators and is taking a tremendous toll, and Americans are paying the price.

I know some of our colleagues across the aisle are relishing the fact that Republicans, the majority, are now taking this step to keep our commitment to repeal and replace ObamaCare. They are sitting back and hoping that we fail. But the fact of the matter is that we would be having this debate no matter who won the Presidency last November 8, because ObamaCare is in a meltdown mode. It is unsustainable, and we would be dealing with our broken healthcare system no matter who won the White House on November 8 of last year.

One of my constituents wrote me earlier this year about her daughter. She said that before ObamaCare, back when she could choose the policy that she wanted, she was paying about \$190 a month for health insurance, and she had a \$500 deductible. Well, that sounds pretty reasonable—not great, but not terrible either. Then came ObamaCare. Now her daughter, who unfortunately lost her job in the interim, must pay almost \$400 a month with a deductible that is more than \$6,000. I don't know many people who can write a check for \$6,000 when they have an unexpected healthcare crisis. So in essence, she is being forced to self-insure and has been denied the benefit of even the insurance that she has, even though her premium has gone up more than double, and, of course, her deductible is now \$6,000.

So to our friends across the aisle who seem to be relishing this moment where we are actually undertaking the hard work of working through a repeal and replacement program, I would say to them that ObamaCare is certainly no gold standard. It is the opposite of what we need to help our Nation's healthcare woes. There is no doubt that it is a failed piece of legislation, full of empty promises, and one we have to scrap.

So with the American Health Care Act, starting today in the House of Representatives, we will repeal ObamaCare and deliver better, more affordable healthcare choices to the American people.

This bill actually also improves Medicaid. That is another big part of what ObamaCare did. It forced more people onto Medicaid, which is frankly not the best quality healthcare insurance or coverage that exists.

I remember back during the ObamaCare debate, I actually introduced an amendment in the Finance Committee saying that if Congress passed ObamaCare, Members of Congress needed to be put on Medicaid—my theory being, not that it was such great coverage, but that if Members of Congress were on Medicaid, we sure

would take every step necessary to actually improve it and make sure it works.

But this legislation actually does improve Medicaid and puts it on a sustainable path for the future by working with the Governors, because Medicaid is a shared Federal-State responsibility. But right now, it is growing by leaps and bounds. It is at the consumer medical inflation rate plus two, which means it is growing much faster than the economy and, unfortunately, putting unprecedented burdens on our State governments. For example, I know, talking to some Texas legislators, they said it is easily the second—and, if they weren't careful, the largest—expense item in the Texas State budget—Medicaid, or the State share of Medicaid.

Of course, Medicaid was designed to help the most vulnerable in our communities and enjoyed broad bipartisan support. Along the way, it became less about serving those who needed it and more about unchecked government spending, as I mentioned a moment ago. So what the American Health Care Act does is it actually puts Medicaid on a budget. It doesn't cut current spending in Medicaid; it just says that it will grow at a slower rate, and it sends much of the authority to work out the best healthcare delivery systems to our State Governors and legislators. It gives States more flexibility along the way so they can use resources to serve the specific needs of their citizens. I know in my State we frequently will come to Washington and ask the Health and Human Services Department and the Centers for Medicare and Medicaid Services, or CMS, for a waiver so we can actually use the Medicaid money and to spend it most effectively—to build either a medical home or to deal with chronic diseases, or some other flexibility we need in order to deliver quality healthcare to our constituents. But the gall of having to come to Washington, DC, and asking permission on how to spend your own money is just too much.

I believe, actually, the American Health Care Act is the most significant entitlement reform in decades. That is something we should all applaud—putting Medicare and Medicaid on a more sustainable path, not continuing to spend money that we don't have, and racking up annual deficits and adding to our national debt, which now is in the \$20 trillion range, with no end in sight.

Both Federal and State governments spend a significant amount of money on Medicaid every year. As I indicated, last year nearly one-third of the Texas budget was dedicated to Medicaid. The fact of the matter is that when the States have to spend so much of the money they tax and collect on Medicaid, then, it is unavailable for other important purposes—law enforcement, education, and the like. There is a crowding-out effect. By responsibly re-

forming Medicaid, the States and the Federal Government will benefit, all while helping Medicaid work for the most vulnerable in our country and putting us on a path to fiscal sustainability.

In addition to entitlement reform, this bill will also get rid of the ObamaCare taxes that have led to hikes in premium costs, fewer options for patients, and more redtape for job creators. I know, being in Tyler, TX, for example, back after ObamaCare passed, and meeting with a woman who said she was forced, actually, to work two jobs because her employer laid her off of her full-time job, so as to come under the cap necessary for the ObamaCare employer mandate. So, literally, this single mother had lost her full-time job because of ObamaCare and was forced to work two part-time jobs just to make up the difference in income.

We will also, in this American Health Care Act, eliminate the individual mandate. President Obama said when he ran for office back in 2008 that he was opposed to penalizing the American people if they did not buy government-approved insurance, but of course he changed his tune once he was sworn into office.

We will eliminate the individual mandate so people who don't want to purchase a government-approved plan are not forced to buy a plan they don't want and that they can't afford or else suffer a penalty. This bill will also help families spend money on healthcare decisions that make the most sense to them by giving them tools so they can manage their healthcare expenses like health savings accounts.

The American Health Care Act is an answer to a promise we made and we have made repetitively in the last three elections since ObamaCare became the law of the land. I believe it is imperative we keep our promise.

Some have said: Well, this is a difficult process. I agree. There are a lot of different ideas that people have. I agree. That is a good thing, but in the end, we have a binary choice. We can either keep the status quo, which is in meltdown—which is ObamaCare—or we can pass legislation which offers more choices at affordable prices to the American people.

I believe the choice is very clear. It is a great opportunity to reform our healthcare system and Medicaid and move healthcare decisions away from Washington and back to the families, back in the States where we all live, and back in the hands of patients and their doctors. I look forward to working with my colleagues and the Trump administration to make this a reality.

Again, the choice is between the status quo, which is unacceptable, which is not working, or a better way. I, for one, choose a better way: more choices at a price consumers can afford.

I yield the floor.

THE PRESIDING OFFICER (Mrs. ERNST). The Senator from Maine.

## REPUBLICAN HEALTHCARE BILL

Mr. KING. Madam President, I rise to address the bill that has been recently—and I emphasize the word “recently”—introduced in the House of Representatives. I believe it was introduced Monday. It is having not a hearing but a markup today, and may be on the House floor as soon as tomorrow or early next week.

As the President said recently, healthcare is complicated. To me, to introduce a bill that was not available to any Members of Congress before Monday, mark it up in committee 2 days later, attempt to pass it on the floor of the House, and then I understand it may come directly to the floor of the Senate without any committee consideration, it just seems to me is a disservice to the process and a disservice to the traditions and practices of this institution.

This is complicated. It is difficult. The ramifications and implications of this bill, just as any other major change in our healthcare system, are incredibly important. This is not about ideology. This is about people. This is about the impact on people. I want to talk about the impact of this bill, as we have thus far been able to assess it, on the people of Maine. When I look at a piece of legislation down here, I start with Maine. How will it affect the people who live along our coast or inland, in the small towns, and particularly people who are above the age of 50?

Maine happens to be the oldest State in the country. Therefore, anything which negatively impacts seniors doubly negatively impacts the people of my State. I feel this bill is a disaster for seniors. I define seniors in this case as anybody over 50 because it does several things. One of the things it does, and there should be a great deal of discussion about this, under the Affordable Care Act, which recognizes the fact that seniors and people who are older tend to have more medical needs than those who are younger, it caps differential at three times. In other words, a senior can only pay three times what a younger person pays, and even that is burdensome in many cases.

This bill changes three to five. It will be a very substantial increase in the payments and the costs of insurance and healthcare to senior citizens. Now, the Kaiser Family Foundation, which is, I find, the most nonpartisan and informative source of information on all of these issues, has created a handy tool on their website, where you can put in information, such as family income and age, and determine what you would have paid under the Affordable Care Act and what you would pay under this new bill.

What they found was—I wanted to look and see what somebody in my State will pay. If you are a 60-year-old in Aroostook County Maine with an income of \$30,000, the subsidy—the support for the premium for individual insurance—would fall by 70 percent. The support for your insurance policy

under the Affordable Care Act would fall by 70 percent.

Throughout our State, the average decrease would be 48 percent—almost half. So we are talking not about some theoretical, ideological, political thing here, we are talking about people's ability to afford health insurance. It is about as clear as it could be. That is why it is frustrating to me that we collectively—the Congress—are going to be asked to consider this bill with literally no hearings, no input from the public, no discussion of how all the pieces fit together or don't fit together. Yet we are going to be asked—I believe, my understanding is, we are going to be asked to vote on this bill sometime on the floor of the Senate, without any committee consideration, in the next week or so.

This is too important to people's lives to give it such short shrift. It is just not right to make changes of this magnitude that are so vital to people's well-being and literally their health and their survival in some cases. It is unthinkable to me that we would do this without a round of hearings and discussions and the regular order that we supposedly honor around here as to how major legislation is to come to the floor.

I received a letter just recently: “Hi, Angus.”

I like it when my correspondents say “Hi, Angus” instead of “Senator.”

Hi, Angus [he says]. I have worked in the pulp and paper industry for close to 30 years. It was a good industry up here, supported middle-class families in northern Maine. But we have had layoffs and closures of our mills. After every closure, I had to obtain health insurance for my family on my own. Before ObamaCare, this was a disaster. I could only obtain catastrophic insurance from one of two providers. There was no way I could pay \$1,500 a month for a decent plan. After ObamaCare, I could obtain decent insurance at a decent price. While there may have been problems for some, it was a godsend for my family. Please help ensure we don't go back to the old days. We are self-employed by our small business and would not be able to pay more for less.

That is what the bill that is in the House would do, pay more for less. By the way, how does the money work in this bill? Well, one of the things the bill does is, my understanding, and, again, I am only operating on what we have seen in the last 24 hours because of no hearings, but one of the things it does is eliminate a tax on people who make over \$250,000 a year in order to cut coverage for people who are not making that kind of money.

It is a tax cut, and shifting the cost to our citizens, particularly our seniors. The pattern is, shift and shaft. Shift the cost, and shaft the people who need the coverage. This is supposed to be a substitute. It is supposed to be coverage for everyone. You have to be careful. When people talk about access, they are talking about: Yes, you can buy it, but if you can't afford it, that is not really access. This bill dramatically decreases the support for health insurance premiums through the Affordable Care Act.

The reality is, and I hear a lot of talk about how ObamaCare is collapsing. It isn't. More people signed up this year than last year. Yes, it is true the rates went up, but that was because younger people were not signing up in significant numbers. We need to deal with that issue because that makes the risk pool older and sicker and therefore more expensive.

I have been told by insurance officials that if something like this bill that is in the House passes and the subsidies disappear and the Affordable Care Act goes away, the private health insurance market for individuals, the so-called individual market, will essentially collapse. The reality is, the uninsured population of this country has fallen virtually in half since the passage of the Affordable Care Act. Twenty-two million people have coverage now who did not before and we can take it away.

The other piece I don't like about this bill is it phases things out so the impact will not be felt until after the next election or sometime in the future. Well, the future comes. In this case, the future is going to be pretty desolate for people who have health insurance now and are not going to have it 2, 4, or 6 years from now. It is just not right.

I am one who has been saying, since I entered this body now 4-plus years ago, that there are problems with the Affordable Care Act. We should be working on those problems. We should be working on repairing it, not destroying it. We should not be talking about taking healthcare coverage away from people in this country.

I am sure I and many others will be addressing more comprehensively the provisions of this bill as it becomes more clear, even though we are going to have to ferret those provisions out because we are not going to have the benefit of expert testimony and views from a variety of points of view of how this is actually going to work.

The reality is, I don't think there is much question that this proposal will hammer Maine and my people. I can't stand for that. I hope the House will have a more vigorous process, they will understand what the implications are, and take a more judicious approach so we are not tearing insurance out from under people, we are not going to make the cost be driven up, we are not giving a tax break to people who make over \$250,000 a year, and at the same time taking coverage away from people who make \$30,000 a year.

That is wrong. We should be repairing, not repealing. I think this bill is not the right place to start. I stand for the people of Maine. I stand for the people who are going to be harmed by this, whether they are seniors or working people or self-employed people or people who have been able to start businesses because they could get, for the first time, insurance under the Affordable Care Act.

I believe that is our obligation. We have an opportunity to work together.

I am willing to work with anyone who wants to work on improving and dealing with some of the issues that have been raised by the Affordable Care Act.

Let's stop talking about repealing. Let's talk about fixing, strengthening, and meeting our commitment to our fellow citizens in Maine and across our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

(The remarks of Mrs. SHAHEEN are printed in today's RECORD during consideration of S. Res. 84.)

Mrs. SHAHEEN. 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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### REPUBLICAN HEALTHCARE BILL

Mr. BROWN. Madam President, I join literally millions of Ohioans and tens of millions of Americans in my concern about what the House of Representatives is trying to do to our healthcare laws and our healthcare system.

I leave just one statistic with my colleagues in the Senate, and that is that in my State alone, there are 200,000 people who are now under treatment for opioid addiction, and they are able to get this comprehensive treatment because they have insurance under the Affordable Care Act.

The legislation apparently coming out of the House of Representatives, even though we do not know how much it costs, is a big tax cut for the wealthy. We do not know how much it costs because they are moving so quickly. It was under wraps, and now they are moving it so quickly that the Congressional Budget Office has not even had time to look at it and understand what it costs, nor has it been able to tell us how many of the 22 million Americans who have insurance under the Affordable Care Act will lose their insurance. They want to move so fast that they are not even answering the basic questions of how much it costs—a lot; how much it is going to add to the deficit—a whole lot, but they will not be specific; and how many people will lose their insurance.

As I said, today 200,000 Ohioans are getting treatment for opioid addiction under the Affordable Care Act. Most of them—we think at least half, but tens of thousands of them will lose their treatment just like that, right in the middle of their addiction treatment. What does society gain by that, other than some Republican talking points, when people chanted for 6 years “repeal and replace ObamaCare,” never having any idea how they were going to replace it—still don't—to do it right and continue that effort.

Finally, there is the hypocrisy of this, where Members of Congress in the

House and in the Senate enjoy taxpayer-financed health insurance. People in this body—most of the 100 Senators and most of the 435 Congressmen and Congresswomen—have health insurance provided by taxpayers, yet they want to take insurance away from millions of Americans. These are people who have jobs. They are millions of Americans who have jobs, who are making relatively low wages. Some of them may be holding two or three part-time jobs. They make low wages. They have no health insurance provided at their job. People in Congress who have taxpayer-funded health insurance are taking their insurance away, stripping them of that insurance. How morally repugnant that is. How hypocritical that is. Yet they move along their merry way.

We should defeat these efforts. We should continue to make improvements in the Affordable Care Act, but not wholesale destruction that will throw hundreds of thousands of Ohioans off of the insurance they have.

I will close with this. My Republican Governor has admonished his Republican colleagues around the country and in Congress not to repeal the Affordable Care Act and throw 900,000 people in Ohio off of their insurance without a replacement to take care of it. This bill coming out of the House is far from an adequate replacement.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CALLING FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. BLUMENTHAL. Mr. President, even in its early days, this administration has embarked on a course of foreign private interest entanglements and conflicts of interest that are truly staggering.

Just this morning, the Associated Press reported that China has granted preliminary approval for 38 new trademarks. They are Trump trademarks, paving the way for the President, Donald Trump, and his family to “potentially develop a host of branded businesses from hotels to golf clubs to bodyguard and concierge services.”

These reports are contained in public documents. All but three are in the President's own name. The AP report also quotes an official as saying that “for all these marks to sail through so quickly and cleanly, with no similar marks . . . no issues with specification, boy, it's weird.”

Now, the speculation is that these trademarks could not have been issued without approval by the ruling Communist Party, that hierarchy had to be involved, and that awareness had to involve their approval for these intellectual property interests. The benefit is

to the President through his private interests. The fact is, the President of the United States should be beholden only to the American people, not to personal profit, but in fact these trademarks raise the specter that the President possibly is beholden to the approving officials in China even more than to the American people. That is an issue that merits investigation. Like so many issues arising in this young administration, the question is, Who will do that investigation?

The lawyers in China representing Donald Trump applied for these trademarks in April of 2016, even as then-Candidate Donald Trump railed against China at his campaign rallies, criticizing Chinese currency manipulation, its intellectual property theft, its attraction of jobs from this country to theirs. The question arises, What has he done about those issues? In fact, China continues to manipulate its currency, continues to attract jobs from this country, and continues its aggressive policies in the area around that country.

The question is whether an inquiry is appropriate—which certainly it seems to be—and who will supervise it. It is the same question that arises with respect to Russian interference in our electoral system and the potential ties between Trump team officials and the Russians who committed those acts. Those ties have been established by evidence that is now incontrovertible because it is admitted by the officials themselves, now Attorney General Jeff Sessions and former National Security Advisor Michael Flynn.

It is now a matter of factual record that Russia engaged in a series of deliberate cyber attacks in order to carry out an unprecedented plot to undermine the 2016 elections with the goal of assisting Donald Trump. The growing body of evidence clearly and unmistakably indicates that Trump campaign officials were in contact with Russia during the election. These deeply troubling claims of coordination with a foreign government to influence an American election certainly deserve exacting scrutiny and investigation, and the more we learn, the more troubled we become. In fact, we are rapidly careening toward a constitutional crisis. These recent revelations about Vladimir Putin's government and former National Security Advisor Michael Flynn resulted in his resignation. There have also been details about contact between Attorney General Sessions, our former colleague, and the Russian Ambassador that have caused his recusal from all inquiries of that subject matter.

I believe a special prosecutor must be appointed to investigate the Russian interference and meddling in our election, the massive cyber attack misinformation, and propaganda campaign conducted to subvert that election. The potential for cooperation, condoning,

connecting between the Trump officials and Russia certainly merits investigation as well. Without reaching conclusions, the special prosecutor ought to investigate and then reach a conclusion. His conclusion should be based on fact, not surmise or speculation.

For weeks, I have called for a special prosecutor to investigate possible ties between members of the Trump campaign, the Trump transition, and the Trump White House to Russian officials who sought to interfere with our election. I support the Intelligence Committee in conducting its investigation. I would favor the appointment of a special commission or a select committee of the Congress to do fact-finding, make reports and recommendations in a fully transparent way, but only a special prosecutor can take action based on criminal intent. Only a special prosecutor can pursue violations of criminal law, to not only investigate but also bring charges and seek appropriate punishment and remedy. Only the Deputy Attorney General of the United States can appoint a special prosecutor because the Attorney General has recused himself—in other words, taken himself out of all of the areas of this subject matter. That is why I asked yesterday that the nominee for Deputy Attorney General, Rod Rosenstein, commit to appoint a special prosecutor.

His answer to me was that he wishes to wait until he is approved by the Senate—assuming his confirmation occurs—to decide whether to appoint a special prosecutor. He claims he needs to familiarize himself with the facts and circumstances of any ongoing investigation before he can make a decision. With all due respect, the facts he needs to know are already established. They are already a matter of public record. They are already known to the American public. There is an investigation ongoing by the FBI—and with good reason—into Russian meddling in our elections, this massive campaign of misinformation and cyber attack that they purposefully conducted to influence the outcome of our election.

We know the Justice Department must investigate and pursue the ongoing investigation, wherever the evidence leads. Part of that evidence inevitably will be meetings that were conducted by his boss, the Attorney General of United States, Jeff Sessions, which is why the Attorney General has recused himself—because he could be involved in that investigation as a witness, as a subject, even possibly as a target, as could the President himself.

To close that investigation, the Deputy Attorney General, or whoever is conducting it, needs to question the Attorney General of the United States. To conduct that investigation, that questioning must occur. So the Deputy Attorney General would be expected to be investigating his boss. If he decides to conduct that investigation himself, he must appoint a special prosecutor to establish the independence of that in-

quiry, to assure that in reality and in appearance the American public is assured that the investigation is independent, objective, impartial, vigorous, and fair.

The facts that warrant a special prosecutor are already known and they are already a matter of public record. That is why I believe he must commit himself now, before his confirmation—in fact, as a condition of his confirmation—to take that action, which preserves the credibility and public confidence in the Department of Justice that he observed very eloquently in his confirmation hearing as one of his central objectives.

There is a lot of precedent for this step. The most prominent one perhaps is Elliot Richardson, when he was the Attorney General designee. He was requested by the Judiciary Committee, at that time, to make the same kind of commitment—and he did. He kept his promise. He appointed Archibald Cox to be special prosecutor, and the Watergate scandal was appropriately investigated and pursued. That example—when Elliot Richardson had enough facts, just as Rod Rosenstein does now—ought to be the lodestar here. It ought to be the model for his commitment to appointing a special prosecutor.

The simple fact is, Rod Rosenstein, like Elliot Richardson, knows everything he needs to know to be sure a special prosecutor is necessary, and especially because he is a career prosecutor with a distinguished record, and because he has that intellect and integrity that would qualify him probably to be confirmed, he should know it is the right thing to do. Maybe he will do it if he is confirmed, but it would serve the interests of justice, and it would help to sustain and enhance the trust and public confidence in the Department of Justice if he were to do it now, as Elliot Richardson did many years ago.

We live in an extraordinary time. The conflicts of interest and foreign entanglements that threaten our Nation, beginning at the very top of this administration, impose a unique mandate on the Department of Justice. The recusal of the Attorney General from this investigation indicates that leadership and integrity are necessary at every level as never before. That is why, in this extraordinary time, I urge the Deputy Attorney General nominee, Rod Rosenstein, to do the right thing and make sure there is an investigation that is independent and vigorous, as well as fair and full; that we know all of the facts eventually and that action is taken appropriately to deal with the Russian interference in our election, the potential ties between the Trump administration—before and after the election—in those improper interferences by the Russians in our election, and that the danger of cover-up, indicated by the potential false statements made by Jeff Sessions before the Judiciary Committee and Mi-

chael Flynn elsewhere, be stopped before it starts. Only a special prosecutor can provide the unbiased and fair answers that are so urgently needed.

The American people deserve an explanation. They deserve an explanation for the trademarks that have been issued to Donald Trump in China. They deserve an explanation by a special prosecutor on Russian meddling and Trump ties to that meddling. Whether the independent and special prosecutor broadens the scope of that investigation to include the entanglements or conflicts of interest involving China is a question that will have to be addressed by that official, but this much we know now. We are rapidly careening toward a constitutional crisis, a crisis of credibility as well as legal challenges. The historic opportunity and obligation this nominee owes the country cannot be avoided.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Apparently there is another speaker. I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Colorado.

#### NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, looking at today's headlines and listening to the news, it may seem as if colleagues from across the country—Democrat, Republican—don't always agree on some things, let alone anything. I think we are starting to see a consensus emerge—a very good, genuine agreement emerge between liberals and conservatives, Democrats and Republicans on at least one matter in Washington, DC, in the Senate: Neil Gorsuch. That agreement is on Neil Gorsuch.

Neil Gorsuch is an exceptional nominee for the U.S. Supreme Court. In fact, Judge Gorsuch is, by many extents and by many commentators, arguably one of the most talented jurists we have nominated to the Court in a very long time, at least in modern history.

As the Denver Post in Colorado said: "Gorsuch is a brilliant legal mind" who has a reputation for "[applying] the law fairly and consistently."

You can't ask for much more than that—somebody who will apply the law fairly and consistently. However, this shouldn't surprise anyone who knows Judge Gorsuch. Judge Gorsuch has always enjoyed overwhelming bipartisan support. All we need to do to see that is to look back to 2006 when we could see that most clearly in the U.S. Senate.

In 2006, when Judge Gorsuch was unanimously confirmed to the Tenth Circuit Court, 12 current Democratic Senators, including the minority leader and Senators LEAHY, FEINSTEIN, and DURBIN, all were in office. It was a nomination in 2006 that was unanimous, a nomination that went by voice vote.

He was so universally appealing to the Tenth Circuit Court that he had an introduction at the Judiciary Committee by both a Democratic Senator

from Colorado and a Republican Senator from Colorado, joined by every single person on the floor to vote yes unanimously.

They approved his nomination. And to give you even greater context about this vote, the people who made this vote, the approval of Judge Gorsuch in 2006 to the Tenth Circuit Court came in addition to the 12 people I just mentioned who are here today and who were here then. It also came with the support of then-Senator Obama, Senator Biden, Senator Clinton, and Senator Kerry.

Approximately 11 years later, now that Judge Gorsuch has proved himself to be a mainstream jurist, a consensus builder, a profound legal mind with an even temperament and affable nature, we have a chance again to put this incredibly brilliant mind on the Nation's highest Court.

Judge Gorsuch is a faithful adherent to the Constitution and the organizing principles of this great democracy. I have no doubt that Judge Gorsuch will—and should—enjoy similar levels of approval among my distinguished colleagues across the aisle.

I also wish for people to learn more about Judge Gorsuch personally and to tell some stories about growing up in Colorado. It is a story about how a young man from Denver, CO, through his own hard work and academic excellence, rose to the highest echelons of the legal profession and to the nearly universal acclaim of Democrats and Republicans.

A fourth-generation Coloradan, Neil Gorsuch learned the value of hard work at a young age from his grandfathers. His maternal grandfather, Dr. Joseph McGill, began his adult life by working in Union Station, the main railway terminal in Denver. From there, Dr. McGill put himself through medical school and became a prominent surgeon. With his wife, Dorothy Jean, Dr. McGill raised seven children, all of whom he gave a better life to and put through college.

Neil's paternal grandfather, John Gorsuch, was his legal inspiration. After serving in World War I, John Gorsuch put himself through undergraduate and law school at the University of Denver by driving a trolley car. Upon graduation, John built a law practice focusing on real estate law. He also made time to help Denver's welfare department and participate in the Kiwanis Club and numerous other civic organizations. Later, John started what was at one time one of the largest law firms in Denver, Gorsuch Kirgis, where he practiced well into his eighties.

It was this family work ethic that drove Neil to get his hands dirty and pursue blue collar jobs at a young age. In Colorado, he moved furniture, he shoveled snow, he mowed lawns, and he even shoveled some more snow in the great State of Colorado. It was this work ethic—and a lot of shoveling of snow—combined with his family's ap-

preciation of higher education that helped Neil consistently realize academic excellence.

By now, I think this Chamber is well familiar with Judge Gorsuch's sterling academic credentials, receiving his undergraduate degree at Columbia, law school at Harvard, Ph.D. at Oxford. I don't think any of us can forget, nor should we, the fact that he spent a summer at the University of Colorado.

Intellect alone doesn't get you through the halls of these storied academic institutions. It requires hard work, independence—two values of the West; two values in addition to many other western values that Judge Gorsuch holds.

It is these values, these western perspectives that the Supreme Court desperately needs to grow. Judge Gorsuch is a lifelong outdoorsman. He enjoys fly fishing and skiing. In fact, I have been told that he is a double black diamond skier. His wife, Louise, cares for animals in a small barn on his land.

In addition to his love of the outdoors and his appreciation of nature's beauty, Judge Gorsuch understands the complex legal issues facing westerners and our Western States.

Since 2006, Judge Gorsuch served on the Federal court that covers the Tenth Circuit Court based out of Denver that covers six other Western States—Colorado, Oklahoma, Kansas, New Mexico, Wyoming, and Utah. Those States represent nearly 20 percent of the land of the continental United States.

His service on this court has provided him with a unique understanding of public lands, water, and Tribal issues that many of the other Western States in the region face. Some of the most complex legal challenges in water law and others come before his court as a result. That experience would serve all of our Western States well when utilized from the U.S. Supreme Court.

Over the coming days, I plan, along with many of my other colleagues, to elaborate on why Gorsuch's western values and perspective make him an outstanding choice for the U.S. Supreme Court. I look forward to working with colleagues on both sides of the aisle to make sure he gets a timely up-or-down vote. From the highest echelons of the legal field to the Tenth Circuit Court, to the U.S. Supreme Court, Judge Gorsuch would make us proud, and he would serve this country well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

(The remarks of Mr. MANCHIN pertaining to the introduction of S. 581 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MANCHIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

TRUMPCARE AND THE NOMINATION OF SEEMA VERMA

Ms. HIRONO. Mr. President, it seems appropriate that we are debating the

nomination of Seema Verma to head the Center for Medicare and Medicaid Services the same week Republicans in Congress introduce a plan to dismantle the Affordable Care Act.

Over the past 8 years, President Obama and the Democratic Party have been fighting to make sure that everyone in this country has access to affordable, quality health insurance. President Trump and his allies in Congress do not share this commitment. Instead of debating how best to expand access, they are fighting with each other to see just how many people they can kick off insurance rolls—all in a crusade, apparently, to save some people money.

This is not a crusade to improve the lives of as many Americans as possible. It is a crusade to serve their radical antigovernment ideology. In fact, "ideology over people" is a useful shorthand to describe the first 2 months of the Trump administration.

The problem with their ideological debates is that people are left out of the debate. Do we really know what it is like to be without health insurance? Under the plan to repeal the ACA, 20 million people in our country will be without health insurance, without healthcare. What if you were one of those people?

This question is not an academic one for me. I know what it is like to live without health insurance. When my mom brought my brothers and me to this country—I am an immigrant—her job did not provide health benefits. My greatest fear growing up as a little girl in this country was that my mom would not be able to go to work if she got sick. If she wasn't able to go to work, where would money for food and rent come from?

That is not the kind of fear we want to impose on millions of children in our country, but we will be doing just that to the 20 million people and their families who gained health insurance under the Affordable Care Act—many, for the first time in their lives. They did not have to be worried every single day that their child or their parents would be sick and would not be able to afford the care that they needed. This is not an academic exercise for any of them. They will be hurt by what we are being asked to do. It is not an academic exercise for the millions more who will lose their insurance coverage under TrumpCare.

But no one should be surprised. This administration and their allies in Congress continue to demonstrate a commitment to alternative facts. If you believe their alternative facts, TrumpCare would improve healthcare access for working families, seniors and women, and Americans would have, as the President said, "much better healthcare for much less money."

But in reality, TrumpCare will do the opposite. TrumpCare would end by 2020 the ACA's Medicaid expansion that millions of people in our country depend on every day. The expansion not



only provided health coverage to millions of people for the first time, but it also helped to keep hospitals in rural and underserved communities from closing down. These rural hospitals exist all across the country. In its place, TrumpCare would change how States receive Medicaid funding, and it would do so in a way that ensures that these programs cannot keep pace with the rising cost of health insurance in their counties and in our country.

Under this new system, States would have less money to spend on Medicaid recipients and face the prospect of tightening eligibility and slashing benefits. This would be particularly devastating in Hawaii, where we saw the number of people enrolled in Medicaid grow by nearly 20 percent under the ACA. Medicaid has had a transformative impact on tens of thousands of lives in Hawaii and millions of others across the country.

Anne from Oahu walked into the Kokua Kalihi Valley Clinic 3 years ago. She had no health insurance, and she was pregnant at the age of 15. The doctors at the clinic helped Anne apply for Medicaid, which helped her afford prenatal care, gave her support to stay healthy and, very importantly, to stay in school.

Medicaid helped Anne and her husband Dan, age 17, welcome a healthy baby boy named Joseph. Today, Anne is a graduate of Farrington High School, works part time, and has plans to become a pediatric nurse practitioner. Anne, Dan, and Joseph now have insurance through Dan's employer.

Reducing access to this critical program is wrong. Trying to convince the American people they would be better off with the results of these kinds of drastic negative changes to Medicare and Medicaid is yet another alternative fact.

I am encouraged that four of my Republican colleagues spoke out forcefully against any bill that would eliminate the ACA's Medicaid expansion. We need more Republicans of conscience to make their voices heard on this important issue.

TrumpCare would also be devastating for seniors in Hawaii and across the country. Under TrumpCare, insurance companies would be able to charge older Americans up to five times more for an equivalent health plan than they would be able to charge a younger person. For a President and a party that professes to hate taxes so much, they don't seem to have a problem with what amounts to an age tax.

TrumpCare's changes to Medicaid would also have devastating consequences for States like Hawaii, where our rapidly aging population depends on Medicaid to pay for nursing home and other care. The President made the American people a promise—that his healthcare plan would not touch Medicare. But the cumulative effect of TrumpCare's assault on our seniors—our kupuna—would force the Medicare

trust fund to go broke 4 years sooner than expected. For reference, the ACA extended the life of the Medicare trust fund by 10 years.

This would have a devastating impact for seniors like Anne and Lanny Bruder from Kauai. Lanny is 80 years old and working three jobs to make ends meet. He has had two knee replacements and a heart attack. Anne has glaucoma and pays a lot of money out of pocket for her prescription eye drops. They can't afford to pay more for their health insurance, which is exactly what is going to happen under TrumpCare.

TrumpCare would also have a profoundly negative impact on women across the country. The President's plan would completely zero out funding for Planned Parenthood. This lifesaving, lifesaving organization would no longer be eligible for Medicaid reimbursements or Federal family planning, which would leave a \$500 million hole in their budget.

Republicans continue to claim falsely that community health centers would fill the gap in service left by the demise of support for Planned Parenthood—not true. Most of these community centers, whose resources are already stretched thin, do not provide women's healthcare or family planning services. In other words, they would not be able to replicate the services that Planned Parenthood provides all across the country to millions of women and families.

Planned Parenthood operates two clinics in Hawaii, one on Oahu and one on Maui. They are the forefront of innovation in increasing access to family planning services across the State. They launched an innovative new mobile application that would allow doctors to provide digital consultations to women on neighbor islands for the purpose of prescribing birth control. Recently, Planned Parenthood made their first delivery to the island of Molokai, a largely rural island with little permanent medical infrastructure. This is the kind of innovation we should be encouraging, and it is precisely the type of program that could get cut if Planned Parenthood loses its Federal funding.

I often say that there are people in this country getting screwed every second, minute, and hour of the day. Instead of reducing that number, which should be our goal, TrumpCare would increase the number of people who get hurt in our country. The wealthiest of the wealthy in our country would benefit because—not only would all these things happen under TrumpCare that would be devastating to families, to women, to our seniors—TrumpCare would also give a big tax break, a big tax cut to the wealthiest people in our country. They don't need that kind of tax cut. Do people making over \$2 million a year really deserve another \$150,000 a year in tax cuts? I don't think so.

TrumpCare would be a disaster for the middle class, I am going to do ev-

everything in my power to stop it from being the law of the land. We have come too far in the past 8 years to go backward. The first way we can fight back against this plan is by rejecting the nomination of Seema Verma, who would be in charge of implementing TrumpCare as the head of CMS.

Ms. Verma is unqualified for the job she has been nominated to do. She has absolutely no experience running a major Federal department and has virtually no budgeting experience. This is deeply disconcerting because as the Administrator of CMS, she would oversee a \$1 trillion budget, which is twice as large as that of the Pentagon.

Ms. Verma would also continue the President's assault on women's healthcare. During her confirmation hearing, Ms. Verma said she opposed the ACA's requirement that all health plans cover pregnancy care. It is because of this attitude that millions of women across the country are participating in a Day Without Women today. In solidarity with them, I will fight tooth and nail against TrumpCare and encourage my colleagues to oppose Seema Verma's nomination to serve as the Administrator of the very agency that is supposed to be protecting healthcare for all Americans.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, I oppose H.J. Res. 58, another Congressional Review Act resolution that would roll back an agency's efforts to implement a law and prevent it from doing its job in the future.

In this case, we are considering eliminating Department of Education regulations on teacher preparation programs. In the 2008 reauthorization of the Higher Education Act, Congress required States to assess and identify low-performing teacher preparation programs to ensure that every teacher graduates ready for the classroom. Following a process that began in 2011, the Department of Education released a draft rule in 2014. That draft wasn't perfect and needed more flexibility for States and institutions of higher education. After an extended comment period, the Department revised the rule 2 years later. Though it may not satisfy everyone, the final rule provides clarity in line with Congress's direction.

Congress has the opportunity, with the reauthorization of the Higher Education Act, to improve upon these provisions. We can build on the State-driven assessment that this rule provides and further refine the system to make sure that data is being used to better prepare a more diverse class of teachers for our schools.

If the Trump administration does not want to wait for further legislation, it can engage in a new rulemaking, but as with all Congressional Review Act resolutions, this resolution is a meat ax rather than a scalpel. It repeals the rule and prevents the Department from carrying out its responsibility to ensure high-quality teacher preparation programs. This is simply the wrong approach, and I urge a no vote.

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

Mrs. MURRAY. Mr. President, I come to the floor to once again urge my fellow Senators to vote against the pending resolution and support strong and accountable teacher preparation programs in America today.

There are so many great teacher prep programs across the country that are supplying our teaching students with the tools they need to succeed in the classroom, but there are also teacher prep programs that are struggling and need support to make sure they are producing great teachers for our schools.

This rule ensures that students can make informed decisions about teacher preparation programs and that they have access to this information before they take out massive amounts of student debt. It gives States information about the schools that are struggling so States can provide those schools the tools and resources they need to improve their teaching preparation programs.

Finally, eliminating this rule will give Secretary DeVos more power over our higher education programs—a risk we should not be willing to take without learning more about Secretary DeVos's vision for our higher education system.

Every student deserves to have an amazing teacher in the classroom. This rule helps ensure that is possible. So I urge Senators to think of the future teachers and students who will be impacted if this resolution passes.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSE. 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. SASSE. Mr. President, I ask unanimous consent that at 2:30 p.m. today, all remaining time on H.J. Res. 58 be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSE. Mr. President, I rise to restate my support for H.J. Res. 58, a resolution to overturn the Obama administration Department of Education's rule regulating future teacher preparation programs from Washington, DC.

This teacher preparation mandate actually assumes that Washington bureaucrats are competent to micro-manage teacher training programs across America. There are 27,000 such programs, by the way, and this micro-management is absurd. We all agree that education matters, that teachers matter, that teacher training programs matter, and that kids are the future of our country, but I ask my colleagues to

acknowledge the expertise and to respect the reforms already begun at the district and State levels and to reverse this misguided Federal regulation of teacher preparation programs.

I would like to close by reading several quotations from those who would have been affected by this regulation had it gone into effect.

This first quotation comes from the American Federation of Teachers. Their public statement on the final rule, on October 12, 2016, reads as follows:

It is, quite simply, ludicrous to propose evaluating teacher preparation programs based on the performance of the students taught by those program's graduates. Frankly, the only conceivable reason the department would release regulations so out of sync with the Every Student Succeeds Act and President Obama's own call to reduce high-stakes testing is they are simply checking off their bucket list of outstanding issues before the end of their term.

The final regulations could harm students who benefit the most from consistent, high-quality standards for teacher preparation programs. The regulations will create enormous difficulty for teacher prep programs and place an unnecessary burden on institutions and states, which are also in the process of implementing ESSA.

My second quotation comes from the comments of the provost and the chair of the Department of Education at Creighton University in Omaha, NE, dated February 2, 2015, of the comment period:

As stated earlier, the regulations represent a significant financial burden to institutions, local school systems, and states. In the state of Nebraska, there are over 500 individual teacher preparation "programs" subject to the complexities of these regulations.

Again, these regulations are 700 pages.

Even as a system is developed, issues regarding privacy, low numbers, and student demographics would impact results unfairly and result in decisions unlikely to improve teacher preparation programs and student learning at PK-12 schools [in Nebraska].

My third and final quotation comes from the Association of Independent Colleges and Universities of Nebraska, and they wrote the Department of Education about this rule as follows:

[T]he budgetary impact of this regulation is significantly understated, if not laughable. No financial support for states, school systems, or institutions of higher education to implement the requirements is proposed. The regulations create new requirements for colleges, schools, and states to track and report on candidates and teachers for many years. Those systems are not in place. The cost estimates make inaccurate assumptions that colleges and states already have the systems in place for collecting, analyzing, reporting, and utilizing data (federally-mandated data which may or may not be valid or reliable for the purposes for which it is intended to be used). It also provides a timeline that is unworkable for most states and institutions.

Mr. President, I ask unanimous consent that the following statements and letters be printed in the RECORD.

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

[From www.aft.org, Oct. 12, 2016]

AFT'S WEINGARTEN ON TEACHER PREPARATION PROGRAMS REGULATIONS

WASHINGTON—Statement from American Federation of Teachers President Randi Weingarten on the Department of Education's final regulations for teacher preparation programs.

"It is, quite simply, ludicrous to propose evaluating teacher preparation programs based on the performance of the students taught by a program's graduates. Frankly, the only conceivable reason the department would release regulations so out of sync with the Every Student Succeeds Act (ESSA) and President Obama's own call to reduce high-stakes testing is that they are simply checking off their bucket list of outstanding issues before the end of their term.

"The final regulations could harm students who would benefit the most from consistent, high-quality standards for teacher preparation programs. The regulations will create enormous difficulty for teacher prep programs and place an unnecessary burden on institutions and states, which are also in the process of implementing ESSA.

"Instead of designing a system to support and improve teacher prep programs, the regulations build on the now-rejected high-stakes testing system established under NCLB and greatly expanded under this administration's Race to the Top and waiver programs. It's stunning that the department would evaluate teaching colleges based on the academic performance of the students of their graduates when ESSA—enacted by large bipartisan majorities in both the House and Senate last December—prohibited the department from requiring school districts to do that kind of teacher evaluation.

"Teacher prep programs need to help ensure that teachers are ready to engage their students in powerful learning and creating an environment that is conducive to learning. These regulations will not help achieve that goal. These regulations do not address ways to help the current status of the teaching profession: the shortages, the lack of diversity or the high turnover.

"While the department has made minor tweaks, the flawed framework remains the same. The regulations will punish teacher prep programs whose graduates go on to teach in our highest-needs schools, most often those with high concentrations of students who live in poverty and English language learners—the exact opposite strategy of what we need. As we brought up in January 2015—in our comments to the department's proposal—if programs are rated as the department proposes, teacher prep schools will have incentive to steer graduates away from assignments in our toughest schools, and that will only make matters worse.

"If we want to get it right, we should look to countries like Finland, where prospective teachers receive extensive training in their subject matter and teaching strategies combined with clinical training. Finland has no alternative prep programs. Programs are highly selective and free of cost; their graduates go on to work in supportive, professional environments with strong unions, fair pay and benefits, and without high-stakes testing."

OFFICE OF THE PROVOST,  
CREIGHTON UNIVERSITY

Omaha, NE, February 2, 2015.

Re Docket ID ED-2014-OPE-0057.

Hon. ARNE DUNCAN,  
Secretary, U.S. Department of Education,  
Washington, DC.

DEAR SECRETARY DUNCAN: We would like to introduce ourselves. Our names are Edward

O'Connor, Provost, and Debra L. Ponec, Professor and Chair in the Education Department at Creighton University, which is located in Omaha, Nebraska. We are responding to the U.S. Department of Education's proposed regulations for teacher preparation programs released in the Notice of Proposed Rule Making (NPRM) on December 3, 2014.

Like other teacher preparation programs in institutions of higher education throughout the nation, the Education Department at Creighton University embraces accountability for our work. The faculty are eager to learn more about the effectiveness of our graduates and seek continual program improvement to ensure their profession-readiness in the classroom. Our preparation programs currently employ accountability mechanisms such as these:

- National and state accreditation
- Praxis II testing
- Survey data from graduates and employers
- Feedback from PK-12 school partners and Advisory Boards

Continuous Review of Programs

The institution's teacher preparation programs also undergo continual reform influenced by the effective practice, feedback from our K-12 partners, local and national workforce demands, new requirements from our legislature and state, new professional standards for preparation, and funding to support new initiatives. The Education Department at Creighton University has developed partnerships with public and private schools where instruction and clinical practice are on-site; integrated "best practices" into evidence-based teacher preparation; placed students in high need, diverse settings for clinical practice throughout the program; and provided data on the impact of our programs on our website. Our programs have a documented high placement and retention rate for our graduates. Our teacher preparation program actively supports accountability mechanisms that are fair, transparent, valid, reliable, feasible, and useful for program improvement. The proposed regulations initiated by the U. S. Department of Education do not meet these criteria.

Overall, if these proposed regulations were adopted, they would draw energy, funding, and attention away from innovative reforms, proven accountability initiatives, and overall program improvement currently under way in teacher preparation programs across the country. Some of the specific areas of concern are as follows:

The specific requirements outlined in the proposal usurp the rights of the state and higher education institutions to determine what indicators identify proficiency of teacher education graduates and their preparation programs. This unfunded mandate represents a significant financial burden to institutions, local school systems, and states. The costs of implementing these regulations have been woefully underestimated with the understanding that no federal funding would be available to move the proposed regulations forward. The proposed regulations require data systems to track and report on teacher education candidate effectiveness for multiple years. Many states do not possess the technology capacity to develop highly sophisticated data collection systems which will collect, analyze, report, and utilize this data in a meaningful manner.

The proposed regulations have generally not been tested for validity and reliability, and attaching high-stakes consequences at this point is of significant concern. For example, using PK-12 student academic achievement and growth to evaluate teacher performance is questioned by leading research organizations and education scholars as having questionable validity and reli-

ability for making teacher effectiveness decisions. Utilizing this approach of evaluating teacher performance to his/her teacher preparation institution is an even weaker link given the largely unknown impacts such as implications of time and place of employment and teacher preparation influence. The lack of a scientifically acceptable basis for using student achievement as a rating for program performance, even if the cost and burden were low, makes this indicator unreasonable. In addition, evidence that ACT/SAT/GPA scores are a reliable indicator of teacher effectiveness is equally questionable. Capstone assessments, which are being implemented in very limited ways are still inconclusive in their outcomes as measuring teacher quality.

As stated earlier, the regulations represent a significant financial burden to institutions, local school systems, and states. In the state of Nebraska, there are over 500 individual teacher preparation 'programs' subject to the complexities of these regulations. Even as a system is developed issues regarding privacy, low numbers, and student demographics would impact results unfairly and result in decisions unlikely to improve teacher preparation programs and student learning at PK-12 schools.

The regulations focus on placement, retention, and performance with PK-12 students has significant potential to become a disincentive to encourage candidates to seek placements in areas of high-need. This ideal conflicts with our mission statement and preparation which seeks to lead students to work with the underrepresented, disenfranchised, and poor. Our teacher preparation candidates are well-prepared, however, the potential of a teacher preparation program being rated on test scores of high-needs students will cause any institution pause. With lack of control of the experience of the teachers once employed and no assurance of resources to provide the supports for candidates in high-need schools, it is unreasonable to compare these candidates with candidates in non high-need situations.

The proposed timeline is unreasonable and unrealistic. Those states piloting connecting teacher effectiveness to student achievement are still under development and are experiencing many ethical and legal challenges as they seek to implement the requirements. Attaching outcomes to national accreditation is also problematic in that the new CAEP accreditation standards are not fully implemented and accreditation processes using the new standards will not officially be required until the Fall of 2016. The timeline presented in the proposed regulations would include piloting additional reporting requirements for the 2016-17 academic year which is unrealistic to meet significantly increased reporting elements, creation of new data systems, delivery of in-service and technical assistance systems for institutions and schools, and lack of new resources with which to accomplish the unfunded mandates.

The proposed regulations do not consider or support the philosophy that quality education requires a systemic approach. Factors such as student demographics, preschool learning opportunities, poverty and other social factors are not controlled by PK-12 schools or teacher preparation experiences. Other quality indicators such as equitable funding, strong curriculum standards, focus on providing opportunity—access—success for all students, and quality assessment which all contribute to PK-12 student learning are not controlled by teacher preparation programs. Therefore equating PK-12 student performance to the quality of a teacher preparation program is unfair and unreasonable. However, dedication to strong commitments and collaborative partnerships by educator

preparation programs and school systems impact the development of exemplary educators for the future.

Thank you for allowing us to address our concerns. If you have any questions, please feel free to contact us.

Sincerely,

EDWARD R. O'CONNOR,

*PhD, FACHE,*

*Provost.*

DEBRA L. PONEC,

*EdD, NCC, Professor and Chair,*

*Education Department.*

ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF NEBRASKA, LINCOLN, NE, JANUARY 29, 2015.

Re Comments Regarding Proposed Regulations, 34 CFR Parts 612 and 686; Teacher Preparation Issues.

SOPHIA MCARDLE,

*U.S. Department of Education, Washington, DC.*

DEAR MS. MCARDLE: I am writing as the representative of the private, non-profit, regionally accredited colleges and universities in Nebraska with teacher education programs. While we laud the US Department of Education in its efforts to improve the quality of K-12 and higher education in the United States, we believe there are portions of the proposed regulation that are troubling to our institutions.

First, Nebraska is a state that prides itself on local control in education matters. Despite the rhetoric about allowing states to use their own measures of student growth, this proposed regulation mandates states that do not already use value-added measures of student learning in their teacher assessments to do so. It provides for federally-mandated state indicators of quality for teacher preparation program assessments. This is a significant expansion of the federal role in its oversight of the states' responsibility for the education of its young people, and is inappropriate.

Second, the budgetary impact of this regulation is significantly understated, if not laughable. No financial support for states, school systems, or institutions of higher education to implement the requirements is proposed. The regulations create requirements for colleges, schools, and states to track and report on candidates and teachers for many years. Those systems are not in place. The cost estimates make inaccurate assumptions that colleges and states already have the systems in place for collecting, analyzing, reporting, and utilizing data (federally-mandated data which may or may not be valid or reliable for the purposes for which it is intended to be used). It also provides a timeline that is unworkable for most states and institutions.

The January 2, 2015 letter from the American Council of Education and twenty-three other association signatories to the Office of Information and Regulatory Affairs points out the significant understatement of OMB's estimate of the costs of implementing the proposed regulation by states and IHE's. Most of the teacher preparation programs that I represent are very small, and the impact on them will be disproportionately large from a cost standpoint. The Department cannot talk about tuition containment from one side of its mouth and take actions that will exacerbate tuition hikes out of the other side.

Third, while teacher preparation is one factor in secondary student performance, it is not the only factor. Demographics, family income, school facilities, parental support, and other non-preparation issues have impacts on student performance. This proposed

regulation may have unintended consequences that the USDOE should consider. Why would an IHE place a first-year student in a “troubled” school district or building, where he or she might be less likely to continue in a teaching career, when a “safer” placement would make that continuance more likely? Ergo, a higher rating for the IHE, the students in the program would not be at risk to lose Title IV funds or Teach Grants, and other positives for the college. On the other hand, a school district or building might lose the services of an outstanding first-year teacher which it really needs.

Finally, attributing financial aid-eligibility on institutional ratings based on research that may or may not be valid is irresponsible and bad public policy. It will hinder enrollment to students who could become outstanding teachers, but may have to overcome hurdles in order to do so. This regulation will give IHE’s less incentive to enroll those types of students.

For these reasons, we believe the proposed regulations should be reconsidered and a new negotiated rulemaking convened, with proposed regulations that take into account the myriad of comments received by the USDOE from states, institutions of higher education, and associations relating to these proposed regulations. Thank you for your consideration.

Sincerely,

THOMAS O’NEILL, JR.,  
President.

Comments submitted by Nebraskans:

—Malinda Eccarius, University of Nebraska, Lincoln on Apr. 27, 2016: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4855>

—Debra Ponec, Creighton University on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4364>

—Lixin Ren, Doctoral Student, University of Nebraska–Lincoln on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4246>

—Don Jackson, President of Hasting College on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4231>

—Thomas O’Neill, President of Association of Independent Colleges and Universities of Nebraska on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4541>

—Sharon Katt, Matthew L. Blomstedt, and Scott Swisher of Nebraska Department of Education on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-3887>

—Marjorie Kostelnik, University of Nebraska, Lincoln on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-3511>

—Ronald Bork, Associate Dean, Head of Teacher Education at Concordia University, Nebraska on Jan. 26, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-1997>

Mr. SASSE. Thank you, Mr. President.

I yield back.

The PRESIDING OFFICER. Under the previous order, all time on the joint resolution has expired.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. SASSE. 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 Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—59

Alexander	Flake	Nelson
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Johnson	Scott
Cornyn	Kennedy	Shelby
Cortez Masto	King	Strange
Cotton	Lankford	Sullivan
Crapo	Lee	Tester
Cruz	Manchin	Thune
Daines	McCain	Tillis
Donnelly	McCaskill	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—40

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Stabenow
Cardin	Klobuchar	Udall
Carper	Leahy	Van Hollen
Casey	Markey	Warner
Coons	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Peters	

NOT VOTING—1

Isakson

The joint resolution (H.J. Res. 58) was passed.

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 57.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

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

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to address the resolution the Senate is now considering.

In 2015, 85 U.S. Senators voted for the law fixing No Child Left Behind, which reversed the trend to a national school board and restored decisions to classroom teachers, local school boards, and States. The Wall Street Journal said it was the “largest devolution of federal control to the states in a quarter of a century.”

The Department of Education regulation this resolution seeks to overturn does exactly the reverse. It begins to restore the national school board, and it takes away responsibilities from classroom teachers, local school boards, and States. It does this in direct violation of the law that 85 Senators voted for just 15 months ago. So the question before us, today, is not only whether we believe in a national school board or local school boards. More important, perhaps, the question is: who writes the law? Does the U.S. Congress write the law, or does the U.S. Department of Education write the law? Article I of the U.S. Constitution says that the Congress, elected by the people, writes the law.

The purpose of this resolution is to overturn a regulation of the Department of Education that in 7 cases directly violates the Every Student Succeeds Act, passed just 15 months ago, and in 16 other cases exceeds the authority allowed by that law.

This regulation would say to States: Ignore the law 85 Senators passed 15 months ago. Ignore the law that President Obama called a Christmas miracle. Ignore the law that Governors, teachers, school boards, and superintendents all supported, and even ignore why they supported it. Instead, listen to the unelected bureaucrats at the U.S. Department of Education.

This regulation issued by the Department of Education specifically does things or requires States to do things that Congress said, in our law fixing No Child Left Behind, that the Department of Education cannot do. Therefore, it violates the law.

In this law, Congress said to the Department: You cannot tell States exactly what to do about fixing low-performing schools; that is a State decision. But this regulation does that anyway.

Congress said to the Department: You cannot tell States exactly how to rate the public schools in your State. But this regulation does that anyway.

This is not a minor matter.

The remarkable consensus that developed in the 2015 bill in support of fixing No Child Left Behind was to reverse the trend toward a national school board and restore to States, classroom teachers, and school boards decisions about what to do about their children in 100,000 public schools. Teachers, Governors, and school board members were fed up with Washington telling them so much about what to do about the children in their schools. So this regulation, which contravenes the law specifically, goes to the heart of the bill fixing No Child Left Behind.

It is very unusual in Federal law to specifically prohibit a department from regulating on an issue, but that is exactly what Congress did in 2015. Here are seven specific examples of how the regulation which we seek to overturn violates prohibitions that Congress explicitly wrote into the law:

No. 1, the regulation prescribes the long-term goals and measurements of progress that States establish for student subgroups.

The law says, for example, that the Secretary may not tell a State that goals set for students of one race must improve their progress 20 percent better than the progress of a group of students of another race. Yet the regulation says that States must establish goals and measurements for lower performing subgroups who “require greater rates of improvement,” which would necessarily mean that students of one race would have to do better than students of another race.

No. 2, the regulation requires federally prescribed actions to be taken in schools that do not annually test at least 95 percent of students.

The law says that States must annually test not less than 95 percent of all students and each subgroup of students, but States determine how to hold schools accountable for ensuring that 95 percent of students participate on annual tests. The law says that the Secretary of Education may not prescribe “the way in which the State factors” the 95 percent testing requirement into their accountability system. Yet the regulation we seek to overturn prescribes four different specific ways that States must take action in schools that miss the 95 percent requirement.

No. 3, the regulation prescribes that schools with consistently underperforming subgroups of students be identified with a lower summative determination.

The law says that States are required to identify schools for targeted support when a subgroup of students is “consistently underperforming” in a manner “as determined by the state.” So under the law, the Secretary can’t tell States how to identify the lowest performing schools or what a school’s rat-

ing should be. Yet the regulation we are seeking to overturn says that States are required to “demonstrate that a school with a consistently underperforming subgroup . . . receive a lower summative determination. . . . than it would have otherwise received.” The Department of Education is meddling into the methodology of school ratings again, despite the fact that Congress said it could not.

No. 4, the regulation prescribes the timeline for identifying schools with consistently underperforming subgroups.

The law says that States are required to identify schools for targeted support when a subgroup of students is “consistently underperforming” in a manner “as determined by the state.”

We had lengthy discussions about this. These issues in education are filled with conflict and filled with different opinions. I said many times during the debate that working on an education bill in the Senate is kind of like being in a football stadium on game day at Penn State or the University of Tennessee: Everybody in the stands has played football, and they know what play to call, and they usually do. So everybody had a point. We had to work these things out and we wrote down carefully the agreement we had. We wrote down that the Secretary of Education may not impose new requirements or criteria on State accountability systems, such as a timeline for the identification of lowest performing schools. Yet the regulation prescribes an exact timeline of 2 years.

No. 5, the regulation requires States to resubmit their plans to the Secretary every 4 years.

The law says that each State plan “shall . . . be periodically reviewed and revised as necessary by the State educational agency.” Yet the regulation says States must review and revise their State plans “at least once every four years” and “submit its revisions to the Secretary for review and approval.”

No. 6, the regulation dictates exactly how school districts with significant numbers of low-performing schools must measure resources for students.

The law says States must “periodically review resource allocation to support school improvement” in districts that are serving a significant number of low-performing schools. The law says the Secretary cannot tell States what to review. Yet the regulation says that in addressing resource inequities, States must review differences in the following: rates of ineffective, out-of-field, or inexperienced teachers; access to advanced coursework; access to full-day kindergarten and preschool programs; access to specialized instructional support personnel; and per-pupil expenditures of Federal, State, and local funds.

But the law said the Secretary could not tell States what to review.

No. 7, the regulation tells States how to count students in subgroups.

The law says each State decides the minimum number of students who should be included in the State’s count of subgroups. So, a State might decide that for students to be included in the State’s subgroup data, there needs to be at least 35 students, for example, of a subgroup in a school. The law says the Secretary may not impose new requirements or criteria on State accountability systems. Yet the regulation we are seeking to overturn says States must pick a number below 30 or States will have to explain themselves to the Secretary. That is in violation of a specific prohibition passed by this body with 85 votes and signed by the President of the United States.

Those are seven ways the regulation specifically violates prohibitions in the law that were intended to keep the Secretary from doing what the Secretary then turned around and did.

Here are 16 more ways the regulation exceeds the authority of the U.S. Department of Education. To some, this may seem minor. To some, it may seem dull. It is not dull to me. I don’t think it is dull to most Senators. Article I of the Constitution isn’t dull. We are elected to write the laws, and anytime we turn over to somebody else—whether it is the court, whether it is the executive branch—that constitutional prerogative, we violate our oath, in my opinion.

No. 1, the regulation limits how States measure school quality or student success. The law says States must include at least one measure of school quality or student success that has to be “valid, reliable, comparable, and statewide.”

The Secretary cannot tell States what measures to use in their State accountability system. Yet the regulation tells States they can only choose indicators that meet the criteria the Department came up with.

No. 2, the regulation limits how States measure school quality or student success for indicators used specifically in high school.

The law says States must include at least one measure of school quality or student success, specific to high schools, and it has to be “valid, reliable, comparable, and statewide.” The Secretary cannot tell States what measures to use in their State accountability system. Yet the regulation tells States they can only choose indicators that meet criteria the Department came up with.

No. 3, the regulation tells schools marked as low-performing that they will always be low-performing unless they improve on indicators the U.S. Department of Education has identified.

The law says something different. The law says that tests and graduation rates have to count more in the State accountability systems than indicators of school quality or student success. The Secretary of Education may not prescribe “the weight of any measure or indicator used to identify or meaningfully differentiate schools.”

The regulation says that a low-performing school must continue to be identified as low-performing unless it improves on tests and graduation rates, even if the school is making significant progress on other measures of school quality or student success, such as, for example, absenteeism or family engagement, something chosen by the State.

No. 4, the regulation requires school districts where schools aren't testing 95 percent of students to develop and implement a Federal improvement plan.

The law says States must annually test not less than 95 percent of all students and each subgroup of students. The law leaves it to States to determine what to do in school districts with schools that are failing to meet the participation requirement. Yet the regulation tells States how to address school districts where schools aren't testing 95 percent of students. It invents out of whole cloth the idea of a Federal improvement plan, and then it mandates it.

No. 5, similarly, the regulation requires schools that aren't testing 95 percent of students to develop and implement a Federal improvement plan.

The law says that States must annually test not less than 95 percent of all students and each subgroup of students. The law leaves it to States to determine what to do in schools that are failing to meet the participation requirement. Yet the regulation tells States how to address schools that aren't testing 95 percent of students.

Again, it invents out of whole cloth the idea of a Federal improvement plan with four federally prescribed elements, and then it mandates it.

No. 6, the regulation tells States how to measure high school graduation rates.

The law says each State will establish long-term goals for "all students and each subgroup of students in the State," including the goal of high school graduation rates using either the "four-year adjusted cohort graduation rate" or "at the State's discretion, the extended-year adjusted cohort graduation rate." Yet the regulation says States can only use the four-year adjusted cohort graduation rate to identify low-performing schools in their accountability systems.

You can see that throughout these examples there appears to be a deliberate attempt by the Department of Education not to interpret the law but to ignore the law or, specifically, to contravene the law, to thumb the nose of regulation writers at the Congress and the President who passed and signed the law.

No. 7, the regulation requires each State to come up with a definition for an "ineffective teacher." The law says each State will describe how low-income and minority children enrolled in schools are not served at disproportionate rates by ineffective teachers. Yet the regulations says States have to

define "ineffective teachers." It is going to make it nearly impossible for States not to implement an entire teacher evaluation system.

No. 8, in the same way, the regulation requires each State to come up with a definition of an "out-of-field teacher."

That is what the regulation does, but the law just says States will describe how low-income and minority children enrolled in schools are not served at disproportionate rates by "out-of-field teachers." The regulation says you have to define that.

No. 9, the regulation requires each State to come up with a definition for an "inexperienced teacher."

The law simply says a State will describe how low-income and minority children are not served at disproportionate rates by "inexperienced teachers." Yet the regulation goes on to require a definition.

No. 10, the regulation tells States to report on the number and percentage of all students and subgroups of students who are not included in the State's accountability system.

The law says each State will report a clear and concise description of the State's accountability system, including the minimum number of students that the State determines are necessary to be included in each of the subgroups of students. Yet the regulation requires States to provide new information outside of the scope of what is required by the law.

No. 11, the regulation tells States how to rate schools and that the State accountability system has to produce a single rating for each school.

That was not envisioned by the law. The law says that States must create a system of evaluating all public schools in the State. It says, further, that the Secretary of Education may not prescribe the specific methodology used by States to evaluate schools. Yet the regulation tells States that the results must lead to a "single summative determination" for each school.

A State might choose to do that or a State might choose not to do that. That was the decision of the Congress, but the Department decided differently.

No. 12, the regulation adds a requirement that the State's accountability system has to include at least three levels of performance.

The law says that States have the flexibility to establish a system of meaningful differentiation of schools without any parameters or federally prescribed methodology. That couldn't be clearer—without any parameters or federally described methodology. Yet the regulation prescribes a requirement that States use at least three distinct levels of performance for schools.

No. 13, the regulation prescribes when schools may exit from identification as the lowest-performing.

The law says States must establish statewide criteria for schools to exit from being identified as in need of im-

provement. The law says that the Secretary of Education may not prescribe what the exit criteria are. That is a decision left up to States, but the regulation narrows the States' ability to develop their own criteria for schools to no longer be identified as the lowest performing.

No. 14, the regulation prescribes how States intervene in school districts with schools that are labeled as the lowest-performing. The law says that if a low-performing school does not meet a State's criteria for no longer being identified as lowest-performing, then the State must take a "more rigorous State-determined action." The Secretary of Education cannot prescribe, under the law, any specific strategies to improve schools. Yet the regulation requires the State to tell school districts to take interventions the Department has prescribed.

No. 15, the regulation prescribes how school districts intervene in schools that are labeled as low-performing.

The law says if a low-performing school does not meet statewide criteria for no longer being identified as lowest-performing, the State must take a "more rigorous State-determined action." The Secretary cannot prescribe any specific strategies to improve schools. Yet the regulation requires a school to take federally prescribed actions.

We have already tried Federal one-size-fits-all actions under the School Improvement Grant program in No Child Left Behind. We rejected that. We don't think Washington should be in the business of telling schools how to fix themselves.

Finally, No. 16, the regulation limits how States award school improvement funding to school districts and schools.

The law says States must establish the method they will use to award school improvement funding to school districts. The regulation dictates to States how much they have to award to low-performing schools receiving school improvement funds.

Here is what this resolution overturning the regulation would do. The resolution would ensure that the law fixing No Child Left Behind is implemented as Congress wrote it. The regulation violates the law and its clear prohibitions on the Secretary by prescribing new requirements through regulation or as a condition of a State plan approval.

In the law we passed, Congress reached an agreement about requiring States to identify a certain number and types of schools that need to be improved, but we left it to the States to determine how to go about fixing those schools and how long they had to fix the schools. The regulation prescribes how States and school districts intervene in and improve schools that do not improve.

Secondly, this resolution restores State flexibility. The regulation is in direct conflict with the intent of the law to allow States and school districts



to have greater flexibility to implement the law, as Congress intended.

Congress reached an agreement that there are some essential elements of a State accountability plan that need to be included in a State plan. The other half of the agreement was that we left to the States the decisions about how to include these factors into their accountability systems. This is about article I of the Constitution.

Congress wrote the law with specific rules in mind. The Secretary of Education and his or her bureaucracy do not get to treat Congress as a minor impediment to the education system of their choosing. If they want to write the laws of the land, they should run for Congress and get themselves elected, draft a bill or an amendment—not wait for Congress to finish our work and try to undo it through a simple regulation.

This resolution, overturning the regulation, would preserve local decision-making. As I mentioned, the Wall Street Journal editorialized, when we passed the law, that it was “the largest devolution of Federal control to States in a quarter-century.”

The regulation tried to restore Washington, DC, decision-making with mandates that States comply with specific requirements instead of letting States determine how to best proceed.

This resolution scuttles new and burdensome reporting requirements. The regulation created new reporting requirements on States and school districts that will drive up compliance costs and divert resources away from students and classrooms.

Let me conclude by dealing with some of the arguments and misinformation that I have been hearing about the resolution. No. 1, I want to make clear that this resolution overturning the regulation strengthens accountability in our public schools the way Congress determined to do it in the law fixing No Child Left Behind.

We transferred most of that responsibility for accountability from Washington, DC, to States and local school boards. We did not want a national school board.

The law also includes Federal guardrails to ensure a quality, public education for all students, including, for example, requiring States to identify and provide support to low-performing schools—at least the lowest performing bottom 5 percent of each State’s schools—and requiring academic and English language proficiency indicators to be included in each State’s accountability system. The law’s Federal guardrails will shape how States design their accountability systems because a State plan would not be following the law if the State fails to include accountability provisions in their plan.

The repeal of this regulation does not let States—the ones who are supposed to be addressing accountability—off the hook by any means. Repealing this regulation simply ensures that individual States and their Governors, leg-

islators, chief State school officers, local school boards, superintendents, principals, parents, and classroom teachers are responsible for these decisions.

This resolution, overturning the regulation, will allow States to implement the new law on the existing timeline to submit their plans and have the Department review and approve State plans.

U.S. Education Secretary DeVos has said that she favors the current timeline, the one established by former Secretary King. She said this at her confirmation hearing before our committee. She confirmed that again after taking office.

Mr. President, I ask unanimous consent that Secretary DeVos’s letter of February 10 to the Chief State School Officers outlining the timeline be printed in the RECORD.

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

FEBRUARY 10, 2017.

DEAR CHIEF STATE SCHOOL OFFICER: Thank you for the important work you and stakeholders in your State are engaged in to develop new State plans and transition to the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). I am writing today to assure you that I fully intend to implement and enforce the statutory requirements of the ESSA. Additionally, I want to provide you with an update on the timeline, procedures, and criteria under which a State Educational Agency (SEA) may submit a State plan, including a consolidated State plan, to the Department. States should continue to follow the timeline for developing and submitting their State plans to the Department for review and approval.

On November 29, 2016, the Department issued final regulations regarding statewide accountability systems and data reporting under Title I of the ESEA, as amended by the ESSA, and the preparation of State plans, including consolidated State plans. However, in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, titled “Regulatory Freeze Pending Review,” published in the Federal Register on January 24, 2017, the Department has delayed the effective date of regulations concerning accountability and State plans under the ESSA until March 21, 2017, to permit further review for questions of law and policy that the regulations might raise. Additionally, Congress is currently considering a joint resolution of disapproval under the Congressional Review Act (CRA) (5 U.S.C. 801808) to overturn these regulations. If a resolution of disapproval is enacted, these regulations “shall have no force or effect.”

In a Dear Colleague Letter dated November 29, 2016, the Department notified SEAs that it would accept consolidated State plans on two dates: April 3 or September 18, 2017. The Department also released a Consolidated State Plan Template that States were required to use if they submit a consolidated State plan. Due to the regulatory delay and review, and the potential repeal of recent regulations by Congress, the Department is currently reviewing the regulatory requirements of consolidated State plans, as reflected in the current template, to ensure that they require only descriptions, information, assurances, and other materials that are “absolutely necessary” for consideration

of a consolidated State plan, consistent with section 8302(b)(3) of the ESEA. In doing so, the Department, in consultation with SEAs as well as other State and local stakeholders, will develop a revised template for consolidated State plans that meets the “absolutely necessary” requirement by March 13, 2017. The Department may also consider allowing a State or group of States to work together to develop a consolidated State plan template that meets the Department’s identified requirements through the Council of Chief State School Officers.

The regulatory delay and review, and the potential repeal of recent regulations by Congress, should not adversely affect or delay the progress that States have already made in developing their State plans and transitioning to the ESSA. The Department will be notifying States and the public of the revised template once it becomes available. In the meantime, States should continue their work in engaging with stakeholders and developing their plans based on the requirements under section 8302(b)(3) of the ESEA. In doing so, States may consider using the existing template as a guide, as any revised template will not result in descriptions, information, assurances, or other materials that States will be required to provide other than those already required under the ESEA. The Department will still accept consolidated State plans on April 3 or September 18, 2017.

For your reference, the following programs may be included in a consolidated State plan:

Title I, part A: Improving Basic Programs Operated by Local Educational Agencies;

Title I, part C: Education of Migratory Children;

Title I, part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk;

Title II, part A: Supporting Effective Instruction;

Title III, part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act;

Title IV, part A: Student Support and Academic Enrichment Grants;

Title IV, part B: 21st Century Community Learning Centers; and

Title V, part B, subpart 2: Rural and Low-Income School Program.

In addition, pursuant to ESEA section 8302(a)(1)(B), I am designating the Education for Homeless Children and Youths program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act as a program that may be included in an SEA’s consolidated State plan.

I appreciate the hard work and thoughtful attention you are giving to implementing the ESEA, as amended by the ESSA. I understand that a great deal of work has already gone into the planning and preparation of your State plans, whether that is a consolidated State plan or individual program plans. One of my main priorities as Secretary is to ensure that States and local school districts have clarity during the early implementation of the law. Additionally, I want to ensure that regulations comply with the requirements of the law, provide the State and local flexibility that Congress intended, and do not impose unnecessary burdens. In the near future, the Department will provide more information on its review of existing regulations, as well as additional guidance and technical assistance.

We have a unique opportunity as we implement the ESSA. I look forward to working with you, districts, and parents to ensure every child has the opportunity to pursue excellence and achieve their hopes and dreams.

Sincerely,

BETSY DEVOS.

Mr. ALEXANDER. So there is no confusion, let me clearly state what that timeline is. No. 1, States should continue to submit State accountability plans by the April or September 2017 deadlines. No. 2, States should continue to implement a State accountability system in the 2017–2018 school year. No. 3, States should continue to identify the lowest performing schools in need of comprehensive support and improvement by the beginning of the 2018–2019 school year.

To write these plans, States need simply to consult the law. The Every Student Succeeds Act requires States to submit a plan for peer review and approval by Secretary DeVos and the Education Department. The Department is committed to working with States by providing technical assistance, issuing non-regulatory guidance and other support materials.

If questions arise, there are a variety of ways to answer the questions. The Department will continue to provide States with clarification on how to comply with the law through the use of non-regulatory guidance, “Dear Colleague” letters, frequently asked questions documents, webinars, phone calls, and in-person conferences. In other words, if there are any questions about how to comply with the new law, there are plenty of ways for Chief State School Officers and others to ask the U.S. Department of Education to provide the answers.

It is important to emphasize that this resolution does not in any way give the Education Secretary a path to creating a new Federal voucher program. Some of my friends on the other side of this debate have been resorting to scare tactics and alleging Secretary DeVos will use this opportunity to regulate into existence a mandate that State and local school districts adopt a school voucher program. The Secretary of Education does not have that power, and this Secretary of Education has said she does not want it. Secretary DeVos has repeatedly affirmed her opposition to federally mandating school choice, saying that she does “not and will not advocate for any Federal mandates requiring vouchers. States should determine the mechanism of choice, if any.”

A school choice program cannot be unilaterally created by the U.S. Department of Education. Only Congress could create a voucher program. I tried to do that on the floor of this Senate during the debate about fixing No Child Left Behind. I offered an amendment called Scholarships for Kids that would have allowed States to use existing Federal dollars to follow the children of low-income families to schools of their parents’ choice. Senator SCOTT of South Carolina offered a similar amendment, but only 45 Senators voted for our proposals. If you pay attention around here, you know that the most important things usually take 60 votes to gain approval.

Also, the 2015 law that we passed actually includes provisions that would

prohibit the Secretary from mandating, directing, or controlling a State, school district or school’s allocation of State or local resources, and it bars the Department of Education from requiring States and districts to spend any funds or incur any costs not paid for under the law—for example, vouchers. Now I agree that previous Secretaries of Education have imposed their own personal, policy preferences on States and school districts. I opposed such mandates and worked against them. Congress writes the law, not the Secretary and not the bureaucracy.

Instead of using this scare tactic to rile up teachers and parents around the country, misleading them and confusing them about what the Secretary of Education might do, I would take that argument and turn it around. If Congress takes a stand here and now and says that this regulation exceeds the authority granted by Congress—the authority delegated to the Secretary of Education—because the Secretary imposed conditions on States not allowed by the law, then that means any current or future Secretary of Education would be similarly prevented from imposing their own conditions on States.

So there could be no legal method of forcing States to adopt a voucher program, unless Congress passes a new law. There could be no legal method of reinterpreting the Every Student Succeeds Act to impose the next good education idea—however well-intended—unless Congress acts first.

The suggestion has been made that this new law requires regulations. This regulation is not required by the law. The law does not specifically call for accountability regulations. The law allows for accountability regulations, but “only to the extent that such regulations are necessary to ensure that there is compliance.” So there is no requirement for this regulation. It is allowed, but it is not required.

Congress wrote prohibitions on the Secretary so that States would not be faced with a bunch of new mandates that “add new requirements that are inconsistent with or outside the scope” or “add new criteria that are inconsistent with or outside the scope” or are “in excess of statutory authority granted to the Secretary.” That is what Congress did. In the law, we laid out requirements for State plans. States can simply follow the law. A regulation isn’t necessary.

Future Secretaries will still be able to write regulations on this subject. Under the Congressional Review Act, which is the procedure under which we are operating, if Congress overturns a regulation—as I hope it will in this case—the Department of Education is prevented from making final a new regulation that is “substantially the same” as the overturned regulation, unless Congress passes a new law to create an opportunity for that new regulation. But no court has defined what “substantially the same” means. But

the commonsense interpretation of that is very simple: The Department simply can’t turn right around and do the same thing Congress has just overturned. It could do something else by regulation, but it could not do precisely that.

So this is a question of whether we are going to restore the national school board that 85 Senators voted to reverse 15 months ago. And this is also a question of whether you believe that the U.S. Congress writes the law or the U.S. Department of Education writes the law. I believe that under article I of our Constitution, the U.S. Congress writes the law, and when signed by the President, then that is the law. The regulations must stay within it, and that is especially true when Congress has written explicit prohibitions about what a Secretary may do and may not do.

The remarkable consensus around the bill fixing No Child Left Behind was to reverse the trend to a national school board and restore to States, to classroom teachers, and to parents the decisions about what to do about their children in public schools. Teachers, Governors, school boards, and parents were all are fed up with Washington telling them so much about what to do with their children in 100,000 public schools.

So this regulation, which contravenes the law specifically, goes to the heart of the bill fixing No Child Left Behind, which received 85 votes here in the Senate. And this resolution to overturn that regulation upholds the law that received “aye” votes from those 85 Senators. I encourage my colleagues to support this resolution and to vote aye one more time.

I believe that overturning the regulation preserves the consensus and the compromise that we achieved when we enacted the law fixing No Child Left Behind.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I come to the floor today on behalf of students, parents, teachers, and communities around the country to urge my colleagues to support our bipartisan Every Student Succeeds Act and to oppose this resolution today.

This resolution will roll back a rule issued by the Department of Education that is critical to the effective and intended implementation of the Every Student Succeeds Act, or ESSA.

I am urging my fellow Senators to vote against this resolution for the following reasons, and I will go through each one of them: First of all, this legislation will throw our States and

school districts into chaos just as they are beginning to implement our new law. Secondly, it will give Secretary DeVos a blank check to promote her anti-public school agenda. Third, passing this resolution would be a retreat from the bipartisan law President Obama called a Christmas miracle, one that takes us down a strong partisan path instead, which could undermine ESSA's civil rights protections and guardrails.

But before I go into that, I want to remind my colleagues of what we are working on here and what this resolution would unwind. As many of my colleagues remember well, in 2015, the senior Senator from Tennessee and I came together, with so many others in this body, to fix No Child Left Behind. We both agreed—in fact, nearly everyone in the country agreed—the law was badly broken. No Child Left Behind relied too much on high stakes standardized testing. It gave schools unrealistic goals but failed to give them the resources to meet those goals. And it included a one-size-fits-all punishment if those goals weren't met.

We knew overhauling our public education law was not going to be easy, but we took the time to listen to teachers, to parents, and to students around the country, to make sure their voices were heard. And I am proud that we were then able to break through the partisan gridlock in Congress, find common ground, and pass the Every Student Succeeds Act with strong bipartisan support.

After a major law like the Every Student Succeeds Act passes, Federal agencies usually issue rules to implement and clarify that law. The Every Student Succeeds Act maintains the Secretary's authority to issue rules and clarifications that are consistent with the law. This rule before us today is consistent with ESSA, and it provides important clarity to States, school districts, and schools.

Using such a blunt instrument like this resolution to overturn the entire rule will be a retreat from bipartisanship. Here is how: This resolution would roll back a critical Department of Education rule that gives States more flexibility in key areas while at the same time maintaining strong Federal guardrails to ensure our most vulnerable children don't fall through the cracks. This rule provides clarity on accountability, on reporting requirements, and State plan requirements. It helps ensure that no student, no matter where they live, can fall through those cracks. In other words, this is a rule that gets at the heart and soul of what we are trying to accomplish with our bipartisan law.

The Department of Education did not simply come up with this rule on its own. It incorporated over 20,000 comments from education stakeholders, State chiefs, and district superintendents, many of whom—including the State chiefs and superintendents—applauded the Department of Education

for listening to their concerns and incorporating those comments into the final rule that was then released last fall.

During the debate around the Every Student Succeeds Act, there was some division about what accountability should mean in the law, but the final law showed that we can balance flexibility with strong Federal guardrails, until this point, when Republicans now want to tear down the rule that ensures those guardrails go into effect.

Now I want to get into some of the challenges that would be created if this resolution passes and this rule was eliminated. One important thing this rule did was clarify State submission plan requirements and set deadlines for the submission of those plans. Based on this, States have been working now with the Department of Education for months on their State plans. Approximately 18 States and the District of Columbia intend to submit their plans in the beginning of April, but if this rule goes away now, if the rug gets pulled out from under these States, there could be chaos and confusion and the undermining of confidence in this new law.

By the way, we are already seeing this start. In February, Secretary DeVos sent a letter to our State chiefs suggesting a new template for their State submission plans would be “coming,” even before the Senate voted on this resolution, and that the new template would be available less than a month before State plans are due. This could force those impacted States to abandon their plans and start from scratch, and it does not allow enough time for the stakeholder review process that is required in the law.

So that is the first reason we should oppose this legislation because there is simply no reason to insert more chaos into a system that is finally settling into our new law. The second reason is, passing this legislation would then give Secretary DeVos a blank check over implementation of the Every Student Succeeds Act to promote her anti-public school agenda.

As we saw in her confirmation hearing, Secretary DeVos, we know, has dedicated her career to privatizing public education. She has a long record of fighting to cut investments in public schools and shift taxpayer dollars toward private school vouchers. In her hearing, she showed a lack of even basic understanding of key concepts in public education policy, and she has openly questioned the role of the Federal Government in protecting our most vulnerable students.

After her hearing, millions of people across the country stood up, made their voices heard, and called on the Senate to reject her confirmation. Although she squeaked through with a historic tie-breaking vote from Vice President PENCE, it was clear people across the country rejected her anti-public school agenda. Instead, they want the Department of Education to

stand with students and with our schools.

One month into her tenure as Secretary of Education, Secretary DeVos has not done a lot to reassure parents who had serious concerns. She has made mistake after mistake, from grossly misrepresenting the origins of the HBCUs to failing to protect transgender students in schools, proving what the American people saw at her confirmation hearing; that her lack of understanding of public education is hurting our students. We cannot, in good conscience, provide Secretary DeVos another potential tool to implement ESSA, our bipartisan bill, with her anti-public education slant, and that is exactly what passing this resolution would do.

If this resolution passes, make no mistake, I will do everything I can to ensure that Secretary DeVos implements ESSA, as Congress intended.

Let me be clear. Congress did not intend that DeVos or any future Secretary of Education could use this law to encourage, prioritize, or even require States to incentivize private school choice. We will work to ensure that she does not take advantage of the chaos that will follow, if this rule is overturned.

Providing Secretary DeVos a blank check would absolutely be the wrong way to go in the early stages of this law's implementation. So that is the second reason.

The third reason is, at its heart, the Every Student Succeeds Act is a civil rights law, and the rule that this resolution would eliminate reflects that reality. We know from experience that without strong accountability, kids from low-income neighborhoods, students of color, kids with disabilities, and students learning English too often fall through the cracks. Now it is up to all of us to uphold the civil rights legacy of this law and its promise for all of our students.

I was proud to work with my colleague, the senior Senator from Tennessee, on this law. I know he is proud of what we accomplished, but I am disheartened to see my Republican colleagues jamming this partisan play through in the same fashion they did with Secretary DeVos's nomination.

Voting for this resolution will ruin the bipartisan nature of our Every Student Succeeds Act, and it will hurt our students, but by voting against this resolution, we can make sure ESSA works for all of our students, regardless of where they live, how they learn, or how much money their parents make.

Finally, I want to make one more point. Even people who had concerns with the final rule do not—do not—want to see it overturned. In fact, the American Federation of Teachers, civil rights groups, and the U.S. Chamber of Commerce—groups that aren't always actually on the same side of education issues—are all speaking out against rolling back this rule, and parents,

teachers, and community leaders are all on the same page.

In a letter to the Senate, Randi Weingarten, president of the American Federation of Teachers union said: "Repealing these regulations now would not just be counterproductive and disruptive but would demonstrate a disregard by Congress of school districts' operation and timelines."

In a letter to my colleagues, Senator MCCONNELL and Senator SCHUMER, the U.S. Chamber of Commerce and various education groups, including the National Center for Learning Disabilities, wrote that rolling back this rule "will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste."

So if unions, business, and civil rights groups, disability advocate organizations, and the States are not asking for this, we must ask the questions, Why are my colleagues jamming this resolution through? What perceived problem are we trying to solve?

Millions of students, parents, and teachers have made their voices heard about the importance of public education. They want us to work together to uphold and build on our bipartisan law, not for it to become just the latest partisan exercise that only hurts our students.

A vote against this resolution is a vote for our students, it is a vote for our schools, it is a vote not to give Secretary DeVos power she can abuse, and it is a vote to keep working together to build on this bipartisan law, not tear it apart.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### BUDGET CUTS

Mr. NELSON. Mr. President, I rise today to express serious concern about reports in the press that the administration is considering deep cuts in funding to crucial aspects of our Nation's national security and our homeland security to pay for the construction of a border wall and also for a crackdown on illegal immigration.

The first target that alarmed me was America's maritime guardian, the U.S. Coast Guard.

Even as the administration says it plans to secure the borders and increase funding for our military by \$54 billion, which, in fact, may be a good thing, it is reportedly considering cuts on the nondefense side—and that includes the Department of Homeland Security—with a cut of \$1.3 billion, or 12 percent, to the very military service that secures our vast maritime borders, and that is the Coast Guard. That plan just doesn't make any sense, especially when it comes to securing our

borders. You would be putting a bunch of money in a wall, but you are losing the security of the border over here on the oceans.

The 42,000 member-strong Coast Guard plays a vital role in protecting our Nation from narcoterrorism, combating human smuggling, preventing and responding to maritime environmental disasters, and protecting lives and property at sea.

By the way, in other foreign parts of the globe, the U.S. Coast Guard is assisting the U.S. military in our military operations.

If securing our borders and supporting our military is a true priority for the administration, then it ought not be slashing the Coast Guard's budget. Instead, we should be supporting the Coast Guard's ongoing and much needed fleet recapitalization program, including the design and construction of the new offshore patrol cutter and the continued production of the new fast response cutter. These are desperately needed assets for the Coast Guard.

This Senator has personally visited dozens of Coast Guard units all around, not just in my State of Florida but in Alaska, the Great Lakes. The job the Coast Guard does is amazing. What I have witnessed firsthand is what they do in service to our country.

The constant theme I have heard from my visits is the need to modernize and become increasingly more nimble, given the host of threats that could be delivered from our maritime borders. Let me give just one example.

In the Caribbean, it is a Coast Guard admiral who heads up the task force that has all agencies of government participating as we look to protect the southern borders in the Caribbean, as well as the southern Pacific, from anything that is coming to our borders—drugs, migrants, terrorists, whatever. It is all agencies involved, but if, for example, there are U.S. Navy ships in the area or Air Force assets in the air that might pick up one of these threats coming toward America, they work hand-in-glove with the Coast Guard because it is the Coast Guard that has the legal authority as a law enforcement agency to stop, apprehend, and board that vessel.

We are doing all of this border protection with cutters that have an average age of 45 years old. The average age of a Coast Guard 210-foot medium endurance cutter is 48 years old. The Coast Guard's high endurance cutter average age is 45 years. These are just two classes of ships that the Coast Guard uses for interdiction and rescue missions, and they do it worldwide.

As you may expect, with assets this old, the Coast Guard struggles with major, mission-debilitating casualties, which result in severe losses of operational days at sea and drastically increases maintenance costs. To correct that, the new offshore patrol cutters and the fast response cutters will give the Coast Guard an effective coastal

and offshore interdiction capability in order to meet objectives. What are they? Combating transnational organized crime networks, securing our national maritime borders, safeguarding waterborne commerce, and safeguarding life and property at sea.

Looking at the administration's second target to pay for the wall, what is the second target? Believe it or not, FEMA, the Federal Emergency Management Administration. That agency comes to the aid of millions of Americans during any kind of natural disaster, and they are singling that out for cuts? That doesn't make common sense, and it certainly is not going to be a popular thing to do in the eyes of those who have to turn to FEMA after a natural disaster to try to get their lives back on track.

Last year, just taking 1 year as an example, two major hurricanes hit Florida, in addition to many other devastating natural disasters that struck nationwide and resulted in many deaths and billions of dollars of damage. FEMA was critical to people's survival and recovery in each of those events. Just think of what we hear on the news all the time. There are storms, tornadoes, earthquakes. Remember the mountain that erupted out in the State of Washington decades ago, not to mention hurricanes.

For the sake of people's safety and that of our country, we simply cannot use FEMA as a piggy bank to pay for the administration's trillion-dollar spending programs.

The administration's third target—this has just been reported. What is the third target? You are not going to believe this. It is TSA, the Transportation Security Administration. If we target TSA for budget cuts—is that really what we want to do in a threat environment? Every time we go through an airport, TSA is on the frontlines of protecting our country from terrorist attacks. That is its security mission at airports across the country—and, by the way, with the air marshals who fly on our flights. Need I remind the administration why TSA was created? It was after the September 11 attacks in 2001.

Funding is vital to ensure the success of TSA's mission. In fact, just last year Congress responded to concerns over insider threats and security at airports, such as the bombings in Brussels and Istanbul, with the most extensive security-related measures in years. Specifically, what we did, particularly in the Commerce Committee when we formulated the FAA bill, is we included bipartisan provisions enhancing the background and vetting requirements for airport employees and expanded the random and physical inspection of airport employees in secure areas.

Remember the case at the Atlanta Airport? For several months, people had a gun-running scheme going from Atlanta to New York. They didn't drive up Interstate 95 to take the guns; they had an airport employee in Atlanta

who could get into the airport, without being checked, carrying a sack of guns. That airport employee would go up into the sterile area where passengers are, go into the men's room, and would exchange knapsacks with a passenger who had come through TSA clean, and that passenger took the sack of guns on the airplane flight from Atlanta to New York. The New York City Police Department couldn't figure out how they were getting all those guns on the streets of New York. That was a gun-running scheme over several months. Thank goodness they were criminals and not terrorists. And you want to cut that kind of security?

Do you want to cut the strongest security we have at an airport when screening passengers who are going through? It is the nose of a dog, the VIPR teams. The trained dog teams and their handlers are the most efficient way to screen passengers. It is amazing what those dogs can sense. When we did the FAA bill last year, we doubled the number of VIPR teams, the dog teams, and you want to cut this? That was all done in a bipartisan manner. We doubled the number for the protection of the American public.

In that bill, we also expanded the grant funding to assist law enforcement in responding to mass casualty and active-shooter incidents, which is very important. Another tragic example of that is the recent shooting in Fort Lauderdale at the airport.

To counter the issue of long lines, which I know we all had to go through last spring, the legislation included provisions to expand TSA Precheck and require the TSA to evaluate staffing and checkpoint configurations in order to expedite passenger security screening.

Does that sound like a bunch of administrative mumbo jumbo? Perhaps. Let me tell you that it works and that all of it is designed to protect Americans going to airports and getting on airplanes.

None of this is possible without continued funding and, in fact, even more funding. Any cuts are certainly going to impair the TSA's ability to keep our country safe.

The bottom line here is that we must do whatever is necessary to keep our country safe and our citizens secure. Slashing the budgets of the U.S. Coast Guard or FEMA or the TSA is only going to make us less secure.

Need I say more about these proposals to pay for some of these other things, like a wall, by slashing these kinds of budgets?

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Maryland.

RUSSIA

Mr. CARDIN. Mr. President, along with the Presiding Officer, I have the distinct honor of serving on the Senate Foreign Relations Committee and am the ranking Democrat on that committee. There are many areas of challenge for our national security. We

could talk about what we think is the greatest threat to the national security of the United States. Unfortunately, there are a lot of candidates.

One could certainly be China. China has been very provocative in the China Sea, raising concern about maintaining maritime security, which is so critically important to world commerce. Clearly China could be a candidate.

North Korea could be a candidate. We know that in North Korea, they have a nuclear capacity. We know their government will gas and poison people who disagree with them, including family. It is a repressive regime, and they are developing the capacity not only to have a nuclear weapon but the capacity to be able to deliver that nuclear weapon beyond just the region in which they are located. So we could pick North Korea.

We certainly could mention the threat of ISIS, which is a growing threat of terrorism that challenges not only the Middle East but our own country.

We could mention the security threat of Iran. Iran was one of the greatest sponsors of terrorism of any country in the world, which is causing major problems for the Sunni Gulf States, in Syria, and in the Middle East. Clearly Iran is a candidate for major interest in our national security.

But the country I would pick as the greatest threat to America's national security would be Russia. Russia has been very aggressive in trying to dominate beyond its own geographical borders. It has incurred into other countries and has attacked the United States of America.

I want to take us back to 1975 when the Helsinki Final Act was passed, through the leadership of the United States and the USSR.

I have had the opportunity through several Congresses to be either the chair or the cochair or the ranking member of the U.S. Helsinki Commission. I have spent a lot of time on the Helsinki work.

What was remarkable about that document that was entered into in 1975 was that it recognized that security is beyond just military in that for a country to be secure, it must pay attention to its borders, yes, and its military, but it also must have economic security and must respect human rights.

What was also very unique in the Helsinki Final Act was the commitment that these standards we agreed to would not only be of internal interest to the member country but that any country to the Helsinki Final Act could challenge the actions of any other country. We have not only the right but the responsibility to call out countries that fail to adhere to the basic principles that were agreed to in 1975. The Helsinki Final Act now applies to about 56 countries—all of the countries of Europe, Canada, the United States, and all of the republics of the former Soviet Union.

Let me review with my colleagues the guiding principles that were agreed

to in 1975 under the Helsinki Final Act, signed by Russia, so that they are bound by these principles. As I read through these 10 principles, let me talk about how Russia has violated every single one of the basic 10 principles they agreed to in Helsinki.

No. 1, sovereign equality and respect for the rights inherent in sovereignty.

No. 2, refraining from the threat or use of force.

No. 3, the inviolability of borders.

No. 4, the territorial integrity of states.

In each of these cases, Russia has violated these basic principles. They invaded Ukraine and took over Crimea, annexing it against the will of a sovereign country. They are interfering in the eastern part of Ukraine as we speak, violating the territorial integrity of Ukraine. Russia's troops are in Georgia, violating the sovereignty of that country. Russia's presence in Moldova is not respecting the territorial integrity of a member state. Russia has violated the basic principles of sovereignty that were brought out in the Helsinki Final Act.

Let me read some of the other principles.

No. 5, the peaceful settlement of disputes.

Russia shoots first. They took their troops into Ukraine. They took their troops into Georgia. They have not used peaceful methods.

The sixth principle is the non-intervention in internal affairs.

Russia attacked the United States of America in our free election system. That is not subject to any dispute today. They attacked America. They interfered with our internal affairs. They tried to influence our election. That is an attack against America and a violation of their basic commitments.

Let me read through the remaining.

No. 7, respect for human rights and fundamental freedoms.

Ask the people who have disagreed with the Russian Government and who have tried to form a party whether there is respect for human rights and fundamental freedom in Russia today. Ask independent journalists who are arrested and killed for trying to carry out their profession. Russia today is intimidating civil societies and NGOs, and anyone who disagrees with Mr. Putin is subject to arrest, torture, and perhaps death. We know that in the case of Mr. Magnitsky, which is a cause that has been taken up by this body with the passage of Magnitsky laws.

Another principle is equal rights and the self-determination of people. That is not present in Russia today.

No. 9, cooperation among states.

Let me conclude with the 10th principle: fulfillment in good faith of international legal obligations.

Russia entered into an agreement with regard to Ukraine's sovereignty, only to invade Ukraine a few years later. Ukraine gave up its nuclear stockpile, believing that Russia would

live up to its commitments. Russia has violated the Minsk agreements that were entered into to resolve the problems between Ukraine and Russia. Russia has not lived up to its international agreements.

Let me sort of summarize why I think Russia is the No. 1 candidate for concern with regard to our national security. They have violated the sovereignty of many countries of the world. They have violated the sovereignty of Ukraine and continue to do so. They have violated the sovereignty of Georgia and Moldova. They have attacked the United States of America through cyber. It may not have been a MiG, but it was a mouse, and its intended purpose was to bring down our democratic election system and to favor one candidate. That cannot go unanswered.

Today, Russia is engaged in Syria and supports the Assad regime, which attacks humanitarian convoys, uses the civilian population as an instrument of war, gasses its own people—violating basic international human rights and committing war crimes. That is what President Putin is doing in Russia today.

Russia's human rights records are deplorable. Kara-Murza has been poisoned not once but twice. He is an opposition leader. He is now in the United States and is recovering from the second poisoning episode. The Russian authorities tried to kill him. Why? Because he dared to oppose the Putin regime.

We need to speak out. We need to know more about that. It does not end there. Russia is violating the INF, the International Nuclear Force agreement, which is a major concern to all of us.

Russia's bottom line is that they are trying to dismantle the Transatlantic Trade and Investment Partnership, which has been the bulwark of security since the end of World War II, the relationship between Europe and the United States, providing a blanket of protection not just for our physical security, but providing international leadership in dealing with the development of democratic countries around the world. That is what Russia is trying to do today, is to dismantle that protection.

What should we do? We have identified Russia as our No. 1 concern, and I think most Members of the Senate would agree with that assessment. I have talked to many, particularly on the Senate Foreign Relations Committee. What should we do? What is the role of Congress?

We know we are waiting for President Trump to give us his foreign policy as it relates to Russia, and that is an important thing for us to know—how the President intends to deal with a country that has done so many things against our national security interests.

We have a role. We are the first branch of government that is mentioned in the Constitution, article I.

We have responsibilities to act. We need to take steps, and I have encouraged my colleagues.

There have been a lot of accusations made around here about Russia's contacts with Americans and that Russia is stealing information through cyber and planting that information through WikiLeaks in order to influence elections. There is the potential contact with General Flynn, what happened with the Russian Ambassador, and what happened as far as domestic wiretaps. There have been a lot of comments made around here, but we do not have the facts.

First and foremost, we need an independent commission that is similar to what the Congress constituted after the attack on 9/11 so that we get independent, nonpartisan experts, without restriction to jurisdiction or turf, who can determine exactly what Russia's game plan is and what steps we can take to protect ourselves in moving forward and what action we should take against Russia. That is the first thing we should do. Congress should also pass a resolution. I have introduced one that would set up that type of an independent commission to look at what Russia has done.

There is a second issue, though, that I want to bring to our attention, and I know the Presiding Officer is very familiar with it. It is the Countering Russian Hostilities Act, which is a bill I filed. I am very proud that this bill was not created by one Member, it was created by a group of us working together and recognizing that Congress needed to speak with a strong voice.

I am proud that, in addition to my sponsorship, Senator MCCAIN helped draft this bill. Senator MENENDEZ is a key leader on this bill. Senator GRAHAM is one of the architects of the bill. We have Senator SHAHEEN, Senator RUBIO, Senator KLOBUCHAR, Senator SASSE, Senator DURBIN, Senator PORTMAN, Senator MURPHY, Senator GARDNER, Senator BLUMENTHAL, Senator SULLIVAN, Senator DAINES, Senator DONNELLY, Senator YOUNG, Senator WHITEHOUSE, Senator COONS, and Senator CORNYN.

You might notice that I alternated between Democrats and Republicans because this is not a partisan effort. We all recognize the seriousness of what Russia has done to the United States. We all recognize that Congress needs to respond. When you are attacked, you don't stand by; if you do, you will get attacked again and the next time could be even more devastating. So we have to take action to protect ourselves.

So what the Countering Russian Hostilities Act does, first and foremost, is it codifies the sanctions currently imposed against Russia for its cyber attack on the U.S. election. Secondly, it extends those sanctions for what we call secondary sanctions—businesses doing business with those that are sanctioned—so we can enforce the sanctions.

The Presiding Officer recognized that when we were working on the North Korea sanctions law, we needed to strengthen that, and I congratulate the Presiding Officer on the work he did regarding North Korea, and I was pleased to join him. I am pleased he is joining with this group to see how we can strengthen our sanctions and pressure on Russia to know that they can't get away with this type of an attack against America, but then we go even further.

We recognize that Ukraine today—we have sanctions against Russia, but we can strengthen those sanctions. We can apply those sanctions to the energy sector. We can apply those sanctions to prevent American companies from financing the Russian economy through the moneys they need for sovereign debt or privatization. So we extend the program of sanctions to include those types of activities.

We take up two other major issues that I just want to share with my colleagues because these are contributions made by the Members who joined together to file this bill. We recognize that the rules of engagement have changed. Russia is using tactics today that we never thought would be used. They attack our country, get private information, give it to WikiLeaks, use it as part of a strategy to get news out there that could influence our elections. Then they develop fake news, use that fake news through social media to make it look like real news in an effort to try to affect our free election system in the United States. This is pretty frightening. We have to meet them. We have to protect ourselves.

So this legislation provides for a democracy initiative similar to what we have done on our security initiative with Europe. We have stationed NATO troops on the border countries of NATO with Russia to let them know we will not tolerate the invasion of a NATO country. We have done that. That is our security initiative. We have to have a democracy initiative to protect the democratic institutions of Western Europe because Russia will use the democratic institutions to try to undermine the democratic institutions—the free press, the opportunities of free speech, the opportunities to try to influence through their money the election process. They have done that. They tried to do it in Montenegro during the parliamentary elections to affect Montenegro's accession into NATO.

We have to protect the democratic institutions. This legislation would authorize that protection.

Then it sets up a resource so we can fight this propaganda, so we can find ways to counter Russia's use of propaganda in order to carry out their nefarious activities.

This is a comprehensive bill. I urge all of our colleagues to take a look at it. We are looking for input. We are looking to make sure this does exactly what we need it to do—to speak as one



voice in Congress to make it clear to Russia that it is not business as usual; that we intend to take action and be strong and let them know they cannot do this type of activity; that America will protect its national security.

There is another bill, let me just mention, that Senator GRAHAM is the principal sponsor of that I have cosponsored and others have sponsored also. It is the Russia Sanctions Review Act. I mention that one because we had a great debate here in the last Congress on the Iran nuclear agreement, and part of the reasons we had a great debate is because the Senate Foreign Relations Committee was able to pass a review act and get broad consensus on it, get it signed by the President, which gave us a role. More importantly, it gave the American people a role in getting transparency on a very important agreement—the Iran nuclear agreement. So we had time for public hearings. We had time for national debate. We had time for questions.

Because that law passed, I am convinced the agreement was stronger. The administration knew there were millions of eyes looking at what they were doing; they just couldn't do it in the dark of night. It helped us, I think, carry out our responsibility as the legislative branch of government.

So Senator GRAHAM and I and others believe we should have a similar process, if there is going to be a fundamental change in the relationship between the United States and Russia; that the President should consult and work with Congress and give us an opportunity for transparency and for the American people to be heard. That is exactly what this bill does. It is a bill that I think is for good legislating, for good governance, and I would encourage my colleagues to take a look at this, and hopefully we will be able to get this done.

I will just say in conclusion that we have no issue with the Russian people. They are good people. We want to have a good relationship with the Russian people. It is Mr. Putin and his government that are directing this country to do things in interference with the sovereignty of other countries—in violating human rights, in supporting violations of human rights, in war crimes, and they should be held accountable for that and for what they are doing in Syria, and, of course, very personally, attacking our own country. That is what we are aimed at.

Mr. Khodorkovsky was in my office yesterday. I think my colleagues might recall that he was a leader in Russia—a great business leader. He made a lot of money. He decided Russia needed reforms to protect the rights of all people, that human rights were not strong enough, the right of expression was not strong enough, so he took up that cause as a successful businessperson. As a result, he was arrested, served 10 years in prison, and they tried to keep him out of politics because he did not represent Mr. Putin's politics.

Well, he has been very active. He no longer lives in Russia for fear of his own life. He has been here championing the cause for good governance within Russia and the importance for the international community to be engaged in that. As he left my office yesterday, he said: Please continue to speak out. He said: Please continue to speak out.

The United States must lead when a country driven by Mr. Putin does what it does. It is our responsibility to speak out about this outrageous conduct—threatening the integrity of so many countries and violating the human rights of so many people.

We can make a difference. The Congress can make a difference. It is for all of those reasons that we need to act.

I urge my colleagues to take a look at the legislation I have talked about on the floor and which so many of my colleagues on both sides of the aisle have joined. Let's get together and let's speak with a united voice and let Russia know we are going to protect the national security of the United States of America, and we are going to protect the rights of our friends.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am pleased to join with my colleague from the great State of Maryland and to commend him for his leadership on the Foreign Relations Committee and on the floor today, as well as his great work with the Helsinki Commission, his tireless bipartisan work with our committee chairman, and with many others.

We have just heard detailed, in terms of the legislation he has put forward, the effort, the time, and the engagement he has put forward in terms of standing up. I think it is important for all of our colleagues and the American people to hear us working together to push back on Russian aggression and on Vladimir Putin's regime for its interference in our most recent election and its long and sad record of appalling human rights violations.

In 1950, the CIA delivered a report to then-President Harry Truman that outlined two key goals of the Soviet Government. The first goal was "destruction of the unity among the Western countries, thereby isolating the United States." The second goal was "alienating the Western people from their governments so that the efforts of the Western countries to strengthen themselves would be undermined."

Nearly 70 years later, the regime of Vladimir Putin in Russia remains fundamentally committed to these same two goals, but today his government has a whole new arsenal of cyber tools and information tools which it uses to interfere in democratic elections here in the United States and across Europe—among the nations that are our vital allies—to launch propaganda and misinformation campaigns that spread

falsehoods and create a climate of doubt and uncertainty among citizens and democracies around the world.

Last week, on this floor, I rose to speak with my friend and colleague, Senator MARCO RUBIO, to highlight the threat that we know Russia poses to the American-led, rules-based international order that has been sustained by both Republican and Democratic Presidents and leaders in this body since the Second World War.

Just yesterday, several of us participated in a hearing of the State and Foreign Operations Appropriations Subcommittee, chaired by Senator LINDSEY GRAHAM of South Carolina. We heard directly from representatives of the Governments of Ukraine, Poland, Georgia, Latvia, Lithuania, and Estonia. All of these nations know better than any others just how serious the Russian Government is today about fulfilling the goals the CIA quoted and outlined in that report from the 1950s. Russian troops today are massing on the borders of many of these countries. In the case of Ukraine, Russia has recently invaded and continues to illegally occupy Crimea while arming and supporting separatists in the eastern 20 percent of the country.

Russia previously invaded Georgia in 2008 and continues to occupy about one-fifth of its territory, backing rebels in the breakaway regions of South Ossetia and Abkhazia. The Russian Government has tried and, in several cases, succeeded in executing cyber attacks against these countries' governments, most famously against Estonia in 2007. Its ongoing disinformation campaigns have created widespread doubt about Western institutions like NATO, the European Union, the OSCE—institutions that have helped to maintain a stable and peaceful world for seven decades.

These Ambassadors and the Foreign Ministers who testified yesterday before our appropriations subcommittee made clear their countries depend on the United States not just for leadership, not just for military strength but for leadership and our commitment to effective foreign assistance. These are the same requests I heard last August from Eastern European leaders, when I led a bipartisan congressional delegation—two Republican House Members, two Democratic Senate Members, and I. The five of us went to Ukraine, Estonia, and the Czech Republic, and we heard exactly the same message—that they are threatened by a constant wave of attacks of disinformation, both overt and covert efforts to subvert their democracies and to change the direction of their nations.

Maintaining our forms of American leadership, our support for the democracies, the civil societies, and the military, and the strength of these nations in Eastern Europe is not charity. A world committed to democracy and the rule of law is a more stable world. A stable world means Americans are safer and more economically secure. It

is that simple. That is why we must push back against Russian aggression in a bipartisan way and stand up for our allies and our values.

Conversations like this one on the floor today are important to educate our American people about the true nature of the Russian threat we face. The Russian Government's current strategy relies on disinformation and propaganda in an effort to divide the American people, both from their government and from each other.

Our discussion this afternoon makes clear that both Republicans and Democrats in Congress haven't lost our will to highlight, to condemn, and to fight Russian actions. Unassailable facts must serve as the basis for a bipartisan foreign policy. A clear-eyed understanding of Russian intentions and actions will protect us from their anti-Western propaganda and avoid the internal divisions that Russia seeks to leverage in an attempt to project its influence worldwide.

To that end, I am determined to support the efforts of Senator CARDIN. I am also determined to support the efforts of Senator GRAHAM to provide sufficient funding that specifically targets the Russian Government's subversive actions. I will also continue to work with my colleagues, such as Senator CARDIN, to see that his bill, S. 94, the Counteracting Russian Hostilities Act, is marked up this work period so the full Senate can consider this important legislation. As Senator CARDIN commented, there are 10 Democrats and 10 Republicans who have already cosponsored this important bill.

Why is this bill, the Counteracting Russian Hostilities Act, so important? It will make sure the Russian Government pays a price for breaking the rules by supporting sanctions for its occupation and illegal annexation of Crimea, for its egregious human rights violations in Syria and elsewhere, and, most importantly, for directly interfering in our election. This bill would prevent the lifting of sanctions on Russia until its government ceases these activities that caused those sanctions to be put in place in the first place. The bill would also support civil society, pro-democracy, and anti-corruption activists in Russia and across Europe.

Today Vladimir Putin has a whole array of powerful modern tools that he intends to use to undermine democracy and promote his brand of authoritarianism, but as that 1950 memo to President Harry Truman made clear, Russia's goals haven't changed. Russia's goals are to oppose us, our vision, our values, and our democracy. We must make it clear that America's vision of a freer, safer, and more democratic world hasn't changed either.

I thank Senator CARDIN for organizing this discussion, thank Senator MENENDEZ for everything he has done to support these important efforts, and thank Senator GRAHAM for hosting yes-

terday's important hearing. I look forward to working with all of my colleagues to continue with this fight.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to join my colleagues in this important conversation on the Senate floor and, once again, to demand answers to the many questions raised about Russia's interference in our elections.

Not so long ago, I came to the floor to speak out against a belligerent act from an adversarial nation, an attempt to undermine American democracy and foment chaos and uncertainty on the world stage, an effort that we now know from our own intelligence community's assessment was ordered by President Putin himself, a campaign that senior intelligence officials have concluded "blend[ed] covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users, or 'trolls,'" to undermine our 2016 Presidential elections.

In recent weeks, the American people have been confronted by a daily drumbeat of headlines regarding Russian interference with our elections and possible ties to President Trump's campaign. They have learned that the President's former National Security Advisor, LTG Michael Flynn, was not truthful about the nature of the conversations he had with the Russian Ambassador shortly after President Obama sanctioned Russia for meddling in our elections.

They learned that Attorney General Jeff Sessions, the highest law enforcement officer in the land, did not fully disclose at least two meetings he had with the Russian Ambassador during his nomination hearings.

They have learned, through reporting in the news media, that U.S. law enforcement continues to investigate Russian agents' contacts with President Trump's inner circle.

Yet despite these revelations, the American people now face more questions than answers. Has anyone else on the President's team been in contact with the Russian Government? What were the nature of these conversations? How credible are reports of business dealings between Russian oligarchs and the Trump organization?

But here is the reason I came to the floor today, as serious as those questions are. Getting answers to these questions, whether it be through a special prosecutor, or an independent commission—on which Senator CARDIN has legislation and which I strongly, strongly support and believe it is the ultimate vehicle—or the Senate Intelligence Committee's own investigation—those efforts are not about President Trump. It is about the American people. It is about protecting our free

and democratic way of life and our time-tested system of self-governance. It is about showing our constituents that, when the stakes are high, when the allegations are this startling, when the implications are this alarming, we are capable of setting politics aside and getting to the truth.

Time and again, the President has dismissed the significance of Russia's interference in our elections, and he derides reports about his financial interests and campaign contacts with Russia as "fake news." Well, this isn't fake news. On the contrary, these are real threats—real threats from a real foreign adversary; real threats that undermine the integrity of our elections and, therefore, the security of our country; real threats from a brutal leader who sees the erosion of Western democracy as a strategic imperative for Russia's future.

So let's be clear about why these threats matter. Vladimir Putin's rise to power in Russia has been marked by the suppression of the freedom of the press, the oppression of the Russian people, the murder of political opponents, and the transfer of wealth and assets from the Russian people to a handful of powerful oligarchs.

President Putin sees the spread of Western democratic values that we enjoy here in our country and others in the Western world—like freedom of speech, the rule of law, and human rights—as a threat to his power. So Russia has embarked on a systematic campaign to undermine the democracies that uphold the international order established after World War II and that has been the bedrock of peace and tranquility, generally speaking, since then. These threats must be taken seriously.

Russia's aggressive behavior reaches back years and extends to this day. We saw it in 2008, when Russia backed illegal separatist forces in Georgia, declaring South Ossetia and Abkhazia independent states. We saw it in March of 2014—when I was in Ukraine—when Russia authorized the use of military force to annex Crimea, blatantly violating the sovereignty of the Ukrainian people and the Budapest Memorandum, a memorandum that we—the United States, Russia, and others—signed, saying that we would observe the territorial and sovereignty rights of Ukraine if they gave up the nuclear weapons that had been left to them after the collapse of the Soviet Union.

They did just that. They did just that, and what happened to them afterwards? Their territory has been annexed and invaded. Today, Putin continues to break ceasefires, sow discord, and incite violence throughout eastern Ukraine—an effort that to date has claimed 10,000 lives and displaced 2 million people.

Unfortunately, Russia's interference in our 2016 Presidential election is not an isolated instance. According to U.S. intelligence reports, these efforts are only the most recent manifestation of

the Kremlin's ongoing campaign to undermine Western democracy.

In recent years, we have seen Russian oligarchs funnel money to fringe political movements across Europe, and Russian operatives conduct sophisticated disinformation campaigns. After the revelations that Russia interfered with our own elections, Putin has shown no signs of slowing down. On the contrary, just weeks ago, Russian's Defense Minister announced that the Kremlin will begin using troops to enhance their information operations, emphasizing that "propaganda must be smart, competent, and efficient."

Again, Russia's end goal here is no mystery. Putin aims to undermine European unity and fracture the transatlantic alliance—an alliance that has served as a bedrock for international security, peace and stability, and economic cooperation between the United States and Europe for the past half century.

In the Middle East, President Putin continues to disregard international norms. He aligns Russia with Iran, the world's leading state sponsor of terror. He aids Syrian dictator Bashar al-Assad in his atrocities against innocent civilians. In Aleppo, Russian bombs fall on homes; Russian bombs fall on schools and hospitals; Russian bombs fall on aid convoys that only seek to feed starving, trapped families, and rescue children from the rubble.

Just last month, Russia violated the Intermediate-Range Nuclear Forces Treaty when they illegally launched a cruise missile, showing no regard for an agreement that has been a hallmark for nuclear security cooperation for nearly four decades. That is not an insignificant act.

The United States cannot ignore such destabilizing behavior. That is exactly why Senator GRAHAM and I introduced S. Res. 78 just 2 weeks ago, recognizing 3 years of Russian military aggression and calling on Russia to respect its obligations to the international community. Our resolution should serve as a reminder to this administration that the U.S. sanctions imposed on Russia for violating the international order should remain in place until Russia starts respecting and returning to that international norm.

Nor can we let Russian efforts to undermine Western democracies continue unabated. That is why I joined my colleagues in the Countering Russian Hostilities Act of 2017. This bipartisan bill codifies the sanctions imposed by President Obama for Russia's annexation of Crimea and interference in the U.S. elections into law.

It is the same type of proposition we had with the Iran agreement. We want a congressional opportunity to voice ourselves and make sure that those sanctions aren't lifted arbitrarily, capriciously, without Russia paying the consequences and coming back into the international order. At the same time, the legislation authorizes \$100 million

for the State Department and other agencies to counter Putin's propaganda.

The time for action—and for answers—is now. We can get to work immediately by holding hearings in the Senate Foreign Relations Committee to ensure that the United States has a strategy in place to protect the security of our democracy and promote stability abroad. From the spread of extremist propaganda across Europe and the denial of Ukrainian sovereignty, to the bombing of civilians in Aleppo and the cyber attacks against the Democratic National Committee, Putin's intentions are not up for debate.

Russia's destabilizing behavior should make it absolutely clear to the President of the United States that the Russian Federation is not our friend. But when the President hesitates to acknowledge this reality or fails to address such aggressive behavior, it is up to Congress to act. There can be no hesitation when it comes to protecting the security and sanctity of our elections.

But to take action we need answers. That is why we need an independent investigation into Russia's interference in the 2016 elections. What President Trump fails to realize time and again is that this investigation is not about whether or not Russia successfully swayed the American elections. This investigation is not about him. This investigation is about the American people. It is about ensuring that our elections are free, fair, and secure so that our government that we elect is responsive and accountable to the people. It is about understanding Russia's tactics in cyber space and preparing for future attacks. It is about standing with our allies, preserving peace and avoiding war, and preventing the need to send our sons and daughters into harm's way. It is about ensuring that, when the President of the United States faces tough decisions, the American people can trust that he puts their interests—their interests—ahead of any other interests he has abroad.

It is time to protect the integrity of our elections and to secure our democracy against the cyber threats of the 21st century—whether they come in the form of election machine tampering, or paid propaganda on social media, or targeted hacks on political and public officials.

Russia poses a real strategic threat to the United States, to our core values, and to the international order. I call on the President to treat these threats with the seriousness they deserve.

I look forward to working with my colleagues on both sides of the aisle to protect the integrity of our elections here at home, to defend democracy abroad, and to ensure that the transatlantic alliance, so vital to international security and stability, remains strong for generations to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey for his excellent statement summarizing the challenge we face. I thank my colleagues from Maryland and from Delaware as well.

Yesterday, we had a hearing in the Judiciary Committee. There is an individual seeking the Deputy Attorney General spot. Of course, he is seeking this position—a key position—at a critical moment in American history.

The Attorney General of the United States of America, Jeff Sessions of Alabama, announced publicly last week, on Thursday, that he was going to recuse himself from any prosecution involving the Russians and the last Presidential campaign. That is historic, and it was the right thing to do. Many of us on the Democratic side have called on him for weeks to do just that.

Senator Sessions had been an active participant in the Trump campaign, and when he became Attorney General, we felt that, in the best interests of preserving the integrity of the Department of Justice, he had to step aside when it came to the investigation of Russian involvement in that campaign.

Of course, in the meantime, during the course of this national debate, the National Security Advisor to the President of the United States, General Flynn, resigned after he misrepresented to the American people and to the Vice President of the United States conversations he had with the Russian Ambassador. It came to light last week that then-Senator Sessions, during the course of his confirmation hearing, gave misleading comments and answers to a question by Senator FRANKEN, saying that he had had no contact with the Russians, either. In fact, he had.

He sent a clarification letter, but yesterday's hearing was about his successor, the Deputy Attorney General, who would have the power to oversee this investigation. The gentleman who was nominated is well known to the Senator from Maryland because he served as U.S. Attorney there for a number of years—since 2005. He served under President Obama. He was initially appointed under President Bush, a rare bipartisan selection, who, by every indication, is a professional prosecutor.

The disappointing moment at the hearing is when we asked Mr. Rosenstein if he had read the intelligence report that was publicly announced in January about the Russian involvement in our election campaign. It is an unclassified report. It is on the internet. It is about 15 pages long. It is as precise and conclusive as you can expect. It said quite clearly that the Russians did attempt to change the outcome of the election, that they were, in fact, working to benefit Donald Trump and against Hillary Clinton.

I quickly added that this was not published by the Democratic National Committee. This was by the intelligence agencies of the U.S. Government. I was disappointed when Mr.

Rosenstein said no, he had not read it. He was asked over and over again why he would not read a piece of information, a document so critical to his service as Deputy Attorney General.

I will set that aside for a moment and just observe the obvious. If you believe our intelligence agencies, there is no question that Russia was trying to change the outcome of the Presidential election. They were engaged, we believe, with up to a thousand trolls in some office buildings in Moscow, invading the internet, invading emails in the United States in an attempt to glean information that they could feed back to the public through Wikileaks and other sources.

Although there is no evidence to date that they had any impact on the actual casting or counting of ballots, their intent is clear. They wanted to pick Donald Trump as President. They believed he was a better choice for Russian interests than Hillary Clinton.

Is that worthy of an investigation? I certainly hope so. To our knowledge, it is the first time in the history of the United States that a foreign power—and one that has been an adversary time and again to our interests around the world—tried to invade our election. It was, in fact, a day that will live in cyber infamy in terms of this Russian effort.

If we ignore it, we can expect several things. Get ready for the next election. Do you think they learned anything during the course of the last one? Do you think the Russians will be involved again? It would be naive to believe otherwise.

Secondly, there is a critical element here that we cannot ignore. Three weeks ago I visited Warsaw, Poland; Vilnius, Lithuania; and Kiev, Ukraine. I talked to those leaders—in a couple of instances, the Presidents of those countries, as well as opinion leaders, parliamentarians—and they continued to raise the same question to me. It came down to this: If the United States does not take seriously the invasion of Russia in your own Presidential campaign, will you take it seriously when Putin invades our country? You have told us under the NATO alliance, article 5, that you will stand by our side and protect us. If you don't take Putin seriously when he invades your own Presidential election, there is a lot of doubt.

Questions are being asked. Several Republican Senators have stepped up. I want to salute them. I will start with LINDSEY GRAHAM, who yesterday, again before the Senate Foreign Operations Subcommittee on Appropriations, made it clear that he believes we have to thoroughly investigate this Russian involvement in our Presidential election.

A few others have said the same. Unfortunately, the reaction by many Republican Senators has been lukewarm to cold. They don't want to spend the time to look into this. They would rather start talking about inves-

tigating leaks in the Trump administration or even the President's far-fetched tweets suggesting that somehow President Obama was engaged in a wiretap. It is something that has been denied not only by the former President but also by the former Director of National Intelligence and the head of the Federal Bureau of Investigation.

To date, there is not one shred of evidence for the claim made by President Trump in his tweets in the early morning hours of Saturday. At the same time, the need for this investigation continues. You have heard cataloged in detail—and I will not repeat it—Russian aggression over the last several years.

I have seen it. I have seen it throughout history, at least during my lifetime, and I have seen it more recently in Ukraine, in Georgia, and threats that go on every single day in countries in the Baltics and Poland. It is clear to them that they are fighting a hybrid war, not just the military threat, which is very real, but also cyber threats that at one point closed down the Estonian economy—a Russian cyber invasion closed it down—and propaganda threats, which are nonstop through cable television known as RT, Russia Today. They continue to broadcast false information into countries like the Baltics and try to do it with impunity. That is the reality of what we are facing.

The question we face, though, as the U.S. Senate sworn to uphold this Constitution, is whether we are prepared to defend it against foreign powers that will undermine it, in this case the Russian Federation.

There has been a suggestion that the intelligence committees can have an investigation of this matter. I would say that in and of itself is not objectionable, but it is certainly not complete and satisfactory. The Intelligence Committee is going meet behind closed doors. We will not see the witnesses. We will not hear their testimony. The American people may not ever hear who testified and what they had to say.

Some parts of this must continue to be classified, and I understand that. But by and large, the American people have a right to know what the Russians did and how they did it so that we can make sure we defend ourselves against this in the future. The Intelligence Committees have a role, but not in its entirety.

I think there should be a special prosecutor from the Department of Justice to see if any crimes have been committed. I don't know where the evidence will lead, but we should have someone we trust, a person of integrity, who will step up and assume that role and make that investigation for the Department of Justice.

One other thing: I think this is of sufficient gravity that we should have an independent, transparent, bipartisan commission. My colleague, Senator CARDIN of Maryland, is the sponsor of that legislation, which I am

happy to cosponsor. That is the ultimate answer.

Let's get to the bottom of this once and for all to make certain we know what the Russians tried to do to us and to make doubly certain that it never happens again. That is the reality of this challenge.

I hope we can get bipartisan support for it. When it comes to sanctions against Russia, we have had good bipartisan support, and that is encouraging—equal numbers of Democrats and Republicans saying they should pay a price for what they did. Let's get the investigation to its conclusion.

Leon Panetta is a friend of mine and served in our government at many different levels. In the Sunday talk shows, he talked about what he would recommend to the Trump administration. He said to them very simply: Get in front of this. Don't keep reacting to this. Say that if you have done nothing wrong you are going to cooperate fully with any investigation to get to the bottom of it. That is the way to deal with it.

I hope we will have an end to the tweets and a beginning of the cooperation that is necessary so that we can get to the bottom of this situation and know the facts, wherever they may lead us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator DURBIN, Senator MENENDEZ, and Senator COONS for joining on the floor today to talk about the threat that Russia poses.

Senator DURBIN is absolutely correct, and I thank him for his leadership on this. The only way the American people will have a full accounting of what Russia's intentions were and what they did in attacking our country is to have an independent commission.

We had such a commission after the attack on 9/11. Democrats and Republicans came together. There was no controversy about that. We wanted to find out what and how we were attacked, how they got through our intelligence network, how they put together the horrific attack on our country, and then we wanted to know how we could get recommendations to protect us moving forward.

I am going to tell you, that commission served a very important national security function because we learned a lot. We learned that we were stovepiping too much information. We weren't sharing it. The way the agencies were set up, it was more over turf than it was over mission. Congress acted on the recommendations, and we are safer today as a result of it.

We don't know what Russia's intentions are all about. We suspect that they are trying to undermine our democratic system of government. We suspect that Russia is interested in regaining its reputation of the former Soviet Union. They are looking for a greater geographical footprint. We see

that in their military operations, not just on their border countries such as Ukraine or what they are doing in Georgia or Moldova, but we see that also in the Middle East where they have a military presence today, and they want to have a footprint there.

We believe they want to become a greater Russia. We know they don't like democratic systems of government. Their government stays in power through making sure that there is no effective opposition. They have quelled any opportunity for a Democratic opposition and for the free press.

We know those—but what are their ultimate aspirations? What do they intend to do with the transatlantic partnership? We talked about that. We are safer today because of the transatlantic relations. NATO has made our Nation safer. The strength of the EU has made our Nation stronger.

We know Russia is trying to interfere with that. They interfered with the Montenegro election in an effort to prevent Montenegro from agreeing to join NATO. We know they are trying to pull other nations out of Europe. We know that.

What we need to have, though, is a full accounting as to what happened in the attack on our country and how we can prepare ourselves to defend ourselves. By the way, it might also give us a blueprint for what we need to do to show Russia we will not tolerate that type of activity.

Senator DURBIN is absolutely right. We have responsibilities in Congress. The committee I serve on, the Senate Foreign Relations Committee—our relationship with Russia, we have to have hearings. Senator MENENDEZ was right in calling upon our committee to have additional hearings. What is Russia doing? How does it affect not only our relationship with Russia, but how do we deal with Europe? How do we deal with the authorization for use of military force? If we were attacked, can you use cyber as an attack vehicle? Does that require congressional authorization?

We have to be prepared in our committees. The Intelligence Committee has a responsibility to find out exactly what happened and whether we need to change our intelligence network because Russia was able to invade our country. They were able to get private information and then send it to WikiLeaks to use politically against us. They may compromise some of our classified information. We don't know. We need to find that out.

The Intelligence Committee has a function to play. The Judiciary Committee has a function to play. I know the subcommittee is doing some work under Senators Whitehouse and Graham. The Armed Services Committee certainly has a role to play.

There is only one way the American people will get a clear view of how serious this matter is and that we are taking every conceivable possible step to make sure we protect the national se-

curity of the United States and our Democratic institutions, which are part of our national security, and that is to have an independent commission.

There are no turf problems there. They can look at everything. They can have a transparent process, and the American people can get an eye as to what is happening. They can make the recommendations we need.

I thank Senator DURBIN for underscoring that point. It is something I think we will ultimately get to. I was hoping we could get to it sooner rather than later because I think the American people would have a great deal more confidence.

I thank Senator COONS for putting this in historic perspective. He is absolutely right; we go back a long time as to what Russia's intentions are all about. I thought that was extremely helpful to fill in all of the aspects of what we are trying to do.

Senator MENENDEZ's point was very critical; our reasons for being here and our reasons for wanting to take action are to protect our country, the American people. We are not talking about any one person or any one election. This is not challenging the results of this past election. This is all about making sure that we protect the integrity of our free election system and, particularly moving forward, knowing that Russia may very well be engaged, as we speak, in trying to interfere with the elections in the Netherlands and Germany and France. We need to have a better game plan on how to deal with this.

As Senator MENENDEZ said—I think it is a very important point; I want to underscore this: You can't trust Russia. Let's be clear about that. Ask the Ukrainians. They signed the Budapest Declaration. The United States was part of that. They very clearly gave up their nuclear capacity, and in exchange they got the security from Russia on their jurisdiction, on their territory, on their sovereignty. Look how long that lasted before Russia invaded Ukraine, annexed part of Ukraine, and they continue to supply resources to disrupt the eastern part of Ukraine so Ukraine will have a very difficult time in its integration into Europe. That is what Russia is doing today in contravention to their written commitments with Ukraine.

Then I might tell my colleagues: Look at the Minsk agreement set up to try to end this hot war, and Russia has violated all the aspects of the Minsk agreement. You can't trust Russia's agreements.

As Senator MENENDEZ pointed out—he is right—look at the INF. Look at the treaty obligations. Russia is violating their treaty obligations, which directly affect the security of Europe. These are pretty serious things. We counter this by unity.

That is why I am so proud that we have Democrats and Republicans working together. This is not one party. Both parties recognize the danger of

Russia. Both parties recognize that we have to protect ourselves. I would just urge my colleagues to follow this vigorous strategy, where we can show the American people that unity and that resolve and that we will not allow Russia to attack our country, that we are going to prepare to make sure that we defend our democratic system of government and that we will be united in standing up to those types of activities that are against our national security interests.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Maryland.

TRUMP CARE

Mr. VAN HOLLEN. Mr. President, we have now had a little more than 24 hours to get a peek at the Republican plan to get rid of the Affordable Care Act. Now we know why they kept it in hiding for as long as they did—because it is a total mess and it will wreak havoc on the healthcare system in the United States of America and severely harm millions of Americans. After 7 years in waiting, is this really the best they can do? The first thing people need to know about the Republican plan to replace the Affordable Care Act—let's be clear. This is no replacement. This is a fake replacement. The first thing they need to know about it is, it will strip away affordable healthcare for millions of Americans in order to give the wealthiest households a huge tax cut.

How big is that tax cut? First of all, it goes to households who make over \$250,000 a year. Here is the thing. The richer you are, the more money you make over \$250,000 a year, the bigger the tax cut you are going to get under the Republican healthcare plan, under TrumpCare. In fact, if you are a millionaire, you are going to get a tax cut, on average, of about \$50,000—to be precise, a \$49,370 average tax cut for millionaires. If you are in the top one-tenth percent of American households, you are going to get, on average, a \$200,000 tax cut under the Republican plan to get rid of the Affordable Care Act.

That is great news if your name is Donald Trump or you are one of the billionaires or millionaires in his Cabinet. It is great news if you have loads of money. I want to be clear. I have nothing against millionaires. The more millionaires, the better in terms of growth in the economy, but certainly at this point in time, they don't need a tax cut, and they certainly shouldn't have a tax cut when the impact of that is to harm tens of millions of Americans and hurt their healthcare.

I guess we are beginning to learn exactly what President Trump meant when he said that his healthcare was going to be “much better.” Yes, if you are one of those folks in the top one-tenth percent of American income earners, if you are in the wealthiest strata of this country, you are going to get a big tax break. So I guess it is much better for you from that perspective.

You know whom else this is going to be better for? It is going to be better for insurance companies and their CEOs. It is really hard to believe, but if you look at the House bill—and now I know why it was under lock and key for so long. If you look at it, you are going to find that their plan gives insurance companies a new tax break when they pay their CEOs multimillion-dollar bonuses. In fact, the bigger the bonus the healthcare company pays to the CEO, the bigger tax break the corporation gets, the more American taxpayers will be subsidizing those bonuses for those insurance CEOs.

So you know what, you are a CEO of an insurance company, you raise the premiums, the company makes more money, and you get a bigger bonus. Taxpayers foot the bill in terms of larger taxpayer subsidies to those CEOs. All in all, when you add up all the tax breaks for these CEOs and the insurance companies and the wealthiest Americans, it is a tax break windfall of \$600 billion. That is the number by the experts in the Joint Committee on Taxation here in the Congress. These are the nonpartisan experts who look at legislation and determine what the fiscal impact will be. What they say is that the TrumpCare bill will provide tax breaks in the amount of \$600 billion over the next 10 years. I guess that is what President Trump must have been referring to the other day when he tweeted about his “wonderful new healthcare bill.” It will be wonderful for those who are getting those big tax breaks.

We know who the winners are. Who are the losers? Well, just about everybody else ends up on the short end of the stick—just about everybody else in America. That is why you are seeing such strong opposition coming from all over the country. First, there are the millions of Americans who are going to lose their healthcare coverage altogether because they can't possibly afford to pay the huge additional premiums and copays and deductions they would be faced with under these plans that would be offered. Then there are tens of millions of more who will pay much more for much less coverage.

Older Americans are going to be especially hard hit, which is why we are all hearing from AARP. You know AARP—they sometimes give their opinion, they weigh in a little bit here and there, but they are out full force against this TrumpCare bill because it is going to have a very negative impact on seniors in America. They call it a sweetheart deal to big drug companies and other special interests. They argue—and we will talk about how it will weaken Medicare. They say it is going to impose an age tax on older Americans, and that is what it does. In fact, they calculate the following:

The change in structure will dramatically increase premiums for older consumers. We estimate that the bill's changes to current law's tax credits could increase premium costs for a 55-year-old earning \$25,000 by

more than \$2,300 a year. For a 64-year-old earning \$25,000 that increase rises to more than \$4,400 a year.

A year extra—\$4,400 more a year for that 64-year-old earning \$25,000 to pay for their health insurance, the health insurance they have today. Then they calculate that it will be \$5,800 more for a 64-year-old earning \$15,000. In other words, compared to the Affordable Care Act, the less income you have, the more you are going to be paying under TrumpCare than you are paying today under ObamaCare, under the Affordable Care Act.

We are also hearing from groups that fight for the rights of people with disabilities from all over the country, that are against this legislation because of its impact on Medicaid and the impact those cuts to Medicaid will have on people with disabilities throughout the country.

We are also hearing about the impact on Medicare. One of the promises Candidate Trump made was that he wasn't going to do anything that would harm Medicare. That is what he said then, but, in fact, in January, Congress received a letter from the Medicare actuaries. These are the professionals who look at the impact of various proposals on the Medicare system. What they concluded was, this proposal to provide tax cuts to wealthy Americans would actually reduce the life of the Medicare program by 3 years.

Here is what they are proposing. We are going to give a tax cut—and one of the tax cuts means that wealthy Americans will not have to pay a portion of their Medicare taxes. That portion of their Medicare taxes today goes into the Medicare trust fund. You say to those wealthy Americans: We are going to give you a tax break that is going back in your pockets. That means it is no longer going into the Medicare trust fund. That shortens the life of the Medicare trust fund. That is the view, that is the opinion, those are the facts stated by the actuaries for Medicare.

As you begin to reduce the life of the Medicare Program, there will be more and more pressure to go to the plan that has been much discussed, especially by House Republicans, to turn Medicare into a voucher program. The AARP raises this issue, as well, in their letter. If you are going to start cutting down on the Medicare trust fund, if you are reducing the revenues going into that trust fund because you are giving wealthier Americans this tax cut, obviously, there is less money in that program to pay for the bills of Medicare.

One of the ideas that has been pushed is: All right, let's save money for Medicare by transferring the risks Medicare currently takes onto the backs of seniors. So we are going to start giving them a voucher, a voucher that does not keep pace with the rising costs of Medicare. That means that over time, seniors have to pay a lot more, get a lot less in healthcare, and that is how they save the Medicare plan money.

Make no mistake, by providing a tax cut, and particularly the tax cut to the wealthy paying into the Medicare Program right now, you are hurting Medicare.

I know that the President says he is a terrific negotiator, just a terrific negotiator, and I have here a book by Trump, “The Art of the Deal.” I don't know whether Donald Trump is a good negotiator or a bad negotiator, but what I know is this: When you look at this TrumpCare plan, whoever did the negotiating was negotiating on behalf of very wealthy special interests at the expense of people in the rest of the country.

So all the talk we heard throughout the campaign and since about looking after the little guy, all the talk we heard about the middle class being squeezed, which is very real out there in America, all the talk we heard about struggling Americans, when you look at TrumpCare, it hurts exactly those people.

If President Trump was negotiating this deal, he got a great deal for the billionaires and millionaires who are in his Cabinet. They are going to see a great tax break windfall. I mean, I would like to get a calculator and take a look at what the size of the tax break will be to the members of the Trump Cabinet because it is going to be huge. But ordinary Americans are going to take it on the chin. They are going to be very badly hurt, which is why apparently people are trying to rush this through the Congress so quickly.

First, it was in some remote room, and you needed bloodhounds to go out to try to find out where it was, and now we know why it was kept so secret—because it is such a bad deal for the American people.

Now that it is in the light of day and the details are coming out and we are getting more and more letters from groups from around the country—AARP, the American Hospital Association, the American Medical Association, hundreds of other groups. The letters are pouring in. What is the response? Let's try to get this through the Congress as fast as possible before the word gets out even farther around the country.

It is ironic because I remember that during the debate over the Affordable Care Act, which took months and months—I mean, it took over 7 or 8 months—our Republican colleagues accused us of moving too quickly, of not having sufficient debate and input. Yet what we are seeing right now, now that the bill has come out of hiding, is an effort to try to move that bill through the House in a matter of weeks without any hearings. And then we are hearing over here in the Senate that the plan will be—and maybe the Republican leader can clarify this at some point, but the plan will be to not send it to any of the committees in the Senate for a review but to try to bring it up immediately here on the floor of the Senate without any committee consideration, totally outside the regular



order, flying directly in the face of the complaints that were made many years ago, when the process took well over 7 months, went through all the committees, and was thoroughly deliberated throughout the country.

Today I am looking at some of the publications, and I see Republican colleagues preemptively criticizing the Congressional Budget Office for what it might say about what TrumpCare is going to cost the American people.

Mr. President, I know you and our colleagues know that CBO is the referee on which we all rely. I know some people like to make up their own alternative facts, but you need to have some referee here in Congress when it comes to budget issues because otherwise people just make up whatever numbers they want.

It is also important to know that the current head of the Congressional Budget Office is somebody who was jointly selected by the Republican chairman of the House Budget Committee and the Republican chairman of the Senate Budget Committee. In other words, the current head of the CBO was picked by the Republican chairmen of the House and Senate Budget Committees. It is very important that we have that nonpartisan referee in these discussions. Yet, in the House of Representatives, they are acting on TrumpCare right now in committees without even the benefit of the analysis from the Congressional Budget Office. Apparently, they are afraid of what it might be and what it might say.

If people want to defend this TrumpCare proposal, they are obviously free to do it, but we should do it in the regular order, and we should do it based on information from sources like the Congressional Budget Office so people can have all the facts when they make these decisions which will impact the American people.

One fact we know right now is the fact that I mentioned at the outset, which is from the Joint Tax Committee, the nonpartisan experts, saying that TrumpCare will provide a \$600 billion tax cut windfall. We also know it is a fact from the Medicare Actuary that by providing very wealthy Americans with this tax break, you are going to take some years off of the life of the Medicare Program. Those are real facts.

So when I look at this deal, whoever negotiated this deal was clearly looking out for the very wealthiest in this country. That is where the facts lead.

Again, I don't know if President Trump is a good negotiator or a bad negotiator. What I do know is that if he negotiated this TrumpCare deal, he was negotiating on behalf of the millionaires and billionaires in his Cabinet. He was negotiating on behalf of the insurance companies that are now going to get a tax break for the multimillion-dollar bonuses they pay to the CEOs. The larger the bonus, the bigger the tax break under this bill. I know he

wasn't negotiating for everyday working Americans and certainly not for older Americans or Americans with disabilities. That is why the AARP and others are weighing in so strongly against this.

We are going to have a little more time to debate here in the Senate, apparently, than in the House, but I would hope we would send this through the regular order because it requires a thorough vetting of the facts, and the American people deserve that kind of transparency and accountability in this process. I am absolutely confident that when the American people get a good look at this deal, they will know it is a very bad deal for the country and for millions of Americans.

I hope we will get on with that process. I hope the bill will never arrive in the Senate. I hope the folks in the House will recognize that it is a bad deal for the country and go back to the drawing board because when I heard the mantra "repeal and replace" and when I heard President Trump say that replacement was going to be much better and cover more people for less cost, I think people took that seriously. Now when they actually take a look at TrumpCare, as it is emerging from the House, they see something very different. They see something that is, quote, wonderful for the 1 percent of Americans who are going to get a tax cut, but it is really lousy for everybody else in the country.

We need to defeat this charade. This is not a replacement. This is a fake. The American people are catching on quickly. That is why it is very important that we not try to rush this through, that we have an opportunity to discuss it in the light of day. I am absolutely confident that if we do the right thing in terms of a full democratic debate, TrumpCare will go down.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to urge my colleagues to reject this resolution to roll back accountability for the billions of dollars that are sent to States to help educate children.

When Congress updated the Elementary and Secondary Education Act in 2015, it was a bipartisan achievement. Republicans and Democrats came together on the 50th anniversary of that landmark civil rights law to rewrite it into what became the Every Student Succeeds Act.

When President Obama signed this K-12 legislation into law in December of that year, he called it a "Christmas miracle." It received 85 votes in the Senate. It was one of the most important pieces of bipartisan legislation passed in the last Congress.

It wasn't the bill I would have written, but it was a bipartisan compromise. It gave States and districts far more flexibility when it comes to improving their struggling public schools. At the same time, it also maintained critical civil rights and ac-

countability protections to ensure that when the Federal Government gives States billions of dollars to improve the education of their students, that money goes to the schools and students that need those Federal resources the most. It was a critical step toward making sure we are building a future not just for some of our kids but for all of our kids.

When Congress passes big, complex laws like the Every Student Succeeds Act, it always leaves some of the implementation details to the agency that has to enforce the law. That is why I fought hard to make sure the Department of Education had the tools it needs to write clarifying rules and guidelines to enforce the Every Student Succeeds Act. That was a condition of my vote and the votes of lots of other people. We won that fight. The authority to enforce the rules is right there in the law. It was debated in public, and it was part of the bipartisan agreement between Republicans and Democrats.

Last November, the Department of Education—after careful consultation with teachers, school leaders, State education leaders, and parents—issued new rules to enforce this law. Today, congressional Republicans are trying to take a sledgehammer to these new rules.

When these new rules were issued, everyone who works in education agreed that they were critical and necessary. Teachers were fine with the new rules. State education leaders were fine with the new rules. Civil rights leaders were fine with the new rules. Everyone was ready to get to work. Apparently, congressional Republicans do not care. Instead, they want to blow up these critically important accountability rules even though the people who work in or around public education did not ask them to do so. This makes no sense.

Groups that often disagree with each other over public education policies are united in their belief that this resolution is a dumb idea. It is opposed by teachers; civil rights organizations, such as the NAACP and the National Council of La Raza; and organizations representing students with disabilities, such as the National Center for Learning Disabilities. It is even opposed by the U.S. Chamber of Commerce because they know this resolution will only make it more difficult for States as they try to implement the new education law. And this resolution will undermine the work States are currently doing right now to improve their public schools with the new law.

Last week, many of these groups signed on to a letter that states: "This action will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste."

In fact, even conservative education policy experts at the Fordham Institute—a right-leaning educational policy think tank—argue that congressional Republicans should not swing a wrecking ball to these guidelines.

They identified over 20 provisions in these rules that actually provide more flexibility to States by clarifying ambiguous sections in the law, and they concluded: "Senate Republicans, then, should scrap their plan to use the Congressional Review Act to kill all of the accountability regulations outright."

Killing these new rules now would lead to chaos and confusion just when States, districts, and school leaders are beginning to implement this new K–12 education law. States have already spent months drafting their plans for complying. Eighteen States, including Massachusetts, intended to submit their implementation plans to the Department of Education next month. If this resolution passes, all of that work will be thrown into limbo.

These clarifying rules include important provisions that allow States to send additional Federal resources to struggling schools, whether or not those schools already receive Federal dollars; provisions that give States more flexibility in educating their English learners in the manner that best meets the needs of each individual student; provisions that ensure that parents have more information about how their child's public school is doing and sets clear guidelines with what States and districts must disclose to parents and when they must disclose it; and provisions that promote transparency by preventing States from manipulating their graduation rates or data on how much money they are investing in each student. These regulations were carefully crafted over the course of 1 year of input from teachers, school system leaders, and student advocates. Both Republicans and Democrats should support these provisions.

I think we all know what is going on here. Betsy DeVos is the new Secretary of Education. Congressional Republicans have decided they want to hand over the keys to her with no restrictions whatsoever. The resolutions we are debating today would give Secretary DeVos more freedom to push States in whatever direction she felt like. If you are a teacher in Tennessee or a principal in Massachusetts, you should be furious about that. Congress is about to scrap a year of hard work and a year of careful compromise in order to give Secretary DeVos a blank check.

It is a blank check for Betsy DeVos. This is the same Secretary of Education who has never attended a public school, never taught in a public school, and never led a public school. This is the same Secretary of Education who proved to the world, during her confirmation hearing, that she doesn't have a clue about public schools. This is the same Secretary of Education who still holds shady investments that could be hiding conflicts of interest. This is the same Secretary of Education who has used her vast fortune to advance her extreme privatization agenda. This is the same Secretary of Education whom Jeff Sessions and the

Vice President of the United States had to drag across the finish line in an unprecedented tie-breaking confirmation vote. She is the one to whom Senate Republicans want to give a blank check to figure out where she wants to drive public education—a blank check to push her radical privatization agenda.

States and school districts are planning for the next school year right now. They are figuring out how to implement this law and improve the education of kids as I speak. They are doing hero's work every day while Congress wastes time and creates more confusion.

Handing this law over to an Education Secretary with no experience in public education without any accountability rules to guide its implementation is an insult. It is an insult to teachers, an insult to school leaders, and an insult to families everywhere.

This is not a game. Congress should not be playing politics with the education of our children. Instead of disrupting the important work that States and districts are doing to educate our kids, Congress should get out of the way and let States finish what they have already started. Let them get to work. That is why I urge my colleagues to reject this resolution.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RUSSIA

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon following my colleagues, Senator MCCAIN and Senator CARDIN, to speak to the legislation that I am cosponsoring and that they have introduced to ramp up sanctions on Russia. I think it is important to emphasize that this is a strongly bipartisan legislative effort.

Indeed, for more than seven decades, Congress has stood strong on a bipartisan basis, first against the Soviet Union and now against Russian threats against the United States and our European allies. Working across the aisle in Congress, we have supported the NATO alliance. Beginning after World War II with the Marshall Plan and continuing to this day with the European Reassurance Initiative, we have helped to build the richest economies and the most robust democracies the world has ever seen, protected in large part in Western Europe by NATO.

Today we face new and unprecedented threats from an increasingly aggressive Russia. Russia continues to illegally occupy territory in Georgia and Ukraine. It is on the march in Syria, and it is building up its military presence and making threatening moves to-

ward the Baltic States and in the Balkans.

There is growing evidence that it is actively interfering to spread disinformation and manipulate the outcome of elections this year in France, Germany, and across Europe. In fact there is evidence to suggest that they were involved in the Brexit vote and in the Dutch referendum last year.

Right here in our own country, Russia has used brazen cyber attacks and other measures to aggressively interfere in our Presidential election last fall. This was an attack on our sovereignty, on our democracy, and on the American people, and it was unprecedented. It requires the strongest possible response, short of armed force, to demonstrate to Vladimir Putin that this behavior will not be tolerated and it must not happen again. That is exactly the purpose of these comprehensive sanctions.

I agree with Senator CARDIN, the ranking member on the Foreign Relations Committee, that the Foreign Relations Committee should play a pivotal leadership role in both our legislative and oversight capacities in pushing back against Russia's aggression in all its forms. By all means, this includes making the case that the skills and experience of our State Department and USAID professionals are more important than ever.

In Eastern Europe, in the Middle East, in Afghanistan, and all across the world, they are working to increase the resilience of our allies by strengthening democratic institutions, fostering the rule of law, and fighting corruption. These initiatives have played an indispensable role in helping the United States prevail in the Cold War, and they are every bit as important today as we oppose Russian aggression.

We had the opportunity in the Armed Services Committee to hear from an expert talking about Russia and about Russia's strategy. One of the things he pointed out is that, just as Russia is building up its military might, just as it is expanding its propaganda initiatives through television broadcasts like "Russia Today" and "Sputnik," it is also looking at how it can undermine Western democracies as a way to interrupt the transatlantic alliance—the alliance between the United States and Europe that has been so important to stability in the world for the last 70 years.

That is Russia's real goal. They want to undermine Europe. They want to undermine the West and the United States. One of the ways they are trying to do that is by disrupting our elections. We can't allow this kind of aggression to go unpunished. If we do, we will surely face further attacks from an emboldened Russia looking to disrupt our democracy. Indeed, I think this attack should be answered with the most punishing economic and financial sanctions that we can muster, and we need to work even harder to

shore up our European allies who are facing Russian aggression and interference.

As we look at the upcoming French and German elections, there is no doubt that Russia is trying to interfere with those elections, as well, with the goal of undermining our democracy. When one begins to mess around with our elections, they strike at the heart of a democracy that is the foundation of this country.

I commend Senator MCCAIN and Senator CARDIN for introducing this bipartisan sanctions legislation, and I hope that Senators on both sides of the aisle will join us in passing these comprehensive sanctions against Russia.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REMEMBERING JACK ROBINSON

Mr. ROUNDS. Mr. President, I rise today to commemorate the life and legacy of Jack Robinson, who passed away on March 1, 2017, in Pierre, SD, at the age of 92.

Jack dedicated his life to public service—first to his Nation in the U.S. military and later to thousands of students as a teacher in Pierre.

When Jack graduated from high school in 1942, he was awarded a scholarship to Yangton College, but instead of furthering his education, he answered the call of duty amidst World War II and enlisted in the U.S. Army.

After transferring from the infantry to the Army Air Corps, he completed navigation school and became a crew member on a B-17 bomber. He and his team were eventually sent overseas to England and completed 27 combat missions over Germany before being shot down on March 2, 1945. Shortly afterward, Jack returned home to South Dakota.

Throughout the rest of his life, he was a strong advocate for the military and a true patriot. With the stories he told and the love of country he shared, he showed what it meant to be a true American hero. For that, he affectionately adopted the nickname “Captain Jack.”

There are not enough words in a dictionary to describe what we owe to the men and women who fought in World War II to save our Nation and to save democracy for the world. Jack Robinson put his own dreams aside and put his own life in great danger for our country and for all of the future generations of Americans.

After World War II, Jack graduated from Yankton College and taught high school science at Highmore, SD, for 2 years. Then he earned his master's degree in biology from the University of

South Dakota. For the next 35 years, Jack was a teacher at Riggs High School in my hometown of Pierre. There, he created advanced biology and aeronautics programs for his students and inspired several young South Dakotans to become doctors. Dr. Brent Lindbloom of Pierre said his father and Jack Robinson were the reasons he became a doctor. “Mr. Robinson was a great teacher,” he said. “He taught us how to study and inspired us to pursue our dreams.”

I couldn't agree more.

As a teenager, Jack taught me navigational skills needed to properly fly an airplane, fueling a lifelong passion that continues today. As Jack would say, “you have to know the difference between compass course and compass heading.”

Over the years he taught many others navigational skills as well. But he didn't just teach young people how to fly in the skies. He was a tremendous role model for all of us and for all the students he taught.

As a bomber crew member, Jack defended our gift of democracy. As a teacher, he gave us what we needed to become responsible adults and pursue our own dreams. In 1994, Jack was inducted into the South Dakota Aviation Hall of Fame as a combat crew member. I can state that he was very proud of that moment. But more important than his many achievements as a war hero and as a teacher was his life as a husband, father, grandfather, and great-grandfather.

We are a better people because Jack touched so many lives with his knowledge, kindness, and passion for living. His loss is felt by countless South Dakotans.

With this, I welcome the opportunity to recognize and commemorate the life of this great public servant and personal role model of mine, Mr. Jack Robinson.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURPHY. 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.

#### CIVIL RIGHTS AND EDUCATION

Mr. MURPHY. Mr. President, I want to talk about an upcoming CRA that will be on the floor potentially this week that would cancel out an important regulation that is designed to build upon this country's history of making sure there is a marriage between civil rights and education to make sure that children in this country, regardless of their race, regardless of their learning ability, regardless of their religion, regardless of their income, get an equal chance at education.

Frankly, the whole reason the Federal Government is involved in the question of education is due to civil rights. This used to be a purely local concern, and the Federal Government stepped into the question of local education because Black kids throughout the South were not getting an equal education. They were living in segregated schools and getting an education that was of far lesser quality. So the Federal Government has always been involved in education because it is a matter of civil rights.

I want to talk about this issue through the prism of one individual. I am going to call him James, but this is a true story—a story, frankly, that could be told millions of times over across the country.

James went to school in an urban district in Connecticut. He was a 10th grader. At the beginning of James's 10th grade year, he had a habit of walking out of class. In the middle of class, he would just get up and walk out after 10 or 15 or 20 minutes, and he would wander the halls of this big, urban high school until inevitably he was met by a security officer or a teacher or an administrator. They would bring him down to the office, and they would call his grandmother, as he lived with her. He would get suspended for a couple of days, and then he would come back.

It played out so often—this cycle of James walking out of class, being brought down to the principal's office, being suspended—that somewhere around the end of October, during his sophomore year, he had been out of school more days than he had been in school.

One day, though, James goes through this cycle again. He is in the hallway, and he runs into an assistant principal. He is sort of sick and tired of this story playing out over and over again. He raises his voice. He has some words. James has never hurt anybody in his life, no history of violence, but the assistant principal decides to call the police. The police come and they arrest James for disorderly conduct, essentially for having words with an assistant principal. Now James, at 16 years old, has a criminal record. At the time, he was treated as an adult in Connecticut, so he has an adult criminal record.

It turns out that James was walking out of class every day because he couldn't read, and he was mortified. He was embarrassed because he had been socially promoted through the years. He had a learning disability that was going untreated, and he was in the 10th grade with the ability to only read at an elementary school level. No wonder he was walking out of class every day. He literally couldn't follow along. It was embarrassing. He didn't want to be called on by the teacher so he left. Nobody ever figured that out until he got arrested and finally got a legal aid lawyer, who happened to be my wife, who identified his disability and the fact that it was being unaddressed.

The fact is, a big part of this story is tied up in the fact that James was Black, and he was a big kid. So the police got calls maybe because he appeared to be threatening in a way that he simply was not. I can say that because the data backs up the fact that Black kids and disabled kids are treated very differently in schools today. Wherever you are, whether in Connecticut, in North Carolina, or in California, Black kids—especially Black boys—are suspended and expelled at a rate that is twice that of their White peers for the exact same behavior. Take mouthing off to a teacher. When that happens, Black kids, Black students, are twice as likely to be suspended for mouthing off to a teacher than a White student.

James's story is not unique. It is not unique because it happens in every State across the country, and it is not just in suspension and expulsion rates, it is also in achievement rates as well. We know the statistics. The graduation rate for African-American students is 16 percent lower than their White peers. I can go down the line and tell you about the different story when it comes to achievement and treatment of African-American students as compared to White students.

Racism isn't gone in this country. It might not be overt. Sometimes it might not even be conscious, but it is still there. Discrimination against kids who are different, whether they be poor or disabled, didn't vanish. It is still all over.

JOHN LEWIS is a civil rights icon. We celebrate him every day, Republicans and Democrats, in the U.S. Congress. He got mercilessly beaten over the head simply because he wanted to vote. JOHN LEWIS is still alive, but you know what, so are the people who beat him. We are only a generation removed from an era of open, unapologetic racism in this country. To think that we don't need civil rights protections for kids any longer is to deny reality. Racism doesn't look the same as it used to. Discrimination against kids who are different isn't as overt as it used to be, but the data is the data. It is still there.

No Child Left Behind got a lot wrong, but one of the things it got right was that it shed a light on this disparate treatment, these disparate outcomes between Black students, Hispanic students, disabled students, and their peers, because it forced States—and this was a Republican and Democratic accomplishment at the time—it forced States to disaggregate results. So you had to look at how were disabled students doing, how were Black students doing, and if they weren't measuring up and if they weren't getting closer to the performance of their nondisabled or White peers, then you had to do something to turn those students around, turn their performance around.

Now, the part that No Child Left Behind got wrong is big and significant. Part of it is that it required every sin-

gle one of those kids to hit the 100-percent proficiency mark, when progress is important to measure as well. It also told States exactly what to do to turn around the experiences of those kids. It is not the same in Connecticut as it is in North Carolina, and it is not the same in an urban district as it is in a suburban district. So when we got together on this floor and passed, in a bipartisan way, the new Elementary and Secondary Education Act, we did something really important. We preserved those requirements to disaggregate results for Black kids and for Hispanic kids and for kids with disabilities, but then we left it up to States to decide what proficiency is, and we left it up to States as to how they would turn around the experience for these kids if they weren't meeting those State-set goals. We gave an enormous amount of discretion and flexibility to States, but we preserved the basic expectation that our education policy was still going to be civil rights policy: Pay attention to how those vulnerable populations with a history of discrimination levied against them performed and require States to pay attention to the interventions.

That was a bipartisan achievement, and when we did it, we knew the regulation was going to be needed because, as with many education statutes, they are very vague. Republicans and Democrats understood that there was going to have to be a regulation to provide some clarity to States on how you build these locally driven accountability systems.

So the regulation we are talking about here today was not one of these that came out of left field. It was not one of these regulations that was political in nature; no, it flows from a bipartisan act that preserved accountability requirements for kids.

It is important for a variety of reasons. One, it is important because there are some really vague terms in the statute that do need clarification. For instance, one of the things we voted for, Republicans and Democrats, is we voted to say you have to show that you are providing improvement for African-American students, let's say, and if they are not showing continuous improvement, then you have to have a turnaround plan. By the way, that turnaround plan is totally yours to decide; no sanctions from the Federal Government if it is not X turnaround plan or Y turnaround plan. That is the old law. The new law says it is yours to decide.

"Continuous improvement" is a super vague term. It is one of those obvious terms that has to have some regulatory guardrails put around it because what if the State said "continuous improvement" is improvement over 20 years. Well, kids come in and out of schools in 2 or 3 or 4 years and a 20-year period of looking at a particular subgroup's performance is meaningless to kids.

So the regulation says continuous improvement means 2 years; look at

how a kid does over 2 years. And then it says, if 2 years doesn't work for you, you can make it longer but just tell us why. That is an important protection, and it still preserves enormous flexibility for States.

States want this regulation because it also gives them other types of flexibilities. An example is, when you are looking at performance, the statute suggests that you can have students who are meeting goal or students who are not meeting goal. The regulation recognizes that is, frankly, a really arbitrary way to look at performance. So the statute says: Yes, that is what the regulation says. The statute says: Meeting goal and not meeting goal, but you can get extra credit for students who are close to meeting goal, who have shown growth. You can get credit for students who are way above goal, your high-achieving students. You don't have to measure your schools just based on how many students meet goal. That is flexibility States want, that they likely don't have without the regulation.

Another example, for English language learners, proficiency goals should vary based on where you started. If you start here with no English skills, then your proficiency target should be different than if you started with a pretty advanced understanding of the language. The statute just says you have to have a proficiency goal. It is unclear whether you can have different ones for different levels of learners. The regulation makes it clear: Give States that flexibility.

So that is why States didn't ask for this CRA. This is different than these other CRAs. States didn't ask for this CRA. All of the educational groups we listened to—teachers, superintendents, principals—they weighed in on this regulation. They didn't love every piece of it, but they were ready to implement it. None of these groups were coming up to the Congress asking for this regulation to be withdrawn. Would they have liked it to be fixed or tailored? Sure. But here is what they understood, and here is why I am really concerned.

Secretary DeVos could fix the things she doesn't like or Senator ALEXANDER doesn't like through the regular notice and comment period. I think there is 80 percent of this regulation that everybody agrees on, that just dots the i's and crosses the t's on a bipartisan commitment to accountability, and maybe there is 20 percent or 10 percent that Senator ALEXANDER and some other Members think goes a little bit too far, but when you pass a CRA, you don't allow for a regulation to be passed in the future that is substantially similar to the entirety of the regulation. The courts aren't going to look, or, frankly, even know, what parts of the regulation you didn't like and the 80 percent of the regulation you wanted to preserve.

The Department of Education can't pass anything that is similar to this

ever again. So one of the things the regulation says is that you get a 1-year delay because it is just too quick to come up with accountability systems for this coming school year. That is gone. When this CRA passes, every school district in the Nation has to develop an accountability system for this calendar year because without the regulation, you don't have that flexibility.

So what makes me, frankly, so disturbed about this CRA is that it could happen another way, which would preserve the pieces of the civil rights protections that all of us agree on, which is the majority of the regulation. To my mind, it violated the spirit of our agreement when we passed this law. Here was a really amazing achievement; that we were able to rewrite the No Child Left Behind law—essentially repeal it and replace it with something better—that Democrats and Republicans could agree upon. In my mind, that agreement was predicated upon the Department being able to enforce maybe the most important part of the law for big constituency groups in this country—the accountability section, the civil rights protections.

By passing this CRA, we are essentially making it impossible for any regulation ever again to be passed to implement the accountability sections and the civil rights protections in this law. Why? Because you can't pass anything that is substantially similar—substantially similar to the parts you like, substantially similar to the parts you don't like. This isn't like these other CRAs where Republicans didn't like any part of it, where Republicans didn't see any need for the regulation to go forward. This is different. We agree on 80 percent of this one, but the 80 percent is likely gone by passing this.

I guess part of what disturbs me here is that we worked, locked arm in arm, in passing this law. I really do believe that by passing this CRA, Republican leadership—HELP leadership—is violating the agreement we had to make sure this law went into force and effect in the way we all intended.

It happened in the context of the Health, Education, Labor, and Pensions Committee that isn't working this year like it used to work. I have such great respect for the chairman and the ranking member of that committee. They pulled off some big bipartisan wins during the time of their tenure, including the Workforce Investment Act, the rewrite of the No Child Left Behind Act, and some other smaller wins that people didn't necessarily think as much about, and leading up to the end of last year, the passage of a major new commitment to reforming mental illness and mental health in this country.

That spirit of bipartisanship, which was present in the HELP Committee in a way that it wasn't present in other committees, is disappearing before our eyes. We were mad that we only got 5 minutes to question Betsy DeVos be-

cause it felt like the committee was hiding her from public view. Democrats were asking for more time to ask more questions, and we didn't get it. That rarely happens in that committee, where the minority party is just asking to be heard and is shut down.

We begged for the CRA not to come before this body because there was another way to get it done that didn't violate the spirit of our agreement around the rewrite of the No Child Left Behind law, but we were denied in that request. Now we are voting on a CRA that is potentially going to be devastating not just for kids out there who need protection but also for States that want this flexibility.

Finally, we are on a schedule, according to the majority leader, that is going to bring a healthcare bill that will rewrite the rules for one-sixth of the American economy to the floor of the Senate without any debate in the Health, Education, Labor, and Pensions Committee, without a single hearing on the bill, without a markup, and without any ability for amendment.

I listened for 6 years to my Republican friends tell me that the healthcare bill, or the Affordable Care Act, was rammed through Congress and that the biggest problem was the fact that it was done outside of the public view for expediency's sake. Now, I was there in the House of Representatives, and let me express the unbelievable irony of those complaints now that there will be no process for the committees to consider the replacement to the Affordable Care Act.

The House and the Senate had hundreds—hundreds—of meetings and hearings. The HELP Committee alone—I don't have the numbers in front of me—considered hundreds of amendments and adopted over 100 Republican amendments in the markup process. The Senate's session was the second longest in the history of the Senate, in for more than 20 days debating that bill. The reason there was so much tempest out in the American public over the Affordable Care Act was because it was open for debate for so long.

The Finance Committee had a full process. The HELP Committee had a full process. The Ways and Means Committee had a full process. The Energy and Commerce Committee had a full process.

None of that is happening here. This bill is being jammed through, as we speak, the Ways and Means and the Energy and Commerce Committees. This bill is going to be jammed onto the floor, perhaps without any committee process, in the Senate. The target is from introduction Monday to passage in the House in 3 weeks and perhaps just a few more weeks before it passes the Senate. So spare me the complaints about the Affordable Care Act being rushed into place when this process is going to make that look laborious in comparison.

What pains me is not just this CRA, which is unnecessary, but it doesn't have to happen this way. What pains me is a committee process that when I got here had a reputation for being truly bipartisan, for being one of the more functional, if not the most functional, committee processes. That is being blown up most significantly by the rush job—the rush job on the repeal and replacement of the Affordable Care Act, which nobody in the American public is going to have enough time to look at it and see it.

I ask my colleagues one more time to reconsider their votes on this CRA. We are at our best when we come together around the idea that every kid in this country should have a chance at a quality education, no matter what color their skin is, no matter what their learning ability is. I know my colleagues have a couple problems with this regulation. I get it. But by passing this CRA, the regulation is gone and never coming back, and the States that want the flexibility, that are begging for the flexibility, won't get it. It will just be an unworkable section of the bill. A section that was supposed to be bipartisan now fundamentally won't work because we can't get a regulation passed that is at all substantially similar to the good parts or to the bad parts.

This body is at its best when we stand together—Republicans and Democrats—and say that no matter what you look like, no matter how well you learn, no matter how much money you have, you get a quality education. We did that when we voted together on ESSA, and we are going back on that bipartisan commitment by passing a CRA that is unnecessary. As to the bad stuff you don't like, it can be gone in a matter of months by a regular process of notice and comment in the Department of Education.

This is part of a disturbing new trend line in this committee toward partisanship and away from a history of commitment to our kids—Republican and Democrat.

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. 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 following leader remarks on Thursday, March 9, the Senate resume consideration of H.J. Res. 57, with the time equally divided in the usual form until 12 noon, and that at noon, the Senate vote on passage of the resolution with no intervening action or debate. I further ask that, notwithstanding the provisions of rule XXII, the Senate then resume executive session for the consideration of

Executive Calendar No. 18, and that the cloture vote on the nomination occur at 1:45 p.m.

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

## MORNING BUSINESS

### REMEMBERING THE SOLDIERS OF 2ND BATTALION, 131ST FIELD ARTILLERY REGIMENT

Mr. CORNYN. Mr. President, this week, we remember the brave men of Texas who gave so much to preserve freedom in the Pacific and survived the greatest horrors of World War II. Soldiers of 2nd Battalion, 131st Field Artillery Regiment from Camp Bowie, TX, a Texas National Guard unit, were fighting alongside Australian forces on Java, an island in Indonesia, against invading Japanese forces. On March 8, 1942 the Americans and their Australian allies were captured by the Japanese. A report was never filed by the Japanese to identify the captured unit. As a result, the Texas soldiers had disappeared and were dubbed "the Lost Battalion."

They were combined with survivors of the USS *Houston*, CA-30, which had been sunk in the Battle of Sunda Strait on March 1, 1942, and dispersed to POW labor camps located in Burma, Thailand, and Japan to work as slave laborers. They worked on the Burma-Siam Death Railway, building a railroad through the jungle and into the coal mines, docks, and shipyards in Japan and other Southeast Asian countries. For 42 months, the men of 2nd Battalion, 131st Field Artillery and the USS *Houston* suffered together through humiliation, degradation, physical and mental torture, starvation, and horrible tropical diseases, with no medication.

Five hundred and thirty-two soldiers of the battalion, along with 371 survivors of the USS *Houston* were taken prisoner. As many as 163 soldiers died in captivity, and of those, 133 are estimated to have died working on the railroad.

In August of 1945, after 42 months of captivity and forced labor, the survivors of 2nd Battalion, 131st Field Artillery Regiment and the survivors of the USS *Houston* were returned to the United States. March 8, 2017, marks the 75th year since their capture on the island of Java, and these soldiers deserve to be remembered for their heroic service and sacrifices in the Pacific theater of battle.

### TRIBUTE TO DR. ROBERT BACKUS

Mr. LEAHY. Mr. President, today I am honored to recognize a Vermont treasure, Dr. Robert Backus of Grace Cottage Hospital, who is retiring after nearly four decades of dedicated service to the rural community of Townshend, VT.

Dr. Backus, or "Dr. B" as his patients often call him, is a natural heal-

er. He discovered his passion for medical sciences as a young hunter. After serving with the Peace Corps in Brazil, he traveled to Australia to complete a medical internship and his residency. Years later, while on a trek across country from California, Dr. Backus found himself meandering along the winding roads of Vermont's Route 30, and he discovered the place he continues to call home today. The people of Townshend are glad he never left.

After settling in Vermont, Dr. Backus went on to complete his premedical studies at the University of Massachusetts and, later, Dartmouth College. He then received his doctorate in medicine from the University of Vermont in Burlington. Soon after, Dr. Backus took a job working as deputy to Dr. Carlos Otis, the revered founder of Vermont's Grace Cottage Hospital, one of the State's leading rural providers.

Dr. Backus is perhaps most well-known for always being there for his patients, even if they are admitted to a different hospital. He is also known for his strong commitment to the community. For example, each year, Dr. Backus dedicates his time to collecting items for the Grace Cottage Fair, an event that supports the work and patients of the hospital. He also enjoys singing in the West River Valley Chorus with his wife, Carol.

Dr. Backus remains committed to staying active in his community after retirement, and as a grandfather to six, he is also looking forward to spending more time with his family.

I am proud to honor Dr. Backus's commitment to our State, and to the health and well-being of Vermonters. I know we will continue to see great things from him, and I wish him the very best as he enters a well-deserved retirement.

### CRA DISAPPROVAL OF BLM PLANNING 2.0 RULE

Mr. UDALL. Mr. President, yesterday, the Senate approved H.J. Res. 44, a joint resolution of disapproval under the Congressional Review Act, CRA, that overturned the Bureau of Land Management's resource management planning rule, commonly referred to as the planning 2.0 rule. I oppose this misguided revocation of a rule that would have allowed greater public involvement in the land-use planning process, increased government transparency, and improved the efficiency in making sustainable multiple use decisions for our public lands.

The BLM is responsible for administering 245 million acres, or over 10 percent of the total area of the United States, and 700 million acres, or 30 percent, of the Nation's mineral estate. The majority of BLM lands are in the 11 western States and Alaska.

Across the West, the economy has changed significantly in recent decades. From 1990 to 2010, the population in the West grew by 36 percent, and the

economy of the West has grown faster than any other region in the country. As new people and new businesses have moved West, demands on public lands for outdoor recreation, hunting, fishing, tourism, conservation, and renewable energy development have been increasing. These demands have the potential to lead to conflicts with uses such as grazing, timber, mining, and oil and gas extraction.

The planning 2.0 rule represented a new approach to addressing increasingly complex challenges on public lands and balancing what are competing uses and, quite frankly, at times competing values for the use of our public lands. Planning 2.0 was the first update of the BLM's planning regulations in 34 years. It included tools to help local land managers respond to these new challenges and the changing needs of western communities.

Under the BLM's 1983 planning regulations, the BLM's planning process has been far too slow. State, local, and tribal governments and the public have been frustrated with the BLM's inability to complete resource management plans that support key infrastructure projects like pipelines, utility corridors, oil and gas leasing areas, and other management designations. It takes an average of 8 years to complete a resource management plan, and the public is provided few opportunities for input. By the time a plan is completed, it is almost already out of date. Since public involvement doesn't occur until nearly the end of the planning process, new information provided near the end can require revision and cause further delay. Litigation also can stall the process and add significantly more time and costs.

Nullifying planning 2.0 through CRA disapproval permanently forces the BLM to use a planning process that wastes taxpayer money and is inefficient at best.

Planning 2.0 provided earlier and more frequent opportunities for public involvement as part of the new planning assessment step. By inviting State, local, and tribal governments and the public to share information and participate in developing alternatives before the draft resource management plan could be published, planning 2.0 made it possible to discover the issues and potential conflicts and work out solutions before huge investments of time and labor were expended. Early involvement and collaboration with the public and all stakeholders made the planning process more efficient and effective.

Under planning 2.0, the formal planning process remained largely unchanged: a draft environmental impact statement and a draft plan were still required, but with an expanded public comment period, from 90 days to 100 days. Draft plan amendments are often less complex, and so the minimum comment period was reduced from 90 days to 60 days. The rule provided opportunities to extend any comment period as necessary.



Planning 2.0 preserved and enhanced partnerships with State, local, and tribal governments in the planning process. The rule maintained the coordination and consistency requirements, and it recognized the special roles of State, local, and tribal governments, affording opportunities to participate side-by-side with the BLM as cooperating agencies. The final planning 2.0 rule took meaningful steps to accommodate requests from States and local governments to improve the planning process and to ensure governors were able to raise concerns and fully engage in the planning process, as required by the Federal Lands Policy and Management Act.

As vice chair of the Senate Committee on Indian Affairs, I closely review Federal actions that affect native people and Indian Country. Under planning 2.0, the right of federally recognized tribes to government-to-government consultation was clearly enumerated and protected. The BLM worked extensively to make sure the new planning process was more inclusive. Planning 2.0 recognized the value of the knowledge, history, and culture that tribes bring to the planning effort. By formalizing the tribal consultation role and providing early and more frequent opportunities for tribes to provide input, the BLM had taken an important step to ensure Indian Country was able to be fully engaged in the process. Repealing planning 2.0 through the CRA now risks ignoring the concerns of tribes in favor of commercial interests and their lobbyists in Washington, DC.

Pressures on BLM lands have increased in scale and complexity, and planning 2.0 encouraged the collection and use of high-quality data. It encouraged flexibility to identify a planning area boundary that reflects the resource issues. By looking at larger landscapes, local offices could have collaborated where there are shared resource issues and could have reduced conflicts and litigation for large-scale projects. Planning 2.0 would have enabled the BLM to set clear goals and allowed local offices to work together on landscape-wide planning where resource issues span multiple administrative jurisdictions.

The rule identified important corridors for wildlife and critical habitats early in the planning process so that those important areas could be managed and conserved in balance with other uses and development decisions. Working across boundaries is especially important to tackle wildfire prevention and eradication of invasive species, which are degrading our public lands and placing neighboring private lands at risk of harm. Efficient and collaborative planning is desperately needed to approve infrastructure projects, pipelines, and energy transmission corridors that are stalled under the current planning process. Eliminating planning 2.0 reinstates a cumbersome and inefficient planning process that increases burdens on industries and the public.

Opponents of the planning 2.0 rule mischaracterized the rule as a last minute “midnight rule” that excluded public comment. This is simply not true. The planning 2.0 initiative went through a transparent rulemaking process over 2 and a half years. The BLM responded to over 3,000 public comments on the draft rule and made critical changes in the final rule. Congress held two hearings on planning 2.0, and the BLM incorporated that information before publishing the final rule. The BLM conducted extensive public outreach through public meetings, webinars, an extended public comment period, and input from a broad spectrum of the public that resulted in significant revisions to the final rule.

However, the CRA resolution disapproving planning 2.0 was accomplished without public hearings and without transparency. Management of our public lands will now revert back to a process that gives commercial interest greater power and the public less opportunity for meaningful involvement.

Opponents of planning 2.0 expressed concern that emphasizing landscape-scale planning could result in the primacy of national objectives over State and local objectives. This is not true. Planning 2.0 did not centralize decisionmaking in Washington, DC, or dilute local control of the planning process. The rule actually allowed for more local community involvement and preserved the priority status for local governments and states in land use planning. Increasing the opportunity for public voices helped develop plans that met the increasingly diverse needs of western communities. Further, the rule did not require all resource management plans to be multistate landscapes. The rule provided the process for planning at larger landscape-scales when it made sense given the resources involved.

The use of the Congressional Review Act to revoke planning 2.0 is a reckless tactic. Specific concerns could and should have been addressed through the regular rulemaking process or targeted legislation by Congress instead. Under the CRA, once Congress passes a resolution of disapproval, the BLM is prohibited from writing a new rule that is “substantially the same” without additional legislative action. As a result, many of the provisions of planning 2.0 that improved the planning process cannot be enacted or proposed again without express congressional approval.

Secretary Zinke has now been confirmed and should have been given the opportunity to consider revising planning 2.0 and making any necessary changes. With passage of H.J. Res. 44, Secretary Zinke will face considerable legal uncertainty, and his authority to reformulate a new planning rule will be limited substantially. This resolution should have been rejected and the new administration given the opportunity to reformulate planning 2.0 and to

make sure the public continued to have a voice in decisions that affect their way of life.

#### KINGSPORT CENTENNIAL

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Tennessee General Assembly's proclamation recognizing the city of Kingsport, TN, centennial celebration.

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

#### KINGSPORT CENTENNIAL

Whereas, it is fitting that the members of this legislative body should pause in their deliberations to recognize and honor those venerable communities of this State that are marking special occasions in their histories; and

Whereas, the new city of Kingsport was incorporated in 1917, using the historical name of a nearby town that was previously incorporated in 1822 but lost its charter after the Civil War; and

Whereas, Kingsport is the first thoroughly diversified, professionally planned, and privately financed city in twentieth-century America; and

Whereas, Kingsport was the first city in Tennessee, and one of the first in the nation, to adopt the “model city charter” establishing a city manager form of government; and

Whereas, Kingsport was produced by the marriage of New South philosophy and Progressivism, born at a time when capitalists turned their attention to Southern Appalachia; and

Whereas, the seeds planted in 1917 grew to become the corporate headquarters of Eastman, a Fortune 300 company with a significant global presence that has provided economic opportunity for generations of Tennesseans; and

Whereas, early founders coined the term “Kingsport Spirit” to describe the work ethic, can-do attitude, and caring culture that are still widely prevalent today; and

Whereas, Kingsport continues to be a leader in innovation and collaboration to redefine the economic future of Tennessee and Tennesseans; and

Whereas, on this milestone occasion, it is fitting that we recognize and honor the city of Kingsport and its residents: Now, therefore,

I, Randy McNally, Speaker of the Senate of the One Hundred Tenth General Assembly of the State of Tennessee, at the request of and in conjunction with Senator Jon Lundberg, do hereby proclaim that we honor and commend the fine citizens of Kingsport as they celebrate their city's centennial and extend to them our best wishes for continued success and prosperity in the future. Proclaimed in Nashville, Tennessee, on this the 13th day of February 2017.

#### TRIBUTE TO JOHN MEDINGER

Ms. BALDWIN. Mr. President, today I wish to honor John Medinger on his retirement from Federal and public service. John has dedicated his career to improving the lives of individuals in the La Crosse community and across the State of Wisconsin, most recently as my southwestern Wisconsin regional representative. I am so pleased to celebrate John's legacy of dedicated public service and positive social change.

John was born in La Crosse, WI, and has been the community's strongest advocate ever since. He graduated from Aquinas High School and went on to receive his bachelor's and master's degrees from the University of Wisconsin-La Crosse.

John's public service career began in 1972 with his work at Volunteers in Service to America, VISTA to combat poverty and racial inequality in Virginia. During his time in Virginia, John developed a passion for social justice that guided his future work as a public servant.

In 1976, John was elected to represent the 95th district in the Wisconsin State Legislature, where he ultimately served as assistant majority leader of the assembly. As a State representative, John became known for fighting domestic abuse. He authored one of Wisconsin's first domestic violence bills to create safe houses for victims and worked with Wisconsin police departments to make combating domestic abuse a top priority. He was also known for his early leadership on gay rights issues, fighting for marriage equality, and proudly participating in La Crosse's first PRIDE Fest.

I have known few public servants as dedicated as John in serving the people he represents. He embodies the true meaning of public service. No request was too small for his devoted attention. In fact, John was famous for coming to work on Monday after a weekend of local events with a fist full of paper scraps covered in scribbled notes from people he ran into, describing their concerns. John remembered every one of those concerns as he advocated for his constituents on the assembly floor. During a time of increasing partisanship, he had a knack for bringing opposing sides together in the interest of bettering the lives of Wisconsinites.

After 16 years, John left the State legislature. Although he claimed his departure was to get away from long legislative speeches, it was clear he wanted to be closer to the people he cared so much about in his hometown. Unable to stay out of public service for long, John announced his campaign for mayor in the Spring of 1997. As mayor of La Crosse, John adhered to his fundamental belief that he was there to serve all residents of La Crosse—not just those who supported him. Guided by his VISTA experience, John created the city's first anti-racism task force and encouraged people of color to run for local office. He is especially well-loved by the African-American and Hmong communities in La Crosse.

Three U.S. Senators, myself included, had the privilege of having John represent us in southwestern Wisconsin. Although times have changed and technology has advanced—much to John's chagrin—his knowledge, dedication, and connections are irreplaceable.

John has taught those lucky enough to have worked with him what it means to be a true representative of the people: take your work—but not

yourself—seriously, don't hold a grudge, keep your word, and, above all, put constituents first. I will miss John a great deal, but I am delighted to wish him and his wife Dee the very best in this new chapter.

#### ADDITIONAL STATEMENTS

##### REMEMBERING LIEUTENANT GENERAL HAROLD "HAL" GREGORY MOORE, JR.

• Mr. PERDUE. Mr. President, today I mourn the loss of LTG Harold "Hal" Gregory Moore, Jr., and to honor his life and memory as one of Georgia's great citizens and military heroes.

Having served in the U.S. Army for 32 years, Lieutenant General Moore was known for valiantly and courageously protecting his fellow Americans during the Korean and Vietnam wars and for always leading by example.

He is perhaps best known for leading the 1st Battalion, 7th Calvary Regiment in the first major battle against North Vietnamese forces in the Ia Drang Valley on November 14, 1965. During that 4-day battle—which would set the tone for the entire conflict—then-Lieutenant Colonel Moore kept the promise he had made to his men: that he would be the first to set foot on the battlefield, the last to step off, and that, dead or alive, he would leave no man behind. For his leadership and dedication to his men at Ia Drang, he was awarded the Distinguished Service Cross for valor.

Lieutenant General Moore passed away on February 10, 2017, leaving behind 5 children and 11 grandchildren. He was buried with his wife of 55 years, Julia Compton Moore, at the Main Post Cemetery in Fort Benning, GA. His funeral was attended by more than 500 people, showcasing the extent to which his service, sacrifice, and leadership touched the lives of countless others.

We will forever remember and forever aspire to live our lives in the spirit of selflessness, bravery, kindness, and compassion with which Lieutenant General Moore led his.●

##### REMEMBERING CARMEN DELGADO VOTAW

• Mr. VAN HOLLEN. Mr. President, I wish to pay tribute to a distinguished woman from the State of Maryland. Carmen Delgado Votaw, who passed away on February 18, 2017, was a civil rights pioneer, a public servant, a storyteller, and a beloved community leader.

Ms. Votaw was born on September 29, 1935, in Humacao, PR. She studied at the University of Puerto Rico and graduated from American University in Washington, DC, with a bachelor of arts in international studies. She was subsequently awarded an honorary doctorate in humanities by Hood College in Frederick, MD.

Ms. Votaw was appointed by President Jimmy Carter to serve as cochair of the National Advisory Committee on Women. She served as president of the Interamerican Commission of Women of the Organization of American States in 1979–80. The first president of that body, she remains just one of two women from the United States to have served as the commission's president.

During her career, Ms. Votaw travelled to more than 80 countries and met with more than 50 heads of state. She was a member of the U.S. delegation to the International Women's Year conference, attending conferences in Mexico City, Copenhagen, Nairobi and Beijing.

Ms. Votaw was chief of staff for Puerto Rico's Resident Commissioner Jaime B. Fuster from 1985–91. As the first Hispanic female chief of staff for a Member of Congress, she worked to address the challenges facing 3.5 million Puerto Ricans living on the island and to build a strong network for women in the Federal Government. After leaving the U.S. House of Representatives, she was involved with the Girl Scouts of the USA, United Way of America, and the Alliance for Children and Families.

Ms. Votaw was an author of a number of publications on women, including "Puerto Rican Women: Mujeres Puertorriquenas," "Notable American Women," "Libro de Oro," and "To Ourselves Be True." These stories highlight the wonderful accomplishments of women, particularly Hispanic women, who led remarkable lives and serve as role models for younger women.

As a stalwart defender of civil rights for diverse populations, especially Hispanics, Ms. Votaw received the Hispanic Heritage Award for Education, the Mexican American Women's Primeras Award, and numerous awards from NASA, FEW, and national and local civic organizations.

Ms. Votaw served on the boards of directors of numerous women's organizations, including the National Conference of Puerto Rican Women, which she served as national president and president of the DC chapter, the Overseas Education Fund of the League of Women's Voters, the Girl Scouts of the USA, the International Girl Guides, the National Women's Political Caucus and its Appointments Coalition, the Mid-Atlantic Equity Center, and the National Coalition for Women and Girls in Education. She was also active with the Congressional Hispanic Caucus Institute, the Gala Hispanic Theatre, and the Maryland Women's Heritage Center, and she was a longtime member of the Council on Foreign Relations.

In 1992, Ms. Votaw was inducted into the Maryland Women's Hall of Fame for her numerous contributions to the community. In addition, she was recognized by the National Women's History Project for Distinguished Lifetime Achievement in 2014.

Ms. Votaw died on February 18, 2017. She is survived by her husband of more

than 50 years, Gregory B. Votaw; three children, Stephen G. Votaw of Arlington, VA, Michael A. and Liz Votaw of Potomac, MD, and Lisa Votaw and Brian Olson of Steamboat Springs, CO; and six grandchildren—Daniel Votaw, Alexandra Votaw, Anna Votaw, Michael Todd Votaw, Taylor Delgado Olson, and Abby Olson.

Ms. Votaw's extraordinary and transformational contributions to our State, Nation, and world will have an impact on the lives of girls, women, and families for generations to come. Her vision of inclusivity and creating opportunities for women broke barriers and shattered institutional societal stigmas that prevented women from achieving their dreams. Ms. Votaw lived a life of extraordinary accomplishment, and we owe her a tremendous debt of gratitude for her outstanding work in increasing equality and opportunity throughout the world. I ask my colleagues to join me in remembering Carmen Delgado Votaw and in expressing our deepest condolences to her family and countless friends.●

#### MESSAGE FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 442. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 375. An act to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the "Fred D. Thompson Federal Building and United States Courthouse".

H.R. 1174. An act to provide a lactation room in public buildings.

H.R. 1362. An act to name the Department of Veterans Affairs community-based outpatient clinic in Pago Pago, American Samoa, the Faleomavaega Eni Fa'aua'a Hunkin VA Clinic.

#### MEASURES REFERRED

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

H.R. 1174. An act to provide a lactation room in public buildings; to the Committee on Environment and Public Works.

H.R. 1362. An act to name the Department of Veterans Affairs community-based outpatient clinic in Pago Pago, American Samoa, the Faleomavaega Eni Fa'aua'a Hunkin VA Clinic; to the Committee on Veterans' Affairs.

#### 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. HELLER (for himself and Mr. TESTER):

S. 563. A bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself and Mr. LEE):

S. 564. A bill to repeal debt collection amendments made by the Bipartisan Budget Act of 2015, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FISCHER (for herself, Mr. GARDNER, Mr. GRASSLEY, and Mr. CRAPO):

S. 565. A bill to amend title 31, United States Code, to provide for transparency of payments made from the Judgment Fund; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 566. A bill to withdraw certain land in Okanogan County, Washington, to protect the land, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HEITKAMP:

S. 567. A bill to amend the Home Owners' Loan Act to allow Federal savings associations to elect to operate as national banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself, Ms. COLLINS, Mr. NELSON, and Mrs. CAPITO):

S. 568. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. BURR, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Mr. TESTER, Ms. STABENOW, Mr. HEINRICH, Mr. MANCHIN, Mr. FRANKEN, Mr. MARKEY, Ms. HIRONO, Mr. MERKLEY, Mr. SCHATZ, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BENNETT, Mr. CARDIN, Mr. CASEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, and Mr. COONS):

S. 569. A bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself and Mr. SCHATZ):

S. 570. A bill to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PERDUE (for himself and Mr. ISAkson):

S. 571. A bill to authorize the sale of certain National Forest System land in the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURR (for himself, Ms. CANTWELL, and Mr. TILLIS):

S. 572. A bill to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself, Mr. GRAHAM, Mr. CORNYN, Ms. STABENOW, Mr. COCHRAN, Mr. CASEY, Mr. BLUNT, Ms. BALDWIN, Mrs. McCASKILL, Mrs. CAPITO, Mr. WARNER, Mr. RUBIO, Ms. HEITKAMP, Mr. MERKLEY, Mr. HATCH, Mrs. GILLIBRAND, Ms. COLLINS, Ms. HARRIS, Mr. NELSON, Mr. Kaine, and Mr. CASSIDY):

S. 573. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LEAHY, Mr. FRANKEN, Mr. SANDERS, Mr. VAN HOLLEN, and Mr. BROWN):

S. 574. A bill to restrict the use of funds for the long-range standoff weapon until the Secretary of Defense completes a Nuclear Posture Review that includes an assessment of the capabilities and effects of the use of the long-range standoff weapon, and for other purposes; to the Committee on Armed Services.

By Mr. BOOKER (for himself and Mr. LEE):

S. 575. A bill to amend the Fair Debt Collection Practices Act to restrict the debt collection practices of certain debt collectors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mrs. McCASKILL, Mr. GRASSLEY, and Ms. BALDWIN):

S. 576. A bill to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD (for himself and Mr. RISC):

S. 577. A bill to require each agency, in providing notice of a rule making, to include a link to a 100 word plain language summary of the proposed rule; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 578. A bill to amend title 5, United States Code, to provide requirements for agency decision making based on science; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD (for himself and Ms. HEITKAMP):

S. 579. A bill to require agencies to publish an advance notice of proposed rule making for major rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 580. A bill to establish agency procedures for the issuance of guidance documents, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MANCHIN (for himself, Mrs. CAPITO, Ms. KLOBUCHAR, and Mrs. FEINSTEIN):

S. 581. A bill to include information concerning a patient's opioid addiction in certain medical records; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mrs. McCASKILL, and Mr. GRASSLEY):

S. 582. A bill to reauthorize the Office of Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. FEINSTEIN, Mr. HATCH, Mr. HELLER, and Mr. CRUZ):

S. 583. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds to

hire veterans as career law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. LANKFORD (for himself, Mr. RISCH, and Mr. GRASSLEY):

S. 584. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON (for himself and Mrs. ERNST):

S. 585. A bill to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 35. A joint resolution providing for the appointment of Michael Govan as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 36. A joint resolution providing for the appointment of Roger W. Ferguson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MARKEY (for himself and Mr. RUBIO):

S. Res. 83. A resolution expressing the sense of the Senate regarding the trafficking of illicit fentanyl into the United States from Mexico and China; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. COONS, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. DURBIN, Mr. CARDIN, Mr. MURPHY, Mr. MARKEY, Mrs. MURRAY, Ms. CANTWELL, and Mr. WYDEN):

S. Res. 84. A resolution supporting the goals of International Women's Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 14

At the request of Mr. HELLER, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 14, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 65

At the request of Ms. WARREN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 65, a bill to address financial conflicts of interest of the President and Vice President.

S. 67

At the request of Mr. CRUZ, the name of the Senator from South Carolina

(Mr. GRAHAM) was added as a cosponsor of S. 67, a bill to direct the Secretary of State to submit to Congress a report on the designation of Iran's Revolutionary Guard Corps as a foreign terrorist organization, and for other purposes.

S. 130

At the request of Ms. BALDWIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 130, a bill to require enforcement against misbranded milk alternatives.

S. 147

At the request of Mr. RUBIO, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 147, a bill to prevent a taxpayer bailout of health insurance issuers.

S. 168

At the request of Mr. WICKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 168, a bill to amend and enhance certain maritime programs of the Department of Transportation.

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 175, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 206

At the request of Mr. KAINE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 206, a bill to amend the Higher Education Act of 1965 to allow the Secretary of Education to award job training Federal Pell Grants.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 299

At the request of Mr. LEE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 299, a bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes.

S. 362

At the request of Mr. SCHATZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 362, a bill to provide that 6 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Wisconsin (Ms. BALDWIN) were added as

cospensors of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 384

At the request of Mr. BLUNT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 405

At the request of Mr. COONS, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 407

At the request of Mr. CRAPO, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 407, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 425

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 425, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 438

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 438, a bill to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes.

S. 465

At the request of Mr. ROUNDS, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 465, a bill to provide for an independent outside audit of the Indian Health Service.

S. 538

At the request of Ms. STABENOW, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 538, a bill to clarify research and development for wood products, and for other purposes.

S. 543

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 543, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract into which the Secretary enters for necessary services authorities and mechanism for appropriate oversight, and for other purposes.

S. 544

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 544, a bill to amend Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes.

S. 546

At the request of Mr. BARRASSO, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 546, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 549

At the request of Mr. MURPHY, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 549, a bill to block implementation of the Executive Order that restricts individuals from certain countries from entering the United States.

S. 550

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 550, a bill to restore statutory rights to the people of the United States from forced arbitration.

S. 552

At the request of Mr. BROWN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 552, a bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 27

At the request of Mr. CASSIDY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness".

S.J. RES. 32

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 32, a joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

S.J. RES. 33

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 33, a joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

S. RES. 23

At the request of Mr. GARDNER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 23, a resolution establishing the Select Committee on Cybersecurity.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANCHIN (for himself, Mrs. CAPITO, Ms. KLOBUCHAR, and Mrs. FEINSTEIN):

S. 581. A bill to include information concerning a patient's opioid addiction in certain medical records; to the Committee on Health, Education, Labor, and Pensions.

Mr. MANCHIN. Mr. President, I rise again today to share the story of this beautiful young lady, Jessie Grubb. She is a West Virginian who passed away a year ago last week, and she was only 30 years old. She was a bright young lady with a great future ahead of her.

After years of struggling with heroin addiction, she had been doing very well. She had been sober since August of 2015. She had surgery for an infection related to a running injury and died a day after leaving the hospital.

Her story of addiction is known to many. We have told it many times here. Her father David, a former West Virginia State legislator who served with me, a friend of mine, shared their family struggle with addiction when President Obama traveled to West Virginia to bring attention to the growing opiate epidemic that we are all encountering in all of our States.

West Virginia has been hit the hardest by the opioid epidemic, where drug overdose deaths soared by more than 700 percent from 1999 to 2013. More than 600 lives were lost last year—just last year alone—to prescription drug overdose, legal prescription drugs.

Jessie's story and her family's pain are all too common in West Virginia and throughout this Nation. As I said, we lost 627 West Virginians to opiates last year alone.

When you think about it, this is a pill, this is a product that is manufactured by some of the most regarded institutions, pharmaceutical manufacturers in the country. It has been approved by the Food and Drug Administration, which basically says what we can use and what we should consume should be safe for us.

It is then prescribed by the most trusted person who is not in our family—and next to our family is a doctor. You would think that this is something that should be helpful for us, that should be part of the healing process. Instead, it has been part of the killing process. It has no home. It is a silent killer. We kept our mouths shut; we didn't say anything for many years, and now we have an epidemic on our hands, which we are trying to control.

We had 61,000 West Virginians who used prescription pain medications for nonmedical purposes in 2014. This includes 6,000 teenagers. As I have said, our State is not unique. The Presiding Officer's wonderful State of North Carolina is facing the same challenges we are.

Every day in our country, 91 Americans die from a prescription opiate or heroin overdose. Since 1999, we have lost almost 200,000 Americans to prescription opioid abuse.

Jessie's story deeply impacted President Obama, and I spoke with him about her death and the pain her family is going through. He reached out to David and Kate and the entire Grubb family. It is horrific.

When President Obama came to Charleston, Jessie was in a rehab facility in Michigan for the fourth time. Before her life was taken over by addiction in 2009, Jessie's future was bright. She was the beloved daughter of David and Kate Grubb, a beloved sister to her four sisters, and a beloved friend to so many.

She was an excellent student, scoring in the 99th percentile on all of her tests since she had been in education. She was a cheerleader at Roosevelt Junior High School, and she was an avid runner, an athlete.

At the time of her death, she was looking forward to running in her first marathon. She had been training for that. The only trouble she had ever gotten into at school was when she protested the Iraq war, and she was on the right side of that one.

Needless to say, she was a natural-born leader. After graduating from Capital High School, she was thrilled and looking forward to her bright future at the University of North Carolina at Asheville.

She was sexually assaulted during her first semester, which caused her to withdraw from school and return to Charleston. The traumatic event that caused Jessie to turn to heroin to escape the pain was that horrific experience.

Over the next 7 years, Jessie would battle her addiction. She would overdose four times and go into rehab four

times. Until her death, she had been sober for 6 months and was focused on making a life for herself in Michigan. All of her hard work was ruined because of a careless mistake.

I introduced this piece of bipartisan legislation; everybody has been so kind on that. It makes so much common sense. I introduced it almost a year ago. At the time, I told David, Kate, and the family: This is something that should be a no-brainer. This is something we should easily pass. It was called Jessie's Law, after this beautiful young lady.

I will explain how the events unfolded, and then I will go into the bill. Her parents, David and Kate, traveled to Michigan for her surgery. They traveled to Michigan, and they told her doctors and the hospital personnel that she was a recovering addict. Jessie confirmed it. She said: Yes, I have struggled. I am clean. I am proud, and I want to get healthy. I want to get my leg injury fixed, and I want to run that marathon.

After Jessie's surgery, the discharging doctor, who said he didn't know she was a recovering addict—the parents were there when she was admitted. She told him. You would have thought they would have asked: Do you have any allergies, penicillin?

You would have thought they would have flagged it: I am a recovering addict.

They sent her home with a prescription for 50 oxycodone—50 oxycodone—because they did not know, because her records had not been properly identified, that she was very prone, being a recovering addict, to any type of opiate. There are other ways of treating pain. Not knowing, the doctor went ahead and released her with what a normal person would get for pain relief.

Needless to say, she should never have gotten that prescription—no way, shape, or form. We must ensure this never happens again. That is why today I am reintroducing Jessie's Law.

Let me tell you what I ran into. David and Kate accompanied her as the parents. They were with their beautiful daughter. They both confirmed that she had an addiction problem and she was recovering: Please, we want you to notify anybody who handles, anyone who dispenses, anyone who is working with Jessie. Please know what we are dealing with is very fragile.

I said: We will write the legislation. And we did; we wrote the legislation. If you have a consenting guardian, parent, and a consenting patient, it should be flagged. Because of privacy laws, we know we are very concerned about that. For some reason, I cannot get past the bureaucracy of getting this bill to the floor to be voted on because they are saying there is objection to the privacy laws with the parents' being involved. So guess what. I finally called David, and I called Kate, and I said: I know you would think it makes common sense that, basically, we should be able to pass legislation the

way we would like to pass it—where the parents acknowledge it and the patient, who is their child, acknowledges it. They both are cooperating, and it should be done.

In order to try to get this piece of legislation passed as quickly as possible, we are taking off the parents. It is only the patient herself. Jessie comes in and says: I want you to know I am a recovering addict. Please make sure that everybody who handles my case knows that. That is all we are asking for. I am hopeful, Mr. President, that you and others will be able to join me because we don't want anybody in North Carolina going through what we have gone through in West Virginia or what the Grubb family has gone through, losing this beautiful, bright, talented young lady. It should never happen in this country.

Even the healthcare providers are saying: We need this legislation to go forward so we can identify that, so we can mark that, hotline that, redline that, and so that anybody who is handling Jessie from the beginning to the end, especially when they are discharged, is going to have knowledge. In no way, shape, or form will anybody prescribe an opiate or any type of addictive painkiller that they are going to be affected by, because their life has been changed by it already.

The bottom line is that we need to go at this problem from every angle with the help of everyone: family assistance, counseling programs, drug courts, consumer and medical education, law enforcement support, State and Federal legislation. We need everything. This is a fight we can't lose.

This is the first time in my lifetime that my State has fallen under 50 percent of adults of working age not working. We are down to 49.6 percent. We have always had the reputation of having some of the greatest workers—hard workers—giving you a good hard-working day for good hard-working pay. They have always been there. We just have too few of them. There are three things that keep you out of the workforce, basically: a lack of skill sets, if you are addicted or you have a criminal record, or a combination. Addiction has taken over and has basically changed the lives of Americans, changed the lives of West Virginia, and it is ruining families.

There is no way that her sisters and David and Kate, her parents, are ever going to get over losing Jessie. There is no reason they should have lost Jessie and no reason you should lose another North Carolinian—none of us. As to the situation where they are going in and they are identified by all the professionals with the help they need in the systems they are asking for, we owe that to every person in America, and we owe it to Jessie.

So I am asking for the cooperation of all my colleagues—the continuous support, tireless work that everyone has done. Jessie's death is heartbreaking and reminds us all that this is one

death that could have been prevented and one death that should never happen again because of a lack of legislation that prevents us, because of the privacy laws, to identify a person that is in need.

If you are looking at addiction and happen to be looking at addiction as an illness, an illness needs care. If they need care, then we are going to give them the care to protect them while they are getting that care. That is all this does. I hope it is something we can do as quickly as possible. We will be forever grateful. In Jessie's memory, her parents are going to be forever grateful. Basically, Jessie's life will not be in vain. That is exactly why I am here. I am not going to sit still and lose a beautiful person who could contribute to society the way this young lady was going to contribute to society and say there is nothing we can do. We can do it and do it in her honor.

By Mr. CORNYN (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. FEINSTEIN, Mr. HATCH, Mr. HELLER, and Mr. CRUZ):

S. 583. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds to hire veterans as career law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 583

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Law Enforcement Heroes Act of 2017".

#### SEC. 2. PRIORITIZING HIRING AND TRAINING OF VETERANS.

Section 1701(b)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(2)) is amended by inserting "including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code)" after "Nation".

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 83—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TRAFFICKING OF ILLICIT FENTANYL INTO THE UNITED STATES FROM MEXICO AND CHINA

Mr. MARKEY (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 83

Whereas the United States continues to experience a prescription opioid and heroin overdose epidemic that claimed more than 33,000 lives in 2015;



Whereas fentanyl is a synthetic opioid and the euphoric effects of fentanyl are sometimes indistinguishable from the euphoric effects of heroin or morphine;

Whereas the effect of fentanyl can be up to 50 times stronger than heroin and 100 times stronger than morphine;

Whereas although pharmaceutical fentanyl can be diverted for misuse, most fentanyl deaths are believed to be linked to illicitly manufactured fentanyl and illicit versions of chemically similar compounds known as fentanyl analogs (collectively referred to in this preamble as “illicit fentanyl”);

Whereas illicit fentanyl is potentially lethal even if only a very small quantity is ingested or inhaled;

Whereas across the United States, illicit fentanyl use and related deaths are rising at alarming rates;

Whereas illicit fentanyl is cheaper to manufacture than heroin and the sale of illicit fentanyl is highly profitable for drug dealers;

Whereas illicit fentanyl is sold for its heroin-like effects and illicit fentanyl is often mixed with heroin, cocaine, or methamphetamine as a combination product, with or without the knowledge of the user;

Whereas illicit fentanyl is often produced to physically resemble other opioid pain medicines, such as oxycodone, which sell for high amounts on the street;

Whereas drug users often overdose on illicit fentanyl because users are unaware that they are ingesting illicit fentanyl and do not anticipate the toxicity and potential lethality of illicit fentanyl;

Whereas, according to the Centers for Disease Control and Prevention, between 2014 and 2015, the death rate from overdoses caused by synthetic opioids, including illicit fentanyl and synthetic opioid pain relievers other than methadone and heroin, increased 72 percent;

Whereas, in 2016, the Drug Enforcement Administration (referred to in this preamble as the “DEA”) issued a National Drug Threat Assessment Summary, which found that Mexican transnational criminal organizations are—

(1) the greatest criminal drug threat to the United States; and

(2) poly-drug organizations that use established transportation routes and distribution networks to traffic heroin, methamphetamine, cocaine, and marijuana throughout the United States;

Whereas, in 2016, the DEA issued a National Heroin Threat Assessment Summary, which found that “starting in late 2013, several states reported spikes in overdose deaths due to fentanyl and its analog acetyl-fentanyl”;

Whereas the 2016 National Heroin Threat Assessment Summary found that—

(1) Mexican drug traffickers are expanding their operations to gain a larger share of eastern United States heroin markets; and

(2) the availability of heroin is increasing throughout the United States;

Whereas in 2015, there were more than 9,580 overdose deaths in the United States caused by synthetic opioids, including—

(1) illicit fentanyl; and

(2) synthetic opioid pain relievers other than methadone and heroin;

Whereas the number of deaths attributable to illicit fentanyl may be significantly underreported because—

(1) coroners and medical examiners do not test, or lack the resources to test, routinely for fentanyl;

(2) crime laboratories lack the resources to test routinely for fentanyl; and

(3) illicit fentanyl deaths may erroneously be attributed to heroin;

Whereas, in March 2015, the DEA issued a nationwide alert on illicit fentanyl as a threat to health and public safety;

Whereas, in October 2015, the Centers for Disease Control and Prevention issued a health advisory through its Health Alert Network—

(1) to make public health officials aware of the increase in fentanyl-related overdose fatalities;

(2) to provide recommendations for improving detection of fentanyl-related overdose outbreaks; and

(3) to encourage States to expand access to, and training on, naloxone;

Whereas, in August 2016, the Centers for Disease Control and Prevention updated the health advisory issued in October 2015 to make public health officials aware of the increasing—

(1) availability of counterfeit pills containing various amounts of fentanyl and fentanyl-related compounds; and

(2) frequency with which fentanyl-related compounds are mixed with, or sold as, heroin;

Whereas illicit fentanyl has the potential to endanger public health workers, first responders, and law enforcement personnel who may unwittingly come into contact with illicit fentanyl by accidentally inhaling airborne powder;

Whereas, according to the DEA—

(1) Mexico is the primary source for illicit fentanyl trafficked into the United States; and

(2) distributors in China are the source of the fentanyl analogs and the precursor chemicals to manufacture fentanyl analogs that are found in Mexico and Canada;

Whereas fentanyl produced illicitly in Mexico is—

(1) smuggled across the southwest border of the United States, or delivered through mail and express consignment couriers; and

(2) often mixed with heroin or diluents in the United States and then distributed in the same United States markets in which white powder heroin is distributed; and

Whereas United States law enforcement officials have recently seen—

(1) an influx of illicit fentanyl into the United States directly from China;

(2) shipments of the equipment to manufacture illicit fentanyl, such as pill presses; and

(3) some illicit fentanyl products being smuggled into the United States across the northern border with Canada: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the use of illicit fentanyl in the United States and the resulting overdose deaths are a public health crisis;

(2) the trafficking of illicit fentanyl into the United States, especially the trafficking of illicit fentanyl by transnational criminal organizations, is a problem that requires close cooperation between the United States Government and the Governments of Mexico and China;

(3) the United States Government and the Governments of Mexico and China have a shared interest in, and responsibility for, stopping the production of illicit fentanyl and its trafficking into the United States;

(4) the United States should—

(A) support efforts by the Governments of Mexico and China to stop the production of illicit fentanyl and its trafficking into the United States; and

(B) take further measures to reduce and prevent heroin and fentanyl consumption through—

(i) enhanced enforcement to reduce the illegal supply; and

(ii) increased use of evidence-based prevention, treatment, and recovery services; and

(5) the United States Government, including the Secretary of State, the Attorney

General, the Secretary of Homeland Security, and the Director of the Office of National Drug Control Policy, should use the broad diplomatic and law enforcement resources of the United States, in partnership with the Governments of Mexico and China, to stop the production of illicit fentanyl and its trafficking into the United States.

## SENATE RESOLUTION 84—SUPPORTING THE GOALS OF INTERNATIONAL WOMEN’S DAY

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. COONS, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. DURBIN, Mr. CARDIN, Mr. MURPHY, Mr. MARKEY, Mrs. MURRAY, Ms. CANTWELL, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, as of March 2017, there are more than 3,672,000 women in the world;

Whereas women around the world—

(1) have fundamental rights;

(2) participate in the political, social, and economic lives of their communities;

(3) play a critical role in providing and caring for their families;

(4) contribute substantially to economic growth and the prevention and resolution of conflict; and

(5) as farmers and caregivers, play an important role in the advancement of food security for their communities;

Whereas the advancement of women around the world is a foreign policy priority for the United States;

Whereas at his confirmation hearing, Secretary of State Rex Tillerson—

(1) spoke about the importance of empowering women; and

(2) noted that there is “study after study to confirm that when you empower women in these developing parts of the world, you change the future of the country”;

Whereas 2017 marks—

(1) the 22nd anniversary of the Fourth World Conference on Women, at which 189 countries committed to integrating gender equality into each dimension of society; and

(2) the 6th anniversary of the establishment of the first United States National Action Plan on Women, Peace, and Security, which includes a comprehensive set of commitments by the United States to advance the meaningful participation of women in decisionmaking relating to matters of war or peace;

Whereas the United States National Action Plan on Women, Peace, and Security, revised in June 2016, states that “[d]eadly conflicts can be more effectively avoided, and peace can be best forged and sustained, when women become equal partners in all aspects of peacebuilding and conflict prevention, when their lives are protected, their voices heard, and their perspectives taken into account.”;

Whereas there are 63 national action plans around the world, and there are several additional national action plans known to be in development;

Whereas the joint strategy of the Department of State and the United States Agency for International Development entitled “Department of State & USAID Joint Strategy on Countering Violent Extremism” and dated May 2016—

(1) notes that women can play a critical role in identifying and addressing drivers of violent extremism in their families, communities, and broader society; and

(2) commits to supporting programs that engage women “as key stakeholders in preventing and countering violent extremism in their communities”;

Whereas, despite the historical underrepresentation of women in conflict resolution processes, women in conflict-affected regions have nevertheless achieved significant success in—

- (1) moderating violent extremism;
- (2) countering terrorism;
- (3) resolving disputes through nonviolent mediation and negotiation; and
- (4) stabilizing societies by improving access to peace and security—

- (A) services;
- (B) institutions; and
- (C) venues for decisionmaking;

Whereas, according to the United Nations, peace negotiations are more likely to end in a peace agreement when women’s groups play an influential role in the negotiation process;

Whereas, according to a study by the International Peace Institute, a peace agreement is 35 percent more likely to last at least 15 years if women participate in the development of the peace agreement;

Whereas, according to the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State, the full and meaningful participation of women in security forces vastly enhances the effectiveness of the security forces;

Whereas, on August 30, 2015, the Secretary of State and the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom highlighted, “our goal must be to build societies in which sexual violence is treated—legally and by every institution of authority—as the serious and wholly intolerable crime that it is. We have seen global campaigns and calls to action draw attention to this issue and mobilize governments and organizations to act. But transformation requires the active participation of men and women everywhere. We must settle for nothing less than a united world saying no to sexual violence and yes to justice, fairness and peace.”;

Whereas approximately 15,000,000 girls are married every year before they reach the age of 18, which means that—

- (1) 41,000 girls are married every day; or
- (2) 1 girl is married every 2 seconds;

Whereas, according to UNICEF—

- (1) approximately ¼ of girls between the ages of 15 and 19 are victims of physical violence; and

- (2) it is estimated that 1 in 3 women around the world has experienced some form of physical or sexual violence;

Whereas, according to the 2016 report of the United Nations Office on Drugs and Crime entitled “Global Report on Trafficking in Persons”—

- (1) 79 percent of all detected trafficking victims are women and children; and

- (2) while trafficking for the purposes of sexual exploitation and forced labor are the most prominently detected forms of trafficking, the trafficking of women and girls for the purpose of forced marriage is emerging as a more prevalent form of trafficking;

Whereas 603,000,000 women live in countries in which domestic violence is not criminalized;

Whereas, on August 10, 2012, the Federal Government launched a strategy entitled “United States Strategy to Prevent and Respond to Gender-Based Violence Globally”, which is the first interagency strategy that—

- (1) addresses gender-based violence around the world;
- (2) advances the rights and status of women and girls;
- (3) promotes gender equality in United States foreign policy; and

(4) works to bring about a world in which all individuals can pursue their aspirations without the threat of violence;

Whereas, in June 2016, the Department of State released an update to the strategy entitled “United States Strategy to Prevent and Respond to Gender-Based Violence Globally”, based on internal evaluations, lessons learned, and consultations with civil society, that underscores that “preventing and responding to gender-based violence is a cornerstone of the U.S. government’s commitment to advancing human rights and promoting gender equality and the empowerment of women and girls”;

Whereas the ability of women and girls to realize their full potential is critical to the ability of a country to achieve—

- (1) strong and lasting economic growth; and
- (2) political and social stability;

Whereas, according to the United Nations Educational, Scientific, and Cultural Organization—

- (1) ⅔ of the 778,000,000 illiterate individuals in the world are female; and
- (2) 130,000,000 girls worldwide are not in school;

Whereas, according to the United States Agency for International Development, as compared to uneducated women, educated women are—

- (1) less likely to marry as children; and
- (2) more likely to have healthier families;

Whereas, although the United Nations Millennium Project reached the goal of achieving gender parity in primary education in most countries in 2015, more work remains to be done to achieve gender equality in primary education worldwide by addressing—

- (1) discriminatory practices;
- (2) cultural norms;
- (3) inadequate sanitation facilities; and
- (4) other factors that favor boys;

Whereas, according to the United Nations, women have access to fewer income earning opportunities and are more likely to manage the household or engage in agricultural work than men, making women more vulnerable to economic insecurity caused by—

- (1) natural disasters; and
- (2) long term changes in weather patterns;

Whereas women around the world—

- (1) face a variety of constraints that severely limit their economic participation and productivity; and

- (2) are underrepresented in the labor force;

Whereas closing the global gender gap in labor markets could increase worldwide gross domestic product by as much as \$28,000,000,000 by 2025;

Whereas despite the achievements of individual female leaders—

- (1) women around the world remain vastly underrepresented in—

- (A) high-level positions; and
- (B) national and local legislatures and governments; and

- (2) according to the Inter-Parliamentary Union, women account for only 22 percent of national parliamentarians and 17.7 percent of government ministers;

Whereas, according to the World Health Organization, during the period beginning in 1990 and ending in 2015, global maternal mortality decreased by approximately 44 percent, but approximately 830 women die from preventable causes relating to pregnancy or childbirth each day, and 99 percent of all maternal deaths occur in developing countries;

Whereas according to the World Health Organization—

- (1) suicide is the leading cause of death for girls between the ages of 15 and 19; and
- (2) complications from pregnancy or childbirth is the second-leading cause of death for those girls;

Whereas the Office of the United Nations High Commissioner for Refugees reports that

women and girls comprise approximately ½ of the 65,300,000 refugees and internally displaced or stateless individuals in the world;

Whereas it is imperative—

- (1) to alleviate violence and discrimination against women; and

- (2) to afford women every opportunity to be full and productive members of their communities;

Whereas violence, discrimination, and harmful practices against women and girls are a direct result of negative social norms that undervalue females in society; and

Whereas March 8, 2017, is recognized as International Women’s Day, a global day—

- (1) to celebrate the economic, political, and social achievements of women in the past, present, and future; and

- (2) to recognize the obstacles that women face in the struggle for equal rights and opportunities; Now, therefore, be it

*Resolved*, That the Senate—

- (1) supports the goals of International Women’s Day;

- (2) recognizes that the empowerment of women is inextricably linked to the potential of a country to generate—

- (A) economic growth;
- (B) sustainable democracy; and
- (C) inclusive security;

- (3) recognizes and honors individuals in the United States and around the world, including women human rights defenders and civil society leaders, that have worked throughout history to ensure that women are guaranteed equality and basic human rights;

- (4) recognizes the unique cultural, historical, and religious differences throughout the world and urges the United States Government to act with respect and understanding toward legitimate differences when promoting any policies;

- (5) reaffirms the commitment—

- (A) to end discrimination and violence against women and girls;

- (B) to ensure the safety and welfare of women and girls;

- (C) to pursue policies that guarantee the basic human rights of women and girls worldwide; and

- (D) to promote meaningful and significant participation of women in every aspect of society and community;

- (6) supports sustainable, measurable, and global development that seeks to achieve gender equality and the empowerment of women; and

- (7) encourages the people of the United States to observe International Women’s Day with appropriate programs and activities.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. GARDNER. 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 ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 8, 2017, at 10 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled, “Legislative Hearing on S512 the Nuclear Energy Innovation and Modernization Act.”

COMMERCE, SCIENCE, AND TRANSPORTATION  
COMMITTEE

The Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Wednesday, March 8, 2017, at 10 a.m., in room SH-216 of the Hart Senate Office Building. The Committee will hold a Hearing on "Oversight of the Federal Communications Commission."

HOMELAND SECURITY AND GOVERNMENTAL  
AFFAIRS COMMITTEE

The Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2017, at 9:30 a.m., on the nomination of Hon. Elaine C. Duke to be Deputy Secretary, U.S. Department of Homeland Security.

## COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2017, in room 628 of the Dirksen Senate Office Building, at 2:15 p.m. to conduct an oversight hearing on "Identifying Indian Affairs Priorities for the Trump Administration."

## SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2017, at 2:30 p.m., to receive a briefing on Cyber Security from the Defense Science Board.

## SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2017, at 2:30 p.m., to receive testimony on the Global Nuclear Weapons Environment.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Dr. Mary Schuh, a fellow in my Health, Education, Labor, and Pensions Committee, be granted floor privileges for the remainder of the 115th Congress.

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

## PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator SHAHEEN of New Hampshire, I ask unanimous consent that Sonia Tarantolo, a foreign policy fellow in her office, be granted floor privileges for the remainder of the 115th Congress.

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

Mr. MURPHY. Mr. President, I ask unanimous consent that Tim Abram, a fellow in my office, be granted floor privileges through July 31, 2017.

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

## METROPOLITAN PLANNING ORGANIZATION COORDINATION AND PLANNING AREA REFORM REPEAL ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 496 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 496) to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform."

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

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 496) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 496

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. REPEAL.

The rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform" (81 Fed. Reg. 93448 (December 20, 2016)) shall have no force or effect, and any regulation revised by that rule shall be applied as if that rule had not been issued.

APPROVING THE LOCATION OF A  
MEMORIAL TO COMMEMORATE  
AND HONOR THE MEMBERS OF  
THE ARMED FORCES WHO  
SERVED ON ACTIVE DUTY IN  
SUPPORT OF OPERATION  
DESERT STORM OR OPERATION  
DESERT SHIELD

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from further consideration of and the Senate now proceed to the consideration of S.J. Res. 1.

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

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The joint resolution (S.J. Res. 1) was ordered to be engrossed for a third

reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 1

Whereas section 8908(b)(1) of title 40, United States Code, provides that the location of a commemorative work in Area I, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, shall be deemed to be authorized only if a recommendation for the location is approved by law not later than 150 calendar days after the date on which Congress is notified of the recommendation;

Whereas section 3093 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113-291) authorized the National Desert Storm Memorial Association to establish a memorial on Federal land in the District of Columbia, to honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield; and

Whereas the Secretary of the Interior has notified Congress of the determination of the Secretary of the Interior that the memorial should be located in Area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the location of a commemorative work to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield authorized by section 3093 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113-291), within Area I, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, is approved.

SUPPORTING THE GOALS OF  
INTERNATIONAL WOMEN'S DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 84, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 84) supporting the goals of International Women's Day.

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

Mrs. SHAHEEN. Mr. President, on this International Women's Day, we celebrate the remarkable social, economic, and political achievements of women around the world, but we also take stock of the barriers that continue to prevent hundreds of millions of women from contributing their talents as equal members of the human family.

As in years past, this year I am again joining with Senator SUSAN COLLINS in submitting a bipartisan resolution commemorating International Women's Day and highlighting its goal of advancing the equality and empowerment of women all across the globe. I especially appreciate Senator COLLINS'

unwavering support in working with me on this resolution.

It has been said that no nation can get ahead if it leaves half of its people behind, and in the 21st century, wherever women are respected and treated as equals, we excel, as the Presiding Officer knows, as legislators, as scientists, as entrepreneurs, artists, inventors, warriors, and in every other field. But the harsh reality remains that women make up some 51 percent of the world's population, yet we account for an estimated 70 percent of those living in poverty and two-thirds of those denied even a basic education.

So on this International Women's Day, we celebrate women's achievements, and we rededicate ourselves to achieving an equal voice, equal participation, and equal rights for all women. We also acknowledge that we still have much difficult work ahead of us.

Research tells us that women and girls' equality can be transformational for their communities and for entire countries, yet in some of the poorest parts of the world—and even in some wealthier countries—women and girls continue to be held back by injustices such as child marriage, sexual and domestic violence, denial of education, and lack of access to contraception and maternal healthcare.

In recent years, we have learned more about the intersection of so many of these issues that affect women. When girls are forced into early marriage, when women are denied contraception and have children at a very young age, this typically ends any chance to gain an education and income-earning employment. This lack of economic influence means that women remain powerless within their families and, too often, within their communities. And this, in turn, can lead to violence against women and the denial of women's most basic human and civil rights.

The good news is that this same interconnectedness can work to empower women and to lift up communities. When women and girls' rights are respected, when we have access to education and family planning services, this unleashes women's ability to participate equally in the community, in the workplace, and even in the political arena.

Indeed, we can now quantify so many of the positive ripple effects. For example, each additional year of education increases a woman's income by 25 percent. We know that children born to educated mothers are twice as likely to survive past the age of 5. By mobilizing the talents of the previously neglected half of the population—in too many places—we create more stable societies and more rapid economic development.

For decades, the United States has been a world leader in advancing and protecting the rights of women and girls around the world, including their access to contraception and family planning. In particular, I want to applaud the excellent work of the State

Department's Office of Global Women's Issues. I am sponsoring legislation in this session to give this office permanent authorization, with an ambassador leading it.

However, on this International Women's Day, we must also acknowledge actions to abdicate America's leadership role in advancing women's rights. Indeed, both at home and abroad, the Trump administration has exhibited a dangerous obsession with rolling back women's reproductive rights. President Trump has promised to nominate Supreme Court Justices who will overturn *Roe v. Wade*. He has joined with some of the Republican leaders in Congress in pledging to terminate funding for Planned Parenthood.

In one of his first official acts, the President signed an Executive order reinstating and expanding the Mexico City policy, also known as the global gag rule. This rule prohibits U.S. financial aid to many international organizations that offer contraception and comprehensive family planning services to women.

As if the reinstatement of this policy weren't bad enough, the administration's Executive order dramatically expanded the policy to apply to all U.S.-funded global health programs—so not just family planning and counseling programs. But we believe that this expansion will include our HIV/AIDS program, known as PEPFAR, which has been so positive in saving so many lives in Africa. It was started by George W. Bush. We also think it will affect initiatives that fund the fights against the Ebola and Zika outbreaks, and this puts at risk 15 times more funding and millions more women and their families around the world.

Taken together, all of these actions by the new administration I believe amount to an assault on the safety and well-being of women and girls across the globe.

I have joined with Senator SUSAN COLLINS, Senator LISA MURKOWSKI, and 45 other Senators in introducing bipartisan legislation to permanently repeal the global gag rule. I believe—and it is well documented—that this is a misguided policy that ignores decades of research.

We shouldn't allow extreme ideology to triumph over the urgent practical needs of women across the world. The facts make clear that when family planning services are accessible and contraceptives are affordable, rates of unplanned pregnancies and abortions go down.

According to the World Health Organization, there is an estimated 225 million women in the world who would like access to family planning services, and we know that makes a difference. Here in the United States, the abortion rate has dropped to the lowest level since 1943, a success that is directly attributable to the reduced cost sharing for contraception under the Affordable Care Act. I can attest to that because in New Hampshire, we have one of the

lowest incidences of teen pregnancy in the country.

In January, we saw millions of women, men, and children, turn out for marches in Washington, New York, London, Nairobi, Tokyo, in my home capital of Concord, NH, and in dozens of other cities across the country and around the world. I think we can look at that as an early celebration of International Women's Day because what we heard from those marching was that we were marching in defense of the rights of American women, of Muslim women, of women of color, and of all women and girls across the globe.

The world heard our message loudly and clearly. We will not allow our reproductive rights and our human rights to be taken away. We will not allow women to be targeted for discrimination. We will not be taken backward.

That was our message in January, and it is our message on this International Women's Day. We have fought long and hard for equal rights and equal treatment here in the United States.

We are also celebrating women here in the United States. We have many women who have taken the day off to recognize the role that women play that is so significant in our society, and many of us are also wearing red to demonstrate that. So on this day of celebration and solidarity, we are determined to go forward to build on the progress of recent decades, and we rededicate ourselves to achieving respect, equality, and justice for every woman in every community and every country across the globe.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

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

#### ORDERS FOR THURSDAY, MARCH 9, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, March 9; 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 that morning business be closed; finally, that 30 minutes of the majority time on H.J. Res. 57 be under the control of Senator BLUNT or his designee.

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

PROVIDING FOR CONGRESSIONAL  
DISAPPROVAL OF A RULE SUB-  
MITTED BY THE DEPARTMENT  
OF EDUCATION—Continued

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators LANKFORD and WARREN.

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

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, in December of 2015, President Obama signed the Every Student Succeeds Act after it passed this body with overwhelming bipartisan support—85 of 100 Senators supported the bill. The Wall Street Journal called the Every Student Succeeds Act “the largest devolution of federal control to the states in a quarter-century.” It also had the support of Governors, State legislators, chief State school officers, school district superintendents, local school boards, principals, and teachers unions, who all agreed on the need to replace No Child Left Behind.

The core of the education reform in the Every Student Succeeds Act was to restore local control to the States—not just control for them but that they would have the responsibility and the authority for things such as school accountability, teacher evaluation, student evaluation. It is very clear. In fact, the Every Student Succeeds Act says things very specifically. States are solely responsible for choosing which standards to adopt. The Secretary cannot mandate, direct, or control State standards. The Secretary of Education cannot require, coerce, or incentivize States to adopt common core State standards. States are responsible for choosing which assessments to adopt. The Secretary of Education cannot mandate, direct, or control State assessments for education. States design their own system for holding schools accountable and decide which schools to identify for school intervention and support. The Secretary cannot add new requirements or criteria on State accountability systems that are not in the law. States and local school districts decide what strategies they will implement to help fix identified schools without Federal interference. The Secretary of Education cannot prescribe how States and local school districts improve those schools.

Congress passed that clear education law to take power out of Washington, DC, and from the Department of Education and the Secretary of Education and hand it back to the States.

Five months after the bill was signed, the Obama administration changed their mind and released regulations to take back school decision-making and accountability, in direct violation of the law.

Eighty-five of one hundred of us agreed that our passion is for every

school district, every parent, every State to take care of every child; that no child would be left behind by switching to local control rather than Federal centralized control. But when this new rule was put out by the Obama administration, they reinterpreted that clear law. Let me tell you what they said in the rule.

In the rule, they dictate to States the consequences for schools that don't annually test at least 95 percent of their students.

They prescribe to the States and school districts how they would intervene and improve schools that don't exit from this identification process of being an underperforming school.

They limit how States may measure school quality or student success based on 4-year graduation rates.

They define how much weight States must afford to non-test-based indicators in their accountability systems.

This regulation prescribes the long-term goals and measurements of progress that States would use for their student subgroups.

This new regulation prescribes when schools may exit from comprehensive support based on improvement.

This new regulation mandates that States comply with specific Washington, DC, created requirements instead of letting the school districts or the States determine how best to proceed on those requirements.

This new regulation limits how States award school improvement funding to school districts and schools.

This new regulation adds a new and burdensome reporting requirement every 4 years on States and local school districts that will drive up compliance costs and will divert resources away from students in the classrooms, in direct violation of what we passed.

This new regulation requires States to establish a statewide definition for “ineffective teacher,” requiring a statewide system of evaluation controlled by DC.

This new regulation limits how students are scored when they have exited from special education.

This new regulation controls how the school report cards are created and how long they are.

This is what we were exiting from with No Child Left Behind. We said in that vote for Every Student Succeeds that Washington, DC, should not do this. This rule directly violated the spirit and the letter of the law and will put the new Secretary of Education, Betsy DeVos, in charge of school evaluation, teacher evaluation, and student success. That is not her role or the intent of this law when we passed it, regardless of who is the Secretary of Education. Our intent was to provide maximum flexibility for the States and the parents. The rule is central control from Washington, DC.

It is essential that we stop this rule right now. While some of my colleagues have said: Let's just wait, and we will do regulations, and we will unwind

some of this—they are basically admitting that the Trump administration will fix the Obama administration overreach. I understand that statement. I think there will be some unwinding of regulations, but here is why it must be done right now—two reasons. One is, when we do this right now with a Congressional Review Act, we settle this forever, that no administration ever, as long as this law is in place, can repromulgate a rule and turn right back around and say Washington, DC, is going to control teacher evaluation, student success evaluation, and school evaluation. This ends that forever.

The second thing is, right now schools in Oklahoma have already diverted resources in their administration, and they are filling out forms that are due to Washington, DC, in April to fulfill this new requirement that was put down by the administration. If we don't end this now, the districts in Oklahoma and in all of the States represented by this great Senate—their administrators will be working on forms for Washington, DC, rather than educating children at home. Let's get those folks back in the classroom, working on things that matter, not some form that no one in Washington, DC, will read anyway. Why don't we allow our schools to focus on educating kids instead of filling out forms for the Secretary of Education? That is the reason we passed the Every Student Succeeds Act.

I encourage this body to support H.J. Res. 57 when it comes up. This will fix this overreach and will put a permanent marker down to say we meant it when Congress said to the administration: Do not control local education. Let the States and the parents do it.

With that, I yield back.

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

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

The Senator from Massachusetts.

NOMINATION OF SEEMA VERMA AND THE  
REPUBLICAN HEALTHCARE BILL

Ms. WARREN. Mr. President, I rise today to urge my colleagues to vote against the confirmation of Seema Verma to serve as Administrator of the Centers for Medicare and Medicaid Services.

CMS oversees the administration of the Medicare and Medicaid Programs. These programs provide healthcare coverage to grandparents, people with disabilities, foster kids, seniors living in nursing homes, single mothers, and babies. CMS is also in charge of implementing many parts of the Affordable Care Act and making sure that the protections guaranteed in the law are enforced.

In other words, CMS is the part of government that we entrust with carrying out the commitments we have made to protect our health and our access to healthcare. We need someone to run these programs who is a champion for Medicare, Medicaid, and the Affordable Care Act and someone who can stand up to Republicans in Congress and stand up to the Trump administration when they try to burn these promises and turn their backs on the people who need help.

On Monday night, the Republicans finally revealed their latest plan to rip health insurance away from millions of Americans. After years of railing about how the ACA was too long and too complicated, the Republicans spent weeks working on a secret plan—locked in a room, hidden somewhere in the United States Capitol. They didn't want anyone to see it. Here is a news flash: If you have to hide your plans from the American public, that is a pretty good sign that you are headed in the wrong direction.

Now we know why they were so afraid to let anyone else take a look at the plan. The plan is ugly—really, really, ugly. The Republicans' plan would rip health insurance away from millions of Americans.

Right off the top, the bill will end the Medicaid expansion established in the ACA. Right now, 11 million adults are covered by that expansion, and the Republican plan will end it. That is right—end it. Millions more Americans are using ACA subsidies to buy their health insurance. For the families who need it most, those subsidies will be cut. For seniors, prices will rise, and that means millions more people will not be able to afford health insurance.

The Republican bill promises tax credits to help people pay for their insurance, but this is an empty promise because the tax credits are designed to be too small to actually cover the costs of paying for healthcare. If you have a 2-month break in your health insurance coverage, no matter the reason, the Republican bill would let insurance companies charge you a 30-percent penalty on top of your premium for an entire year. That is right. If you lose your job and scramble to find a new plan, you have exactly 62 days to lock down that plan because 1 day longer than that, and you are slapped with a 30-percent penalty.

By the way, it is not a penalty paid to the government to help finance healthcare. No. It is a penalty paid to a \$1 billion insurance company. Republicans should be ashamed of themselves.

Too bad if being able to buy affordable coverage on the ACA exchange has given you access to health insurance while you start your small business. Too bad if your healthcare has given you free cancer screening. Too bad if your healthcare has given you access to treatment for substance abuse disorder. All that is gone under the Republican plan.

So there it is—the Republicans' plan to take away health insurance for millions and millions of Americans. The Republican plan is cruel, and it gets worse.

The Republican healthcare plan gets worse because it also delivers a gut punch to the rest of the Medicaid Program—the part that predates the ACA by decades. It does so by putting a cap on overall funding that States can receive and then strictly limiting the growth in that cap. This growth rate is deliberately set lower than the actual growth rate in medical costs for Medicaid beneficiaries. Why? So Republicans can cut the Federal Government's commitment to Medicaid without using the word "cut."

I don't know if they think we are just too dumb to notice, but they are cutting Medicaid. Of course, people will still get sick and will still need medical care, so what the Republicans are doing is shifting hundreds of billions of dollars in Medicaid costs to State governments, which will struggle to pick up the tab, or shifting those costs to hospitals and doctors, who will not get paid, or shifting it to the families themselves, who will try to manage those bills.

Understand what that means. Right now, if you qualify for Medicaid coverage, you get Medicaid coverage. That has been the law for decades, but the Republicans want to change that. With the cap, if you qualify for Medicaid coverage, you will get something. Nobody is really sure what. All we know is that it will not cover your expected costs of care. Think about the impact of that.

The reckless Republican plan will blow huge holes in State budgets. The Republican plan will blow huge holes in rural hospitals' budgets and in the budgets of opioid treatment centers and community health centers all across this country.

Massachusetts is using some of its Medicaid funding right now to fight the opioid crisis, but the Republican plan makes it harder to wage that fight in Massachusetts and in every other State that is battling this terrible epidemic.

The Republican plan will leave millions of people who have decent Medicaid coverage holding the bag when they get sick. That is not healthcare; that is a con job.

But it gets even worse. The bill cuts funding for Planned Parenthood, which provides maternity care and birth control. It gives insurance companies the green light to jack up costs for people over 50, blowing up the limits that were established in the ACA to make sure seniors could afford healthcare.

But there is one more very, very ugly reason the Republicans should be ashamed, and that is because while they are gutting Medicaid, slashing health coverage for sick Americans, and slapping penalties on people who lose insurance through no fault of their own, Republicans are also handing out hundreds of millions of dollars in tax

cuts to rich people and giving a special gift to insurance company CEOs.

The Republican plan repeals two Medicare taxes that apply only to high-income taxpayers. Who benefits most from this repeal? Millionaires. They get a full 80-percent of the tax cut. It is a benefit that is worth an average of \$50,000 each. That is right. The tax cut that millionaires will get from the Republican plan to rip up healthcare is more than many families make in a year.

The Republican plan also hurts Medicare by taking money away from the Medicare trust fund, where it really belongs.

Right now, the law says insurance companies can deduct only \$500,000 in executive compensation, but the Republicans think that is too hard on insurance companies and their CEOs. So sad. So they have lifted the cap to a full \$1 million. The Republicans are determined to help boost the pay of insurance company CEOs. No wonder the Republicans didn't want to let anyone see this plan.

This is literally a backroom deal to strip away lifesaving healthcare from babies, to drive the costs out of sight for seniors, to deny help for people with disabilities, and to make insurance more expensive for hard-working entrepreneurs. In exchange, insurance company CEOs and millionaires get giant tax deductions. Unbelievable. Less health insurance for people who need it; more tax cuts for wealthy insurance company CEOs. This is the deal it took Republicans years to come up with? They should be ashamed.

I have received letters and emails and calls from families in Massachusetts who depend on Medicaid and the ACA. These families are shouting as loudly as they can about how important Medicaid and the ACA are to them. We need someone running the CMS who is listening and someone who has their backs, who will tell Republican politicians that their secret deals are terrible, who will tell them that their plans to take away coverage will hurt people, who will tell them that their recklessness will blow up State budgets.

Seema Verma has a deep knowledge of the Medicaid Program, having worked at the State level to design and implement Medicaid waivers. Ms. Verma says she wants to help States like Massachusetts invest in innovative ways to improve care for Medicaid beneficiaries while lowering costs—improve care and lower costs. That sounds great, but she has also advocated for changes to Medicaid that violate the fundamental principles of the program. She has designed Medicaid plans that impose work requirements as a condition of receiving Medicaid coverage even when they make no sense. She has sought to increase the out-of-pocket costs that Medicaid beneficiaries must pay and has put in place rules that lock people out of the program just at the moment they most need coverage.



We need a CMS Administrator who will stand up to the backroom bullies who are plotting to gut Medicaid, not one who wants to sneak cuts into the very programs that need to be defended. For that reason, I oppose Ms. Verma's nomination.

One of my constituents who receives Medicaid coverage in Massachusetts, Lee from Holliston, wrote me to say: "I just need to know it is going to be okay."

Lee, I wish I could tell you that it is going to be OK, but I cannot tell you that. What I can tell you is that you are not alone. Americans depend on the ACA and Medicaid to provide healthcare coverage. They depend on it when they get sick, and they depend on it to stay alive. Now that the Republican politicians have finally emerged from their secret basement room and unveiled their ugly plans, I promise you I am in this fight all the way. We need millions of people like you all across this Nation to make their voices heard so that Republican politicians do not destroy your healthcare.

In January, Senator STABENOW and I held a forum for the then-nominee for Secretary of Health and Human Services, Tom Price. At this forum, we heard from individuals who were concerned about the impact that cuts to Medicare and Medicaid would have on their lives. I would like to share some of my interactions with a few of these individuals back in January by reading from the transcript Senator STABENOW introduced into the record at Congressman PRICE's hearing before the Finance Committee.

I started by thanking everyone for being there and said this about where we were:

Yesterday at the hearing for Congressman PRICE to be Secretary of HHS, I asked him about the cuts that he has proposed to Medicare and Medicaid. He's already proposed \$449 billion in cuts to Medicare and over \$1 trillion in cuts to the Medicaid program. And so I asked him if he would commit to follow through on Donald Trump's promise, "I won't cut Medicare or Medicaid."

There was a lot of dancing back and forth, but the bottom line is that no, he would not make that commitment, which I suppose should not have been a surprise.

What I want to do as briefly as I can is to focus just a little bit on down the line and put a face on that, what it means to put those kinds of cuts into the system.

I started with Ms. Fleming, and here is what I asked her.

I said: "You used to work at United Airlines. . . . How many years did you pay into the Medicare system?"

Ms. Fleming said: "Thirty-nine years."

I asked: "How long have you worked there?"

Ms. Fleming said: "Thirty-nine years."

I said: "Thirty-nine years that you paid into the Medicare system. Where else is it we need to spend \$449 billion so that you can spend more out-of-

pocket? So that money can go somewhere else—like tax cuts for rich people?"

I asked Ms. Jensen:

Just because I want to be clear about this, one of the things that Medicaid does is make sure you get access to mental health services. If you lose that access, what happens in your life?

So I had asked Ms. Fleming about the Medicare cuts. Here is what Ms. Jensen told me about the Medicaid cuts:

That would entirely change my life. I wouldn't be able to afford the services I need. My medications alone, right now, run about as much as my rent. And I know that weekly counseling or therapy sessions would really be out of reach. It would threaten not only the growth of my business but the existence of my business.

She runs her own small business.

She said:

Basically: no Medicaid, no business. That would kind of be the end of one of my dreams. And untreated disorders—my untreated disorder—I know I would retreat from society. I would retreat from my loved ones. I would not be a productive citizen. I would probably get into trouble and cost the taxpayers some money. Mental and behavioral health is no joke. There are fatal consequences, and it's a matter of life and death for a lot of people, including me.

Then I turned to the third of our witnesses, Ms. Serafin. She has dealt with both systems—both Medicare and Medicaid—and I asked her to focus just for a minute on the Medicaid part of that. She was taking care of her elderly mother.

I said:

Your mother—after your father passed—your mother declined, needed full time care. And she was supported by Medicaid during that period of time. She was able to be in a facility that could take care of her.

If Medicaid had not been available to you, if there had been a trillion-dollar cut to Medicaid, what would have happened to you and your husband?

Here is what Ms. Serafin said:

Well, physically, I could not take care of anyone else.

She had her own disabling medical problems. She said:

I can hardly take care of myself. So, we would have had to hire someone, or we would have had to move because our home was not accommodating for another person with a disability.

Secondly, the care my mother received in the nursing home was so personally gratifying. I could sleep at night. My mother was a really strong woman. She could have been a CEO. She was born in the wrong era. But as a daughter—as mothers and daughters often do—we didn't always see eye to eye on everything!

The people in the nursing home loved her—they loved her feisty manner, they loved the things she would say. And I would think, "Oh, God, I would never say that!" But they thought she was wonderful.

I made the point that my mother was a little like that too.

Ms. Serafin said:

I would sleep at night. I could feel good. Because I cannot do things as it is for myself, and there were loving people who would go to her and say, "I love you, Anita," and

it just made my heart feel that wonderful feeling.

So that is the face of Medicaid.

We had one more witness, and this witness was Ms. Ornella, who had her son Sam with her.

I said:

Sam is the happy face of Medicaid. Sam is a little boy who was born with multiple difficulties and who flourishes and who receives support from Medicaid.

So I asked:

If there's a trillion dollars in cuts to Medicaid, and Sam is not able to get the help he needs through Medicaid, what happens to Sam?

Ms. Ornella said:

We barely qualified for Medicaid as it was, so if there were any cuts to it, we would have been in that group of people who I believe wouldn't have qualified. Medicaid has provided him to be able to go to his kidney doctors and keep his status check on his kidneys, which is what we think his long-term issues are going to be.

Medicaid has been there to cover tests for swallowing, for swallowing functions, for all the different parts of his body that are affected by his disorder. So my fear is, that if we do get employer-based coverage, anything can happen in life—what if my husband lost his job and then we didn't qualify for Sam to get Medicaid anymore? How would we deal with that double whammy of losing employer coverage and then not qualifying for Medicaid for a medically complex child?

We heard from four people at this forum, and I am very grateful to all four of them for putting a face on what Medicare and Medicaid means. I suggested to Congressman Price that if he is confirmed to be the head of HHS, that he cut out the statement that Donald Trump had made, "I will not cut Medicare or Medicaid," and that he tape it above his desk and look at it every single day. Because that is what the people at that hearing were all about.

They are the reason we must not cut Medicare and we must not cut Medicaid, and I thanked them all for being with us.

Alice, Sam, Diane, and Ann really put a face on the importance of Medicare and Medicaid at that forum.

I have heard from a number of hospitals, community health centers, and behavioral health organizations in Massachusetts about the importance of Medicaid to them for being able to provide essential services to the people who need it most, and I want to share some of the comments they have given to me.

John Nash, the CEO of Franciscan Children's Hospital, highlighted the importance of Medicaid in providing healthcare coverage for our children. Here is what he wrote to me:

Dear Senator Warren, at Franciscan Children's, our mission is to provide a compassionate and positive environment where children with complex medical, mental health, and educational needs receive specialized care for people who are committed to excellence, innovation, and family support, so that these children can reach their fullest potential and live their best lives. Located in the Boston metropolitan area, we are one of four institutions in the country offering this unique array of services to children with complex needs.

In Massachusetts, we are the only pediatric, post-acute care provider that offers hospital-level care for children with complex medical conditions. We are also one of the largest pediatric mental health providers in Massachusetts, offering a complete continuum of inpatient, residential, and outpatient programming to ensure that children have access to the services they desperately need.

Franciscan Children's is proud to be an independent, unaffiliated provider that coordinates across the healthcare system to deliver high-quality, low-cost, specialty services to children who come to us from every major health system and intensive care unit from across the State. Collectively across our programs, we serve more than 12,000 children a year.

Families who have had a child or children with special needs often face tremendous financial burdens. Many view hospitals like ours as a second home. Almost 60 percent of the families that we serve in our inpatient medical program are on Medicaid.

In federal discussions about the Affordable Care Act, it is crucial to realize that Medicaid is the most important health coverage program for children. As many as 30 million children nationally and 355,000 children in Massachusetts (29.6% of the state population of children) are covered. Children covered by Medicaid—compared with those who are uninsured—generally go on to enjoy better health, lower rates of mortality, and higher educational and economic outcomes as they become adults.

Massachusetts is seeing the returns on investments made in Medicaid. Our rate of uninsured children is at the lowest on record. Cuts to Medicaid will have a negative impact on children and may increase healthcare costs. Furthermore, any cuts to the Medicaid program will threaten our institution's long-term ability to serve children and their families who may not receive care otherwise. As the population of children with complex needs continues to grow at the rate of 5 percent annually, these funds will be vital to our future and to theirs.

We support the belief that access to affordable care is essential for all individuals. Our families, whose resilience and strength continues to inspire us every day, depend on this principle being upheld. Our children deserve every opportunity to reach their fullest potential and live their best life.

This letter is just a reminder of who gets Medicaid and how Medicaid changes the lives of the children who need it most and of their families. We cannot cut this program without taking away the futures of these children. This is an economic issue, but it is also a moral issue.

I heard from the Behavioral and Health Network, a nonprofit community behavioral health agency in Western Massachusetts, and they shared with me an individual story they wanted to tell me about Tasha.

Tasha went from homelessness to addiction and then to recovery—highlighting the importance of Medicaid funds in supporting individuals who are dealing with substance abuse disorder. The behavioral health network shared a story, and this is how they tell it:

Tasha M. recalls how her addiction started. She never envisioned how and where it would end. As a teenager, she remembers being homeless, her mom surrendering her to foster care twice and living a dysfunctional life, leading to the development of an eating disorder and hospitalization.

It was during that hospital stay where she was also receiving treatment for an injured back, that she was prescribed a bottle of painkillers. That started Tasha on the road to addiction, and ultimately to BHN's, "My Sister's House"—and her eventual recovery.

Once addicted to pain pills she remembers "hospital hopping" to feed the addiction. "I felt so alone," she said. Moving in with an aunt brought the prospect of turning the page and leaving her addiction behind. Instead, Tasha started to work as a bartender, ultimately succumbing to alcohol and hitting bottom. Tasha says, "I lost everything."

Moving back to Massachusetts, she "tried to start anew." But instead she found herself back in the clubs and around alcohol and, eventually, in a detox program through BHN's Carlson Center. After that one-week stay, she entered Hope Center, a BHN 30-day recovery addiction treatment program in Springfield. Once released, the grip of addiction surfaced again. "I remember getting ready to go clubbing with my boyfriend. We were in line to go into a club and I realized I didn't have my ID. I went home and I found my ID lying on top of my AA book. I thought, 'wow, that's a sign'—and I need to get back in the program."

BHN assisted with entry into My Sister's House, a BHN community-based program for women in recovery, where its residents have daily therapy and support, peer meetings and are connected to community resources.

It is also where Tasha met an intern who inspired her. "I remember I was one of her first clients. She said I couldn't go back to my old ways . . . she really believed in me."

Tasha's recovery has come full circle. After successful re-entry into the community, she acquired a job as an administrative assistant at a daycare center, and eventually became a social worker helping mothers of children navigate the complexities of parenting.

Tasha's story doesn't end there. Tasha was offered a position at My Sister's House, where she assists other young women who find themselves on the sometimes bumpy road to recovery. "For me, it's about giving back . . . I'm grateful to them."

About the new opportunity to help others at My Sister's House, Tasha said: "I always said to myself I was going to come back to this House . . . this is my second home."

Tasha's journey was supported by an organization whose funding is 56 percent State and Federal contracts and 42 percent fees from Medicaid, Medicare and a small percentage of private insurances. Clearly, the impact of affordable insurance and funds from CMS and the State creates needed access and opportunities for changing lives [like Tasha's]. Individuals can embrace help, move beyond despair and hardship, and establish meaningful life experiences, employment and self-sufficiency. Without affordable insurance, Medicaid and Federal and State funds, that could not happen.

Thank you, Tasha, for telling your story. Thank you to the Behavioral Network for sharing your story. Thank you for all of the amazing work that you do every single day.

The Boston Medical Center, the State's largest safety net hospital, also shared their perspective on how changes and cuts to Medicaid would seriously impact the progress they have made in working to provide high-quality, cost-effective care to their patients. Here is what Boston Medical Center said:

At Boston Medical Center (BMC), our mission is to provide Exceptional Care without

Exception to all of our patients. As the largest health safety net system in Massachusetts and in New England, BMC and the patients we serve would be severely impacted by major changes to the Affordable Care Act.

Massachusetts health care reform in 2008, and subsequently the Affordable Care Act, supported our efforts to provide high-quality, cost effective care to the many, formerly uninsured, patients who became insured through Medicaid and subsidized products. BMC has worked diligently with the Commonwealth of Massachusetts and the Center for Medicare and Medicaid Services (CMS) to transition the payment and delivery of Medicaid services in a more cost effective manner. With a strong understanding of the need to ensure that the future of Medicaid is sustainable, our collective efforts have begun to produce encouraging results.

Medicaid—and access to affordable, subsidized health care insurance—is an important federal/state partnership that allows the most vulnerable in our population to receive the health care they need. At BMC, we see firsthand how it affects the lives of our patients. In addition to providing funding for important primary care services, it is a lifeline for those with chronic diseases and mental health and substance abuse needs.

BMC has used Medicaid funding to develop and implement a number of very promising programs aimed at improving the quality of care for our low-income population and doing it in a manner that is the most cost effective. We aim to keep our patients out of the hospital while giving them the care necessary to lead fulfilling lives.

Some of these efforts include innovative programs for pregnant women and babies both before and after delivery. Post-partum depression is an all-too-common issue for new mothers. BMC has designed a program that embeds necessary behavioral health services into the OB/GYN visit setting, thereby allowing them to receive the necessary mental health care along with their medical visit.

At the same time, we have several successful programs focusing on newborn infants—ranging from babies born prematurely to those born addicted to drugs. As New England's largest trauma center, we routinely treat large numbers of patients who have been victims of violence. In an effort to help break the trend of violence in the inner city, BMC offers many programs that help those victims break that cycle through counseling, education and support.

Boston, like many cities across the country, has seen an unacceptable level of opioid related deaths. Probably our most critical efforts today include programs that successfully treat opioid and other drug addictions while guiding patients toward prevention of future drug abuse and a life where they can hold a job and maintain their relationships with their families.

Working with the Commonwealth, BMC has also used Medicaid funding to redesign how health care is provided in a manner that ensures the highest quality patient care in the most affordable, patient-centric manner. The groundwork has been laid over the last several years with Medicaid waiver funding. As we prepare for implementation of the Medicaid waiver extension, we have just begun to roll-out our Medicaid Accountable Care Organization, (ACO). The ACO structure requires that we will be accountable for the full cost of each Medicaid patient's health care, while it will allow the flexibility to provide the right care that might not have previously been covered (e.g. purchase of humidifier for an asthmatic child that will help prevent hospitalizations). Patients will benefit through further integration of care across the delivery system continuum,

while reimbursement for the cost of treating those patients will be contained in a defined agreement.

These important Massachusetts efforts of transforming the delivery and payment system for Medicaid will be dealt a serious blow if the underlying Medicaid funding is changed. Additionally, if Medicaid and subsidized healthcare eligibility changes result in our patients losing access to affordable health care, not only will the patient's quality of life suffer, but the lack of funding will not allow [us] to continue to provide those patients with many of these critical services.

BMC is committed to maintaining the provision of exceptional care without exception and it will require the financial partnership with the federal and state government to ensure that our low-income patients have access to that care.

Boston Medical Center absolutely provides "Exceptional Care without Exception," and Medicaid helps them carry out that critical work.

The Boston Center for Independent Living shared with me a story from a constituent named Ty who receives healthcare from One Care, a program in Massachusetts that integrates care for beneficiaries who are dually eligible for both Medicare and Medicaid. So I will tell a little bit about Ty's story.

Ty Muto, a 39-year-old transgender man, was recovering from colon surgery in 2014 when he stopped outside of his work and was assaulted by three men yelling homophobic slurs. He survived the attack with a traumatic brain injury and spinal cord injury and is only alive thanks to several necessary, timely medical interventions. A former mediator and American Friends Service Committee volunteer, Ty is enrolled in One Care with the Commonwealth Care Alliance. They provide medical care, visiting nurse support, physical therapy, and medical rides. His Care Manager helped him apply for Social Security and find housing, which really improved his life! On several occasions his visiting nurse has identified urgent medical conditions and he has been able to take a medical ride to the hospital where he receives care—avoiding lengthy and expensive emergency room visits at local hospitals that aren't equipped to care for his specific condition. Ty says the only reason he's alive today is because of all of the services and care he gets through One Care.

That is the work being done at the Boston Center for Independent Living, and it can only be done because they receive the support of Medicare and Medicaid.

The Boston Center for Independent Living also shared with me a story from another constituent named Olivia.

Olivia Richards is a 33-year-old woman on One Care and, as she emphasizes, a lifelong Bruins fan! Her plan with CCA allows her to be an active member of the community and her care coordinator assists her in managing her seizure disorder, paraplegia, PTSD, and ADHD. Olivia grew up in the foster care system and, after college, rather than move in with an abusive family member, she tried to make it on her own and she ended up homeless. Left without insurance—and trying to keep up with her di-lanthin, ADHD and asthma medications from seven- to fourteen-day sample packs from a free clinic—she went on and off medication and eventually ended up in a psychiatric hospital for a month.

If she had been making that transition in the post-Romneycare age, she would have

maintained her health insurance and been able to stay on MassHealth. Olivia raves about her coordinated care manager (CCA) and how she's helped stabilize Olivia's health—recognizing issues before they become emergencies. Prior to One Care, Olivia went to the emergency room every few months with a severe UTI that landed her in the hospital. Her care coordinator recommended she see an infectious disease doctor, who prescribed a preventive antibiotic—something none of the many doctors she'd seen had put together. Olivia hasn't been to the hospital for a UTI since.

This time around, when Olivia needed emergency care, her care coordinator sent community medics to her apartment—providing her with better care and avoiding an expensive emergency room visit and other complications. Before One Care, Olivia was using a third-hand wheelchair with a bent frame and a wheel that she had to weld back together every few months. Medicare and Medicaid kept dodging responsibility for wheelchair repairs. Olivia's care coordinator helped her get a new chair.

That is a real quality-of-life improvement for Olivia.

I want to say a special thank you to both Ty and to Olivia for sharing their stories, for letting us make them public, and a very big thanks to the Boston Center for Independent Living for all that you are doing every single day to help the people of Massachusetts. We are all deeply grateful for your work, and we want to continue to support it here in Congress.

Many of my constituents have written to me, fearful of what changes to Medicare or Medicaid might actually mean to them. Jeffrey, who is from Gardner, wrote to me to share his constant worries about health insurance coverage. This is what he wrote:

Dear Senator Warren,

I hope this message finds you well, and I want to thank you for your continued fight for the rights of everyone in Massachusetts & the nation.

Unfortunately, this election has left me with some constant worry, as I'm sure it has many. I'm a graduate student and have a year and a half left until I complete my masters degree in counseling psychology.

Obviously because of this, I work part-time, and am not offered health insurance through my employer. I have been on MassHealth (Tufts Network Health, to be exact) since 2013 when I decided to make a career change.

I have some issues that require prescriptions and doctors visits monthly. I'm not sure if they can be deemed as preexisting conditions, but these are prescriptions I can certainly not go without, nor could I go without insurance for a year and a half.

Obviously I don't enjoy being on MassHealth, but for right now it's what is necessary. My question may be a difficult one to answer, due to the fact that no one truly knows what will happen after inauguration day. I do know Massachusetts is better protected than other states to keep its citizens insured, and I know that you and Governor Baker have vowed to fight for this right, as well as for many others—which I could not be more thankful for!

If the new establishment has their way and repeals federal funding to Medicaid, will people in Massachusetts such as myself be thrown off their insurance? I know we rely heavily on a waiver that was signed recently, and it's a "wait and see matter," but I suppose my question is, will I be protected since

I have documented needs for insurance already in place? Or are my conditions going to be deemed "not severe enough?"

All I can say, Jeffrey, is we don't know yet, but I can promise you that I am fighting to make sure you remain protected.

Elise from Scituate wrote to me about the importance of Medicare and Medicaid funds in supporting nursing homes, adult day health programs, and other needs of older adults. Here is what Elise had to say:

Dear Senator Warren,

I am writing to you because I am very concerned about the direction of the incoming administration, President-Elect Trump, and his cabinet choices. It was certainly a difficult election period. The policies and direction of these individuals is particularly troubling for those who are older, or who may have mental illness, disabilities, or developmental challenges.

As many are not aware, the federal rules, regulations, and budget do affect the management of services in the states. As a consultant in Massachusetts in both nursing homes and adult day health programs, I see the strong need for cooperative and supportive federal and state funding as well as regulatory processes for ongoing care. Very few of the individuals in these settings are paying privately. Medicare and Medicaid—as well as the VA—are the major funders for these programs.

In Massachusetts, we have 45,000 nursing home beds, or approximately 400 skilled nursing facilities. Home care incorporates adult day health, and we have roughly 14,600 participants in Massachusetts alone. Our population is aging, and access to good services are critical to good care and quality of life.

In addition, there are many programs that continue to need commitment and funding to manage necessary services to individuals. These include: housing (Section 8), elder and those with disabilities home care, services to the blind, and community mental health care—to name a few.

Changes in these benefits would jeopardize the delicate balance of home and community care, rehabilitation, and perhaps ultimately end up costing more for care. For example, if we don't have resources to assist people to return to the community, institutional care may be the only answer—and a costly one.

The notion of having poor individuals pay for their Medicaid benefits, and/or privatizing this to an insurance base is ill-founded and often becomes costly to manage, as well as lowers benefits. Aside from providing services to our citizens, the reduction in these programs will drag the overall economy down.

The healthcare industry (private enterprise) is dependent upon a multitude of programs to generate profit. For example, if Mr. X needs a wheel chair and Medicare does not pay for one, Mr. X will not pay for a new wheel chair. He will either borrow one, or purchase one used, or perhaps "do without." This scenario, regardless of the product, will duplicate itself throughout health care and service provision. Companies that have dependency upon Medicare funds may have to close or cut back. Service providers, such as Visiting Nurses, will be facing similar results.

I have been in the older adult/health care/medical field since 1969. I have seen changes over time to services from government provisions to privatization. Privatization is the one of the poor outcomes when government monies are used to pay for services rendered. I remain a very strong advocate for individuals and their families as they try to meet

the challenges of obtaining just and fair services.

Thank you, Elise. I appreciate your writing. Medicare and Medicaid provide critical funds to support nursing homes and senior citizens in Massachusetts. I agree that we must fight to protect these programs.

I have many constituents writing in. My constituents are shouting as loudly as they can about the need to protect Medicare and Medicaid. We need a CMS Administrator who will stand up for

Tasha and for other individuals who are struggling with addiction, who will stand up for those who are relying on Medicare to help with Parkinson's, who will stand up for our hospitals and healthcare providers to ensure that they have the resources they need to adequately serve their patients. I am listening. I am fighting.

Republicans are trying to cut back-room deals to end these protections. I promise you, I will do everything in my power to prevent them from destroying

your healthcare. That is why I am here.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:34 p.m., adjourned until Thursday, March 9, 2017, at 10 a.m.