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Senate

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

PRAYER

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

Let us pray.

Gracious and loving God, You continue to give us reasons for rejoicing in Your love and grace. We praise You for the beauty of the sunrise and the glory of the sunset.

Today, guide our lawmakers with Your wisdom and love, empowering them to strengthen men and women on life's journey. Lord, help our Senators to remember that nothing is impossible for You, for Your grace and might hold the galaxies in place.

Lord, we are grateful for Your presence in this Chamber, our Nation, and our world. Use us all for Your glory and for the good of those in need. Continue to do in our lives exceedingly, abundantly, above all that we can ask or imagine.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2017.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HEALTHCARE LEGISLATION

Mr. McCONNELL. Mr. President, a new report released last night from the Department of Health and Human Services reveals startling new numbers showing just how substantial premium increases have been under ObamaCare. According to that report, average annual ObamaCare premiums have increased by nearly \$3,000 since 2013, the year that most of the healthcare law's mandates and regulations actually went into effect. In other words, it is now clear that average ObamaCare plans on the exchanges more than doubled from 2013 until now. That is an increase of 105 percent, or nearly \$3,000. These figures are based on the Obama administration's own data, but these exorbitant costs are just one part of the problem, to say nothing of the shrinking choices of insurers offering plans on the ObamaCare exchanges across the country.

Last week, our colleague from Iowa, Chairman GRASSLEY, came to the floor and shared with us the story of the Tacoma Narrows Bridge, a bridge in Washington State that was, as he put it, "set to fail from the very beginning." He told us how the bridge was

built on a "flawed design," how it "self-destructed," and how it eventually "collapsed." Much like that bridge, he said, ObamaCare is becoming "its own bridge to nowhere with no insurance plan on its exchanges." Boy, he is right about that.

As time goes on, more Americans are finding themselves with fewer ObamaCare insurance options to choose from on the exchanges. Take a look at the map behind me, and you will see what I mean. On this map: Fewer choices: Number of insurers on the ObamaCare exchanges in 2017. What does it reflect?

In more than 1,000 counties across 26 States, families have only 1—just 1—ObamaCare option to choose from in the marketplace. ObamaCare customers in five States have only one insurer left on the exchanges. As a recent article predicted, "insurer choice in the ACA marketplace could hit an all-time low" next year in 2018.

Let that sink in for a minute. Families across the country could experience "an all-time low" when it comes to their choices for ObamaCare plans next year. In other words, things are likely to only get worse. Still, despite all the news reports and the studies and the personal stories shared by constituents, some of our colleagues simply refuse to face the realities of this failed law.

Consider what we saw just yesterday, when a group of Democratic Senators held a press conference, essentially advocating for the ObamaCare status quo in rural America. But in case our friends missed it, I want to share a recent headline that reveals what ObamaCare's status quo has actually meant for families in these regions of the country. Here is what it read: "Rural Shoppers Face Slim Choices, Steep Premiums On Exchanges."

The article went on to cite a study showing that ObamaCare customers living in less populous areas of the country in 2017 "frequently had just

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



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one or two insurers from which to pick, and often faced significantly higher premiums than did people in more urban areas.”

Much like that dilapidated bridge Chairman GRASSLEY described, ObamaCare is self-destructing all around us. We know things are likely to get worse unless we move beyond the failures of ObamaCare. In his home State of Iowa, more than 70,000 people are facing the harsh reality that they may be left with absolutely no options—none—on the ObamaCare individual market—zero.

Many Virginians recently learned they could also have fewer choices on the ObamaCare exchanges next year. In fact, people in 27 of the State’s 95 counties could have just one option for coverage through the ObamaCare marketplace in 2018. Tennesseans in 16 counties are in a similarly distressing situation, as they, too, are likely to have just one choice when it comes to signing up for insurance through the ObamaCare exchanges next year.

So these are just the latest developments in ObamaCare’s dwindling options, which over the years have continuously pushed too many people off their plan and left them with fewer choices. Take one Knoxville, TN, woman who recounted her experience in a recent news article. In 2015, she signed up for an ObamaCare plan with one major insurer, but by the end of the year, that company pulled out of the marketplace, leaving her to find a new plan. In 2016, she was forced to sign up for an ObamaCare plan with another insurer. Again, at the end of the year, that company left the marketplace, as well. Now in 2017, she signed up with yet another ObamaCare plan with yet another insurer, and—you guessed it—at the end of this year, that insurance company will also exit the ObamaCare marketplace, leaving the Tennessee mom to find an alternative option one more time. Unfortunately, her story is not unique. As insurers on the exchanges continue to propose premium increases and announce their intentions for participation next year, we can expect even more troubling news to roll in.

These families deserve relief from ObamaCare—a failing law with limited, even nonexistent, choices that continue to shrink on the collapsing marketplace.

These families deserve relief from ObamaCare—a failing law with skyrocketing premiums that have risen by double-digit rate increases all across our country.

These families deserve relief from ObamaCare—a failing law with mandates that require people to buy plans that aren’t right for their families, even if there are no suitable choices to pick from, even if they are too expensive to actually use.

How much more will it take for our Democratic colleagues to realize that we have to move beyond the failures of ObamaCare? The only way these fami-

lies are going to get the help they need—and that so many have called for—is if we actually take action. The Republican Senate has been clear what we aren’t OK with standing by and allowing this system to crash completely, dragging down even more families along with it.

We know that—just like that collapsing bridge—ObamaCare wasn’t built on a sturdy foundation, nor were its policies truly built to last. Just like the bridge, it may have looked really good from the outside. We all remember the lofty claims our Democratic colleagues made about the law, but it never lived up to the fanfare. I know it is a disappointing reality for our friends across the aisle who championed the failed healthcare law. We know it is not the outcome they had hoped for, but the status quo is simply unacceptable.

We expect the Congressional Budget Office to release an updated score of the bill the House passed later today. It is a technical procedural step. Beyond likely reiterating things we already know—like that fewer people will buy a product they don’t want when the government stops forcing them to—the updated report will allow the Senate procedurally to move forward in working to draft its own healthcare legislation.

So whatever CBO says about the House bill today, this much is absolutely clear: The status quo under ObamaCare is completely unacceptable and totally unsustainable. The prices are skyrocketing. Choice is plummeting. The marketplace is collapsing, and countless more Americans will get hurt if we don’t act. No one should be comfortable with that. I know I am not, and I certainly hope our Democratic colleagues aren’t either.

So instead of continuing to hold press conferences in what ultimately can only be described as a defense of the ObamaCare status quo, I would ask our Democratic colleagues to come to terms with the situation Americans are facing, to stop the empty rhetoric, to join us in finally helping those who have been hurt by this failing law.

NOMINATION OF AMUL THAPAR

Mr. MCCONNELL. Mr. President, on another matter, as the Senate continues to process nominations, I would like to take a moment to say a few words about one for the U.S. Court of Appeals for the Sixth Circuit whom we will confirm this week.

Judge Amul Thapar served with distinction on the U.S. District Court for the Eastern District of Kentucky for close to a decade, having previously served as U.S. attorney for that same district and as assistant U.S. attorney for several years before that.

He was the first South Asian American to become a Federal judge, and once he is confirmed to the Sixth Circuit, Judge Thapar will be only the second South Asian American to serve on a Federal circuit court.

The American Bar Association has given him its highest rating—unanimously “well qualified.” That meant that in the group that rated him there was no one who didn’t give him a “well qualified” rating, which is the best they could give any nominee. I certainly couldn’t agree more with that characterization.

Judge Thapar is an excellent jurist. I know he will make a great addition to the Sixth Circuit, and I am proud to support his nomination. I would encourage all Members of the Senate to support him as we advance his nomination today.

I suggest the absence of a quorum.

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

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, yesterday former CIA Director John Brennan testified in the House Intelligence Committee that he had growing concerns about Russian interference in the final months of the 2016 election, adding that an investigation into potential collusion between the Trump campaign and the Kremlin was well founded. He issued very strong words.

Coming from a very careful civil servant from the intelligence community, Mr. Brennan’s testimony should further compel Congress and the special counsel to pursue the full truth. What Mr. Brennan said was happening gets at the very core of our democracy, the free and fair election of our representatives. Americans of all political stripes should be outraged by what Putin and the Russians did during the 2016 elections. As former Director Brennan said, in America, “we cherish the ability to elect our own leaders without outside interference or disruption.”

So, again, I expect that the Senate Intelligence Committee will continue its bipartisan investigation into these events. I expect that Special Counsel Mueller will help us all get to the bottom of this. We must make sure he is not interfered with.

Finally, I expect this body will hold up a high standard for the next FBI Director. He or she should be someone who is nonpartisan and independent, a Director’s Director, a prosecutor’s prosecutor, not a politician of either party.

Amidst all of the furor, we cannot lose sight of the most serious part of

this investigation: the scope of Russian interference in our elections and whether they colluded with representatives of an American campaign in the process. That is very serious stuff—very serious. We must pursue that investigation with vigor no matter who might stand in the way of it.

THE PRESIDENT'S BUDGET

Mr. SCHUMER. Mr. President, on the budget, yesterday morning the Trump administration released their 2018 budget. The document is stunning in its cruelty. It takes a sledgehammer to the middle class, the working poor, while lavishing tax breaks on the very wealthy.

They may not have intended it, but the Trump budget is a compilation of all the broken promises this President made to working Americans. In his budget, President Trump has broken promise after promise after promise to working people without any shame, without any remorse, without any explanation.

The President promised to increase infrastructure investment, but his budget actually cuts more money from infrastructure programs than the new money it puts in. The President's proposal to slash American infrastructure investments is a job-killing 180-degree turn away from his repeated promise of a \$1 trillion infrastructure plan.

President Trump's campaign promises on infrastructure are crumbling faster than our roads and bridges. I want to ask the Trump administration: How can we expect that you are going to be real about a trillion-dollar infrastructure plan when your budget cuts infrastructure dramatically—right now? Don't you think it adds up? To us, it does. It makes us very dubious of any attempt to do infrastructure by this administration. We hope we are wrong, but the budget is a document that tells where the real truth is in terms of administration beliefs. They sure as heck, by this budget, don't like infrastructure.

The President has said that education is the civil rights issue of our time, but the Trump budget calls for over \$3.2 billion in cuts to higher education, eliminates programs that forgive loans for public service jobs like teachers and doctors, and eliminates subsidized loan programs that help lower the cost of college. College students of America, look at the President's budget and see if he is on your side. He sure as heck isn't.

The President said he would "save Social Security, Medicare, and Medicaid without cuts. Have to do it." Those are his words. But the Trump budget slashes Social Security by \$72 billion and cuts Medicaid by hundreds of billions, in addition to the more than \$800 billion TrumpCare cuts took from Medicaid already in the House bill. All in all, it is a \$1 trillion broken promise on Medicaid.

Remember, America, Medicaid is a program that affects the poor. That is

a good thing. But much of the money goes to help the middle class, elderly people in nursing homes, and families fighting opioid addiction. So the bottom line is this is another broken promise to the middle class that Trump made in the campaign.

The budget breaks promise after promise after promise the President made to what he called the forgotten America, the working men and women of America. Well, this budget forgot the forgotten American.

In addition, the Trump budget depends on fantasy math to make all the numbers work. Most budgets make assumptions, and they all stretch the math a little bit, but the Trump budget takes a quantum leap into a new dimension of budgetary fairy tale.

Not only does the Trump budget assume unrealistic growth as a way to balance the budget in 10 years—no economist, liberal or conservative, thinks we can achieve 3 percent growth in the near term—but the Trump budget double counts and double dips in a way we have never seen in any budget before. The Trump budget includes the assumption they will pass "deficit-neutral tax reform." In order for their massive tax cut to be deficit-neutral, they need to assume the economy grows fast enough to make up for lost revenues. But at the same time, the Trump budget assumes that growth will pay for tax cuts and help pay down the deficit—both.

Take the estate tax as an example. President Trump has proposed eliminating the estate tax in tax reform. Yet the Trump budget assumes that the government will take in more than \$300 billion in estate taxes over the next 10 years. In other words, part of the budget says that we are getting rid of the estate tax, and part of the budget says that \$300 billion the estate tax brings in is counted toward balancing the budget. I have never seen anything like it. If an accountant did this, my guess is—I don't know accounting standards in detail—they would be kicked out of the accounting profession.

In short, as Benjamin Applebaum in the New York Times points out: "President Trump is proposing to balance the federal budget in part by simultaneously increasing estate taxation and eliminating estate taxation."

Let me read that again. This is a reporter for the New York Times, not some politician of a political party: "President Trump is proposing to balance the federal budget in part by simultaneously increasing estate taxation and eliminating estate taxation."

The gall, the nerve, and the facts-battered attitude in this budget are appalling. What they said on the estate tax is a complete contradiction. The government cannot take in money from a tax that no longer exists. Where are our fiscal watchdogs on the other side of the aisle when they do stuff like this?

Everyone knows Presidential budgets contain some degree of flexibility, but

what the Trump budget does is a quantum leap that would make an accountant blush, if they could stay in their profession after doing this. The budget is a total fantasy, a deeply unserious proposal to Congress. Members of both parties are right to reject it, and I applaud many of my Republican colleagues for speaking out against this proposal.

Again, what will happen—my guess—is that Democrats and Republicans will ignore the Trump budget because it is so harsh on the middle class and because it is such an accounting nightmare. We will do our own budget, and we will probably produce something pretty good for the American people, as we did in 2017—as long as Donald Trump and the White House stay out of it.

TRUMPCARE

Mr. SCHUMER. Finally, Mr. President, a word on healthcare: The Republican attempts to repeal and replace the Affordable Care Act, combined with the Trump administration's refusal to commit to making key cost-sharing payments that help keep healthcare costs low for working Americans, have created great uncertainty in our healthcare system. This uncertainty has already caused insurers to flee the marketplace or propose rate increases for next year.

A spokesman for America's Health Insurance plans—that is the insurance industry's main group; again, it is not a politician—said:

We need swift action and long-term certainty [on the cost-sharing program]. It is the single most destabilizing factor in the individual market, and millions of Americans could soon feel the impact of fewer choices, higher costs and reduced access to care.

My Republican colleagues, remember, if you continue to allow the President to do this, if we don't make cost sharing permanent, the system will deteriorate, and guess whose back it will be on? Yours, my Republican friends. You are in charge. And when people get a bad healthcare bill, you can blame anyone you want. You are in charge. Fix it.

Refusing to guarantee the cost-sharing payment is nothing short of sabotage, and the repeated attempts to pass TrumpCare will only make things worse.

The White House ought to step up and say once and for all that they will continue to make the cost-sharing payments permanently, and Republicans in Congress ought to drop their repeal efforts and, instead, work with us on stabilizing the market and improving our healthcare system.

Now, today the Congressional Budget Office will release its analysis of the House Republican healthcare bill—TrumpCare. I remind my colleagues how unusual it is for a CBO score to come out nearly 3 weeks after a bill has passed. It is like test driving a brand new car 3 weeks after you have

already signed on the dotted line and paid the dealer in full.

Republicans in the House were so worried about how bad the CBO score might be, they rushed TrumpCare through—no hearings, no debate, no score. Never mind that this legislation remakes one-sixth of our Nation's economy. It has life-and-death consequences for millions of American families.

Republicans were haunted by the ghost of CBO scores past, so they went ahead without one.

When the CBO analyzed the first version of TrumpCare earlier this year, it concluded that 24 million fewer Americans would have health insurance if it became law. We also learned the bill would gut Medicaid, crush seniors with higher premiums, and would increase out-of-pocket expenses for Americans of all ages with higher deductibles and copays.

Given that there were few differences between the first and second versions of TrumpCare, we can expect that today's CBO analysis will likely show many of the same grave consequences as the first one. Only now, of course, TrumpCare includes a new amendment that allows States to opt out of the requirement to cover people with pre-existing conditions. It is hard to imagine such an amendment would make CBO's score any better than the last, and it could certainly raise a lot of new questions.

Does the deal the Freedom Caucus got with the second version of TrumpCare violate the rules of reconciliation? Will the House have to change the bill and take yet another vote on TrumpCare? We know they don't want to do that.

We also don't know the answer to these questions, and we may not know the answers even after seeing today's CBO analysis. But all of these open questions demonstrate how reckless it was for Republicans to vote on this bill without properly vetting it first.

I yield the floor to my good friend, the senior Senator from Vermont, the former and hopefully future Senate President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive ses-

sion to resume consideration of the Sullivan nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of State.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

THE PRESIDENT'S BUDGET

Mr. LEAHY. Mr. President, yesterday, we received President Trump's first budget submission. He calls it "A New Foundation for American Greatness." Well, that might get an award for fiction, but it couldn't be further from the truth.

Instead of building a foundation for the American people, it pulls the rug out from under them. This budget has to be understood as something more than just a photo op with a slogan.

The President's budget displays a fundamental lack of understanding of the role of government of, by, and for the people in supporting the middle class, lifting up the most vulnerable among us and serving our values and interests as a Nation. It proposes to cut nondefense discretionary spending by over \$1.5 trillion; that is, \$1,500,000,000 over 10 years, including a \$54 billion cut in fiscal year 2018 and a \$260 billion cut by 2027. This would be a 40-percent cut to nondefense programs in 10 years.

This is not only shortsighted, it is irresponsible and unrealistic. We should be supporting opportunity, and we should be creating jobs, not eliminating them. What this country needs is jobs. We should be caring for our veterans. We should promote our health and the environment. These are important to all people. It doesn't make any difference what political party you belong to. We shouldn't be recklessly slashing vital lifelines to the American people.

Sequestration has had devastating consequences for both defense and non-defense programs. These consequences are going to last a generation. The Trump budget would only extend and deepen those problems.

We are nearing the Memorial Day break, and I ask Members of both sides of the aisle: Let's sit down, and let's have Republicans and Democrats work together, as the Senate is supposed to, and negotiate a budget deal based on parity. We did this in 2013; we did it in 2015. It worked well. Such a deal would allow the Senate to provide appropriations bills that reflect our true, enduring values as a nation.

The Trump budget proposes over \$1.7 trillion in cruel and unsustainable cuts to important mandatory programs that provide a safety net of health and nutrition programs to those who are struggling most in our communities. Can you imagine, in the wealthiest,

most powerful Nation on Earth, we are going to cut out programs to help the people most in need?

Many of the cuts in the Trump budget come from the Medicaid Program, where the President doubles down on the dangerous programmatic changes and cuts included in the TrumpCare bill. Not only would enacting this budget make it harder for low-income families to receive health coverage through Medicaid, but the proposal also cuts nearly \$6 billion from the Children's Health Insurance Program, which would force near-poverty children off health insurance.

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

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

It has been and continues to be my goal that we complete the appropriations process in the Senate the way it is supposed to be done. Each of the 12 appropriations bills deserves debate and an up-or-down vote on the Senate floor. All Republicans and Democrats vote for the things they support and vote against the things they oppose. That is in the best interest of this country, and I know Chairman COCHRAN shares this goal. As vice chairman, I will work with him to do this.

This budget is an obstacle and not a pathway to this goal. The President's budget proposal is not bipartisan. In fact, I am willing to bet that, if you put the President's budget on the floor today and asked for a vote up or down, even though the Republicans are in the majority in the Senate, it would not pass because it does not make a hint of a gesture toward true bipartisanship. The appropriations process works best when you have bipartisan cooperation. This budget is not in the best interest of the country or of the real priorities of the American people. That is why it would not get even enough Republican votes to pass. It is unbalanced, needlessly provocative, and appallingly shortsighted.

Rural America, including rural States like Vermont, is missing in action in the President's budget. His

budget eliminates key investments in rural communities and leaves them without Federal partnership support for everything from infrastructure development and affordable housing to programs that preserve the environment and provide food for the elderly.

It is a compilation of broken promises to working men and women and struggling families, and it frays the lifelines that help vulnerable families lift themselves into the middle class. This Vermonter does not find that acceptable, and I doubt others do.

Eliminating the Low Income Home Energy Assistance Program, which we call LIHEAP, would leave thousands of Vermonters and thousands throughout this country out in the cold. The government should not be in the business of saying to families: OK, you have a choice. It is 10 degrees outside. You can either have heat, or you can eat. You can either have enough warmth so that you do not freeze to death, or you can have food so that you do not starve to death, but you cannot have both.

We are the most powerful, wealthy Nation on Earth. What a choice to force on people.

From LIHEAP, in my own State, Vermont received nearly \$19 million to help more than 21,000 households in all 14 counties last year. This is a vital lifeline, and it is especially important in rural communities. We cannot slash investments in our rural communities.

We cannot abandon Federal support for cleaning up Lake Champlain. Eliminating the Sea Grant and Geographic programs would be foolish, as it would waste the investments we have already made. It would mean that the money we have put in to clean our lake would end up being lost, and we would have to start all over again.

The large and dynamic ecosystem in Lake Champlain is the largest body of freshwater in the United States outside of the Great Lakes. It borders Vermont, New York, and Canada and is a treasure, but we cannot stand still. We do not want it to become polluted like other bodies of water throughout our country. You either advance or you slip behind, and once you start slipping behind, it becomes an escalating matter.

The budget is full of cuts that advance the administration's antiscience, know-nothing-ism agenda. It eliminates thousands of scientists and shuts off funding for research into cures for everything from Alzheimer's to cancer. You cannot say to people who are trying to find a cure for cancer and so many other diseases: Oh, we are going to cut your money for a few years, turn everything off, send the scientists home, and maybe in a few years we might give you money again.

You cannot do that with medical research. The University of Vermont would lose millions of dollars for valuable research—research that you cannot pause and hope to resume. We are so close to finding a cure for most kinds of cancer, just as we did years

ago with polio. Are we going to turn that off? Are we going to say to the American people: We want to have a sloganeering budget. Sorry. When your grandchildren come along, maybe someday, somebody will restore this science and will find a cure for cancer.

This budget not only denies the reality of climate change, but it eliminates all of the Environmental Protection Agency's climate programs, from voluntary incentives to programs that seek to prevent further damage to public health and environmental quality. Climate change is very real, and we are at a critical moment. Now is not the time to turn back the progress we have been making.

The President has promised jobs, jobs, jobs. I would love to see jobs, jobs, jobs in this country, but under his budget, an estimated 4 million people, including veterans, would lose access to employment and training services next year. Four million Americans would lose that promise of a job. He would eliminate almost \$4 billion from Pell grants. You do not create jobs by denying young people access to affordable higher education or by slashing job training.

Cutting the State Department's budget by more than 30 percent shows a clear lack of understanding of the vital role of soft power in our national security. The Secretary of Defense said: If you are going to cut the State Department's budget this way, you had better give me money to buy more bullets, because I am going to need them.

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

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

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

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

Mr. President, there are far too many illogical, arbitrary, and harmful cuts in spending and wholly unbalanced priorities in the President's proposed fis-

cal year 2018 budget to list at one time. I will have plenty more to say about that in the weeks and months ahead, but I do want to take a moment to highlight one, as it illustrates the foolhardy way this Administration has sought to appease right-wing ideologues rather than do what is truly in the national interest.

For fiscal year 2017, the Congress—Republicans and Democrats—agreed to appropriate \$607.5 million for international family planning programs. Under our law, none of those funds can be used for abortion. They are for contraceptives and services like education and counseling to promote voluntary family planning in the world's poorest countries and, by doing so, to reduce reliance on abortion, reduce child mortality, improve maternal and child health, and increase opportunities for women and girls.

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

For fiscal year 2018, the Trump Administration proposes to eliminate funding for international family planning as a way to "protect life." That may be an appealing sound bite, but that's all it is. For every \$10 million reduction in funding for family planning and reproductive health programs, the data shows that approximately 440,000 fewer women and couples receive contraceptive services and supplies, resulting in 95,000 additional unintended pregnancies, including 44,000 more unplanned births, 38,000 more abortions, and 200 more pregnancy-related deaths.

How does that protect life? The evidence is overwhelming that the absence of family planning not only means more unsafe abortions but higher birth rates, 95 percent of which occur in the poorest countries that cannot feed or provide jobs for their people today.

I would say to the ideologues in the White House who think that the way to protect life is to cut off funding for family planning: They don't know what they are talking about. These are the same people who support vastly expanding the Mexico City Policy beyond President Ronald Reagan and both President George H.W. Bush and President George W. Bush, to all global health funding. In fact, they will be responsible for more abortions, higher rates of child mortality, higher rates of maternal death, and greater suffering.

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

to modern family planning services every day. The outcry would be immediate, and it would be deafening.

I am confident that the Congress will reject this unwise and cruel proposal. It would be unconstitutional in this country, and it should not be imposed on millions of impoverished people in the developing countries who depend on our assistance.

I would note the importance of it. We had a man whom I admired greatly in this body, a Republican chairman of the Senate Appropriations Committee, Mark Hatfield. He was strongly anti-abortion but was an honest and good man who said that we had to have these family planning programs because without them, the number of abortions would skyrocket, that the number of deaths at birth would skyrocket, and that we would have higher birth rates, 95 percent of which would occur in the poorest countries that could not feed or provide jobs for their people.

Let's not do that again. Let's not make policy by sound bite. Let's make policy as to what is best for our country and that best respects the values of America—values that we have tried to demonstrate throughout the world. We also try to demonstrate that to our own country no matter where you are, whether you are Republican or Democrat or Independent, whether you are poor or rich, rural or urban. Let's work on what is the best for America, not on a budget that tries to polarize America and pits one group against another.

Mr. President, on this table I have on the floor, I note that it shows how we, at the Pentagon, have money to put into a border wall at the cost of the Department of Agriculture, clean energy, climate change, the environment, education, foreign aid, infrastructure, healthcare, the middle class, civil rights, labor unions, nutrition programs, child nutrition, and community investments. If we want to spend \$40 billion on a wall that will make no sense and have the taxpayers pay for it—easy—let's vote it up or down. I do not think the American people want it. They would rather see that money be spent on programs that educate people, that create jobs, that improve science and find cures for cancer and others, not for a wall that we will pay for and that nobody else will pay for.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all postcloture time on the Sullivan nomination expire at 3 p.m. today and that, if confirmed, the motion to reconsider

be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

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

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FISCHER. 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.

AMERICA'S SURFACE TRANSPORTATION SYSTEM

Mrs. FISCHER. Mr. President, I rise to discuss problems that affect almost every aspect of our everyday life no matter who we are, where we live, our level of income, or any other distinction that might be possible to make. These problems have to do with America's surface transportation system.

Like most Nebraskans, I believe infrastructure is a core duty of the Federal Government. It represents investment in our economy, public safety, and national security. In the Senate, much of my work has been focused on removing unnecessary obstacles to the flow of goods, materials, and, most importantly, people along our Nation's surface transportation networks. Through legislation and with Executive orders, we did lower the coefficient of friction on these systems. We can lower that enough that people and products can get where they need to go quicker and at a lower cost. I have been proud to support several pieces of legislation to do just that.

In 2015, Congress passed the Fixing America's Surface Transportation Act—the FAST Act. It was our first long-term highway bill in more than a decade. As chairman of the Surface Transportation Subcommittee in the Senate, I was glad to help steer it to final passage.

I am also proud to have authored a significant number of its provisions. For example, the bill includes a new national strategic freight program that provides every State with annual guaranteed funding. Because of the freight program, States will have greater flexibility to work with key stakeholders and local officials to develop strategic investments in transportation. The program funnels transportation funds to States and allows them to decide on their terms how to use it. By dedicating funding for rural and urban freight corridors, the program enhances the flow of commercial traffic, and it increases safety on our Nation's roads.

The true beauty of this program is that it offers States the opportunity to make critical investments to best meet their specific geographic and their specific infrastructure needs. Nebraska can elect to invest in a rail grade crossing or a truck parking lot along a rural

road. California could choose to invest in ondock rail projects at our Nation's largest port complex located just outside of Los Angeles. It works for all States without leaving any behind.

The FAST Act was an important first step, but there is more to be done. President Trump has spoken frequently about the need to invest in our transportation infrastructure. Just yesterday, the administration released a set of principles for reexamining how we do that. I am encouraged to see these proposals that will give States greater flexibility to develop our infrastructure as well as reduce unnecessary regulations that delay these very important projects.

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

I also brought up the issue of delays due to burdensome regulations like the National Environmental Policy Act permitting process that directly affects Nebraska projects. To address these delays, the Nebraska Unicameral unanimously passed legislation that would allow the Nebraska Department of Roads to assume the NEPA permitting process. NDOR has sent a letter to the Federal Highway Administration to begin the implementation of this program, and that could take up to 18 months to complete.

I asked the Secretary for an update on the progress of the application, and she assured me the Department is following it closely. She said: "We know the issue, we are tracking it, and we will continue to pay attention." Furthermore, Secretary Chao explained that the administration "will not specify any list of projects" in an infrastructure plan. States know their transportation needs best, not the Federal Government. The larger the role States have from start to finish in developing their own infrastructure, the more they can direct funding to the projects that directly affect their citizens.

For the benefit of families across America in both our urban and our rural areas, we need to look for out-of-the-box solutions to ensure that our infrastructure is up to date. That is why I have introduced the Build USA Infrastructure Act, which looks to solve two major challenges to our transportation

system. The first is the near-term solvency of the highway trust fund's expiration of the FAST Act in 2020. The second is a lack of flexibility for States in starting and finishing major transportation infrastructure projects.

According to the March 2016 Congressional Budget Office projections, by the year 2026, the highway trust fund will face a cumulative shortfall of approximately \$107 billion. Meanwhile, we see construction costs climbing. The rise in the use of electric and alternative-fuel vehicles is causing trust fund revenues to fall. Heavy Federal regulations continue to eat away at that purchasing power of the highway trust fund.

America needs a new plan to successfully meet the looming highway trust fund shortfall and to strengthen our transportation system. The Build USA Infrastructure Act gives us a plan.

For 5 years following the expiration of the FAST Act, this legislation would direct the U.S. Treasury to dedicate approximately \$21.4 billion in Customs and Border Patrol-collected fees and revenues to the highway trust fund. Now, CBP revenue collections on freight, cargo, and passengers include tariffs, duties, taxes, and user fees at U.S. land, water, and air ports of entry. CBP revenues from these sources amounted to nearly \$46 billion in fiscal year 2015. Because of their nature as charges on freight and travelers, Customs duties and fees closely abide by the "user pays" principle that we look at in transportation funding. According to CBP, the agency only utilizes \$2 billion of that revenue for its operations, so the diversion of revenue would not negatively impact CBP's operating budget. By using an existing revenue stream which has a transportation nexus, we provide stability to the highway trust fund without increasing fees or taxes, and that is sound policy.

The Build USA Infrastructure Act also offers greater flexibility to States so their limited highway dollars can go further for them. I served 8 years in the Nebraska Legislature. I know our States, counties, and cities face real challenges in starting and completing infrastructure projects because of excessive procedural costs, delays, and really an overall lack of transportation funding. According to the Congressional Research Service, major Federal highway projects can take as long as 14 years to complete from start to finish. It took less time to build the Panama Canal, and we did that more than a century ago.

Greater flexibility, improved collaboration, and more autonomy can help States begin and complete their vital infrastructure projects in less time, which means lower costs. The Build USA Infrastructure Act would let them do that through State remittance agreements. This legislation would offer States more flexibility and control of infrastructure funding by establishing a new partnership between

them and the U.S. Federal Highway Administration. Under this arrangement, States are permitted to enter into voluntary remittance agreements whereby they can remit 10 percent of their Federal aid highway dollars in exchange for State purview over design, permitting, and construction aspects of Federal aid highway projects. The State-remitted money to the Federal Highway Administration would be deposited into the highway trust fund to help further address its growing deficit. It would give States breathing room as they work to bring in projects on time and on budget.

I am so confident in this bill because I have seen these concepts work at the State level. As a State senator in the Nebraska Legislature, I introduced the Build Nebraska Act. It directed a quarter of each cent of sales tax revenue toward maintaining Nebraska's roads and bridges. Because of it, more than \$1 billion will be available to meet Nebraska's infrastructure needs over the next 17 years.

I also introduced legislation that tasked the Nebraska Department of Roads with developing the Federal Funds Purchase Program. In exchange for giving up a portion of Federal transportation dollars, Nebraska counties and their towns can now receive funds with more reasonable regulatory requirements. Because of this program, major Nebraska transportation projects, such as the longstanding bridge replacement in Buffalo County and a major arterial street in South Sioux City, are up and running.

Investing in infrastructure means so much more than just adding a few lines to a map. It means connecting our families and delivering goods and services. In Nebraska's case, it means feeding the world. With persistence and prudent planning, we can build for the future, we can give greater economic opportunity to rising generations, and we can connect communities—family to family, town to town, and coast to coast.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

HUMAN TRAFFICKING

Mr. CORNYN. Mr. President, I am happy to announce that soon I will be introducing legislation that reauthorizes several critical provisions to help fight human trafficking and bring us one step closer to ridding our country of this heinous crime.

The Abolish Human Trafficking Act is chiefly a bill about getting human trafficking victims the help they need by focusing on ways to support them as they rebuild their lives. To me, one of the most shocking things about this

terrible crime that victims of human trafficking need most is a safe place to live because without that, they will not be able to escape the people who have enslaved them, nor will they be able to begin the steps of the long road to recovery.

This legislation reauthorizes the Justice Department's Domestic Trafficking Victims' Fund, which we established when we passed the Justice for Victims of Trafficking Act, a bill I authored that was signed into law last Congress. This fund—like a crime victims compensation fund—provides critical resources to help victims get the services they need to recover.

Part of the fund is financed through fines collected on convicted traffickers. It is a clear way we can use these fines to do some good. Last year, the fund provided almost \$5 million in victims services. By reauthorizing it, it can continue to serve more victims.

The bill also empowers victims by permanently reauthorizing the Human Trafficking Advisory Council—a group of survivors who annually advise the government on ways to combat this crime and lend a hand.

This bill goes a long way to help victims who should be at the forefront of any of our conversations about human trafficking. There is also no question that our Nation's law enforcement officials need more support to track down the perpetrators of this crime and bring them to justice. Certainly, law enforcement needs more training to better equip them to serve victims too. This bill also does that.

It requires the Department of Homeland Security to implement screening protocols across law enforcement anti-trafficking task forces. One of the hardest things about human trafficking may be, in fact, being able to identify that it is occurring when it occurs right in front of your eyes.

This training will impact the work of law enforcement at the Federal, State, and local levels. That way, law enforcement at every level of government can learn how to better spot trafficking victims and will have the adequate training to connect victims to the services they need in order to recover.

The legislation will also direct the Department of Health and Human Services to continue a pilot program to train healthcare providers about human trafficking. Healthcare providers, after all, are likely to come in contact with human trafficking victims as well, and they need to know the telltale signs that will alert them so they can report this to the appropriate authorities.

I have noted before that so much of the battle is about educating professionals but not just professionals. I would say all of us as ordinary citizens need to be on the lookout for signs of human trafficking.

Sadly, I learned a few years ago, when the Super Bowl was held in Texas, that one of the premier trafficking events in the Nation each year

is the Super Bowl, sad and as tragic as that sounds.

There is a role for all of us to play as regular citizens in identifying the tell-tale signs of human trafficking, and then when we see something wrong, to say something about it so hopefully they can be investigated.

Through pilot programs like this one, my hope is that more people will better understand it. The more people who understand trafficking and its warning signs, the more we can do to help those trapped in this modern-day slavery.

The legislation will also give law enforcement more resources to target criminal street gangs who profit from human trafficking. They view human beings as just another commodity that they can make money from, and going after criminal street gangs who profit from human trafficking is really important. We would also enhance the penalties for several human trafficking-related offenses as well.

Finally, the Abolish Human Trafficking Act will improve and update the national strategy to fight human trafficking across the country by requiring the Department of Justice to add a demand reduction component. This will build on legislation passed in the last Senate by a vote of 99 to 0, the Justice for Victims of Trafficking Act.

I know by reading the newspaper and watching TV, people think nothing happens in Washington that is truly nonpartisan or bipartisan in nature. This is an example of why that is wrong. Certainly, this is a cause that every Member of the Senate can get behind, and there is no reason we shouldn't be able to pass this legislation soon with similar strong bipartisan, literally overwhelming bipartisan support.

I am grateful to our friend and the chairman of the Senate Judiciary Committee, Chairman GRASSLEY, for his focus on doing all we can for victims of human trafficking. In addition to his support for the Abolish Human Trafficking Act, I know he also plans to introduce complementary anti-trafficking legislation, the Trafficking Victims Protection Act.

I am hopeful both bills will be considered soon so we can prove the Senate is united in our opposition to human trafficking and so we can lend more support to the victims who so desperately need it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

NOMINATIONS

Mr. ALEXANDER. Madam President, here is the scorecard on 557 Presidential nominations during the first

100 days of the Trump administration, through April 29. According to the Partnership for Public Service, in collaboration with the Washington Post, on Cabinet appointments, President Trump did his job, but Senate Democrats did not do their job. The President announced all of his Cabinet nominations before he was inaugurated on January 20, but Democrats delayed confirmation of Cabinet nominations more than those of any other recent President. On sub-Cabinet appointments, President Trump did not do his job. He was slower than any other recent President to send his nominations to the Senate.

So here is what could happen. If Democrats continue their delaying tactics, when President Trump does send sub-Cabinet nominees to the Senate, the President would have every excuse to stop nominating and simply appoint acting officials to about 350 of the remaining key positions.

An administration managed by acting Presidential appointees who have not been confirmed by the Senate would be a first in American history. Delaying the inevitable approval of nominations of a President you oppose might sound to your political base like good politics, but it would be supremely bad governing. Senate Democrats would actually diminish their influence and shoot themselves in both feet. They would be turning over to a President they don't like an excuse to staff the government with about 350 key appointees who are unconfirmed and unaccountable to the Senate. Now, this 350 number does not even include the Ambassadors in embassies all around the world, where there may be acting heads of the embassy.

Now, what difference would it make to have an administration mostly unexamined and unconfirmed by the Senate? Well, it would mean that the Senate would be giving the Executive more power at the expense of the legislative branch.

This undermines the checks and balances created by our Nation's Founders. Democrats complained that Republicans delayed some of President Obama's nominees, and that is true. In fact, that has always been true. My own nomination for U.S. Education Secretary in 1991 was delayed for 2 months by a Democratic Senator who put a hold on my nomination for unexplained reasons.

President Ford's nomination of Warren Rudman to the Interstate Commerce Commission in 1976 was blocked by Democratic New Hampshire Senator John Durkin.

The rest of the story is that Rudman eventually asked President Ford to withdraw the nomination, ran against Durkin, and defeated him in the next election. That is how Warren Rudman got to be a U.S. Senator. There is a better way to resolve differences between Senators and the President.

In December of 2015, President Obama seemed content to allow John

King of New York to serve as his Acting Secretary of Education for the last year of President Obama's term. I told the President I thought it was inappropriate for a President to have an acting Cabinet member for so long and that, while I disagreed with Mr. King on many points, I urged him to nominate King and, if he did, I promised that I would hold a prompt hearing and see to it that he was confirmed.

President Obama nominated John King on February 11, 2016. John King was confirmed by the U.S. Senate on March 14, 2016. I disagreed with Secretary King often, but the Secretary was confirmed. He was confirmed by and accountable to the U.S. Senate, as he should have been and as our Constitution envisions.

All of President Trump's Cabinet nominees are now confirmed, but this is how long it took compared with his three immediate predecessors: All of President Trump's nominations were announced before his inauguration, but the Senate confirmed only two of those nominations on day one because Senate Democrats would not agree to any more than that. A third Cabinet nominee was confirmed on January 31st. To compare, by January 31st in prior administrations, President Obama had 10 nominees confirmed, and George W. Bush and Bill Clinton each had 13 confirmed.

Please keep in mind that it is impossible for Democratic Senators by themselves to defeat a Trump nominee. Confirmation requires only a majority voting to be present; that is usually 51 Senators. There are 52 Republican Senators and, in addition, Vice President PENCE can vote in the case of a tie. There is no 60-vote filibuster available to block nominees because Democrats, when they were in the majority in 2013, changed Senate rules to eliminate the filibuster on nominations. So by their obstruction, Democrats are only delaying the inevitable, using various tactics to require the Senate to use nearly a week of floor time to approve even noncontroversial nominees.

We don't know how Democrats will treat President Trump's more than 350 remaining key nominees because the President has made so few of those. For example, I am chairman of the Health, Education, Labor, and Pensions Committee. Aside from the Cabinet secretaries who come to our committee, of the 557 key positions identified by the Washington Post, 35 of them within the Cabinet agencies require recommendations to the full Senate by the HELP committee. In the Department of Health and Human Services, we have eight. In the Department of Education, we have 14. In the Department of Labor, we have 13.

At the end of the first 100 days, April 29th, our committee had received just one sub-Cabinet nomination from the Trump administration—that of Dr. Scott Gottlieb for FDA commissioner. He was promptly confirmed on May 9th.

Compared with President Trump's one sub-Cabinet nomination sent to our committee in his first 100 days, President Obama made 13 sub-Cabinet nominations in his first 100 days, President George W. Bush made 10, and President Clinton made 14 to our committee.

There are actually nearly 700 more Presidential nominees requiring Senate confirmation who aren't considered key by the Washington Post analysis, so you can see this adds up to be a pretty big number of Presidential nominees whom we have a responsibility to consider and to confirm if we approve them.

Unfortunately, there are ominous signs about how Democrats will treat non-Cabinet nominees. As the Presiding Officer is especially aware, Democrats required the Senate to take nearly a week of floor time to consider the nomination of Iowa Governor Terry Branstad to serve as Ambassador to China. There was absolutely no excuse for this other than obstructionism.

Governor Branstad is the longest serving Governor in American history. He has a well-documented relationship with the Chinese President. He was one of the first appointees that the President announced. He was approved by a voice vote by the Senate Foreign Relations Committee, and ultimately approved by the full Senate earlier this week 82 to 13.

Yet, as a delaying tactic, Senate Democrats forced us to use nearly a week of our floor time to consider Governor Branstad. If Democrats treat other noncontroversial Ambassadors and sub-Cabinet members the same way they treated Governor Branstad, requiring nearly a week of Senate floor time to consider a nominee, then I think President Trump would almost certainly bypass the Senate and name hundreds of acting heads of sub-Cabinet departments. Under our Constitution, he may do that whenever he chooses. There are flexible limits on the time one may serve in an acting position, but if that time expires, the President can simply appoint someone else.

Hopefully, President Trump will speed up his nomination of sub-Cabinet members, and hopefully Democrats will return to the common practice of routine floor approval of Presidential nominations when the confirmation process has determined that the nominee deserves to be approved.

Our Founders created a system of government based on checks and balances of the three coequal branches of government. There has been much complaining recently about the rise of the executive branch at the expense of the legislative branch. Having an executive branch and embassies mostly staffed by acting personnel not confirmed by or accountable to the U.S. Senate undermines the principle of three coequal branches of government.

The President should want his team in place and should speed up recom-

mending key nominees to the U.S. Senate. And Senators, especially those in the minority, should want to have a say in the vetting and accountability that come with the Senate confirmation process.

FRED D. THOMPSON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 375, which was received from the House.

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

The bill clerk read as follows:

A bill (H.R. 375) 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."

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

Mr. ALEXANDER. Mr. President, I 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.

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

The bill (H.R. 375) was ordered to a third reading, was read the third time, and passed.

Mr. ALEXANDER. Mr. President, I am grateful that the Senate has approved that measure naming the Fred D. Thompson Federal Building and United States Courthouse in Nashville.

I stand at the desk of former Senator Thompson. This was a desk that Senator Howard Baker also had. I have the desk myself because Senator Thompson and I were inspired by Senator Baker to be involved in politics and government in our State and the House of Representatives—our delegation.

I think Senator CARPER and his committee all seem to think that it is very appropriate that the new Nashville courthouse be named for Senator Thompson. It gives me a great deal of pride and personal privilege to be able to ask for that to be done. I thank Congresswoman BLACKBURN in the House for her leadership and all the Members of the delegation and the Members of the Senate for their cooperation in this.

I thank the Presiding Officer.

I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF COURTNEY ELWOOD

Mr. WYDEN. Madam President, the Senate will shortly consider the nomination of Courtney Elwood to be the CIA's General Counsel. I wanted to take a few minutes this morning to discuss the nomination and put it in the context of the extraordinary national security challenges our country faces.

It is hard to imagine a more despicable act than the terrorist attack in Manchester Monday night, killing innocent teenagers and children who were out to enjoy a concert. The suffering that Americans and all in the Senate have been reading about and watching on television is heart-breaking by any standards. I think it is fair to say that, as Americans, we stand in strong solidarity with our British friends, our allies, as they confront this horror. Our country will, as we have for so many years, stand shoulder to shoulder with them as there is an effort to collect more information about this attack, about what actually happened, and work to prevent future attacks.

Not everything is known about the attack, but one thing Americans do know is that it can happen here. That is why, as I begin this discussion on this important nomination and the challenges in front of our country, I would like to start, as I invariably do when we talk about intelligence matters, by recognizing the extraordinary men and women who work in the intelligence community, who work tirelessly across the government to keep our people safe from terrorist attacks. So much of what they do is in secret, and that is appropriate. It is so important to keep secret what is called the sources and methods that our intelligence community personnel are using. It is important to the American people and it is important to our country to make sure that the people protecting them every day can do their jobs.

The reason I took this time this morning to talk about this nomination is to talk about the broader context of what we owe the American people, and I feel very strongly that we owe the American people security and liberty. The two are not mutually exclusive, and it is possible to protect the people of our country with smart policies that protect both their security and their liberty.

Smart policies ensure that security and liberty are not mutually exclusive. For example, I would cite as a smart policy something I was proud to have been involved in. Section 102 of the USA FREEDOM Act sought to make sure that we weren't just indiscriminately collecting millions of phone records on law-abiding people. A provision, section 102, says that when our government believes there is an emergency where the safety and security and well-being of the American people is at stake, our government can move immediately to deal with the problem and then come back later and settle up with respect to getting a warrant. That was something that, I thought, really solidified what was a smart policy.

Our Founding Fathers had a Fourth Amendment for a reason—to protect the liberties of our people. What we said is that we are going to be sensitive to those liberties, but at the same time, we are going to be sensitive to

the security and well-being of the American people at a dangerous time. We are going to say that, if the government believes there is an emergency, the government can go get that information immediately and come back later and settle up with the warrant process.

Issues ensuring that we have security and liberty are especially important today. We obviously face terrorism. We are challenged by Russia and North Korea, and the list can go on and on. The fact is, there are a host of these challenges, and it seems to me that if we look at the history of how to deal with a climate like this, too often there is almost a kind of easy, practically knee-jerk approach that is billed as dealing with a great security challenge that very often gives our people less security and less liberty. At a time when people want both, they end up getting less. That is what happens so often in crises, and far too often it happens in large part because senior lawyers operating in secret give the intelligence community the green light to conduct operations that are not in the country's interest.

I am going to walk through how misguided and dangerous decisions can be made and how much depends on how the lawyers interpret current law. In past debates people have said: You know, that happened years ago, many years ago, and various steps were taken to correct it. Today, I am going to talk about how misguided and dangerous decisions can be made today.

At the center of this question is the nominee to be the CIA general counsel and what I consider to be very troubling statements that have been made on a number of the key issues that involve decisions that will be made now. In outlining those, I want to explain why it is my intention to vote against the confirmation of Courtney Elwood to be the CIA's general counsel.

The key principle to begin with is that there is a clear distinction between keeping secrets of sources and methods used by the intelligence community, which is essential, and the creation of secret law, which is not. We in the Senate have a responsibility to make sure the public is not kept in the dark about the laws and rules that govern what the intelligence community can and cannot do.

I believe the American people understand that their government cannot always disclose who it is spying on, but they are fed up with having to read in the papers about the government secretly making up the rules. They were fed up when they learned about the illegal, warrantless wiretapping program. They were fed up when they learned about the bulk collection of phone records of millions of law-abiding Americans.

What our people want to know is that the rules are going to be, No. 1, clear to everybody and, No. 2, that the government is operating within those rules. That is why the nominations for the

intelligence community are so important. The American people need to know how these men and women understand the laws that authorize what they can and cannot do in secret.

Shortly, the Senate will consider the nominee to be the CIA's general counsel. I believe there are few more important positions in government than this one, when it comes to interpreting key laws. The advice the general counsel provides to the Central Intelligence Agency will be shielded from the American people and possibly from Congress as well. There is almost never accountability before the public, the press, watchdog groups, or other public institutions that help preserve our democracy. There are almost never debates on the floor of the Senate about the legality of the CIA's operations. It is all in secret.

The advice of this general counsel will carry especially important heft, given what CIA Director Mike Pompeo said during his confirmation. Again and again during those confirmation hearings, when asked what boundaries Director Pompeo would draw around the government's surveillance authorities, the Director responded that he was bound by the law. In effect, the Director said to the Senate and this body that he would defer to the lawyers. So if Congress and the American people were to have any clue as to what the Central Intelligence Agency might do under Director Pompeo, we were going to have to ask the nominee to be general counsel. That is why it is critical that she answer questions about her views of the law and that she answer them now before a confirmation vote.

I asked those questions, and what I heard in return was either a troubling response or some combination of "I don't know," and "I will figure it out after I am confirmed."

Now, without answers, we are left largely to judge Ms. Elwood by her record. So I am going to start by looking back at her previous service and what she says about it now.

With respect to the National Security Agency's illegal warrantless wiretapping, that became public at the end of 2005 when Ms. Elwood was at the Department of Justice. She reviewed public statements about the program and held discussions about those public statements with individuals inside and outside the administration. That includes discussions with the Department of Justice's Office of Legal Counsel about the Department's legal analysis justifying the warrantless wiretapping program. She was especially involved when the Attorney General made public statements about the program. So the committee asked her about some of that Justice Department public analysis, and, in particular, the Department of Justice January 2006 white paper that was thought to justify the warrantless wiretapping program. Ms. Elwood responded that she thought at the time that the Department of Justice's analysis was "thorough and

carefully reasoned and that certain points were compelling."

This was an illegal program. It violated the Foreign Intelligence Surveillance Act. No interpretation of the law that defended that warrantless wiretapping program is carefully reasoned or compelling. It was an illegal program.

Ms. Elwood also said that some of the analysis "presented a difficult question" and that "reasonable minds could reach different conclusions." Of course, the point is not what "reasonable minds" might conclude. The point for us in the Senate is what her mind would conclude. Remember, this is the Department of Justice's conclusion that the laws governing wiretapping of Americans inside the United States could be disregarded because the President says so or because the Department of Justice secretly reinterprets the law in a way that no American could recognize. Remember, too, that we are talking about a program that may have begun shortly after 9/11, but it was still going on secretly and without congressional oversight more than 4 years later when it was revealed in the press. That was the context in which the Department of Justice—at the end of 2005 and the beginning of 2006, when Ms. Elwood was at the Department—determined that the warrantless wiretapping program was perfectly legal and constitutional.

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

I wanted to give Ms. Elwood every opportunity to reconsider and distance herself from these assertions I described. So I asked very specific questions. First, did the Fourth Amendment warrant requirement apply? No, she responded. She endorsed the view that the warrantless wiretapping of Americans on American soil did not require warrants under the Fourth Amendment. That was not very encouraging.

What about the other arguments made to try to justify this illegal program?

The first was the notion that the 2001 authorization for use of military force somehow gave the government the green light to conduct warrantless wiretapping of Americans inside the United States. This argument was ludicrous. The authorization for use of military force said nothing about surveillance. The applicable law governing national security wiretapping was the Foreign Intelligence Surveillance Act—period. If the Bush Administration had wanted the law to conduct warrantless wiretapping after 9/11, it could have asked the Congress to pass it as part of the PATRIOT Act. It didn't. So when they got caught and had to explain to the public what they had been doing all these years, they said that the authorization for use of military force, which the Congress understood as authorizing war in Afghanistan, somehow magically allowed for

wiretapping in the United States. The second argument was that the President had something called “inherent power” to disregard the law.

I asked Ms. Elwood if she agreed with either of these arguments. She wouldn’t answer the question of whether the authorization for use of military force authorized warrantless wiretapping, and she wouldn’t answer the question of whether the President’s so-called inherent power authorized the warrantless wiretapping. That was not very encouraging, either.

I did get one answer. Ms. Elwood said that the arguments that the Bush Administration’s secret interpretation of the authorization for use of military force, combined with the President’s so-called inherent powers, allowed for the warrantless wiretapping, in her view, that “seemed reasonable.” That definitely was not encouraging.

Then it occurred to me that having asked her about the past in some of these concerns that I have just raised, I thought maybe that is all part of yesteryear. Maybe that is all in the past. Let bygones be bygones. So I looked for assurances that Ms. Elwood’s defense of warrantless wiretapping wasn’t relevant now. After all, Ms. Elwood’s response to questions about the program referred to the law at the time. Maybe current law makes clear to everyone, including the nominee, that there will never again be warrantless wiretapping of Americans in the United States.

So what does the law actually say now? Back in 2008, Congress took a big part of the warrantless wiretapping program and turned it into the law now known as section 702 of the Foreign Intelligence Surveillance Act. The Congress wanted to make it absolutely clear that our country had really turned the page and that Americans wouldn’t have to worry about any more violations of the law. So the Congress included in the law a statement that said: We really mean it. This law is “the exclusive means” by which electronic surveillance could be conducted.

I asked Ms. Elwood about whether the President’s supposed powers under the Constitution could trump the current statutory framework in the Foreign Intelligence Surveillance Act. Specifically, I asked her whether that provision in law—the one passed in 2008 that explicitly states that the Foreign Intelligence Surveillance Act is the exclusive means for conducting wiretapping—would keep the President from asserting some other constitutional authority in this area.

She said she had not studied the question. This was the most troubling answer of all because this is about how the law stands today. This is not talking about yesteryear. This is about how the law stands today, and this was the nominee to be general counsel to the Central Intelligence Agency’s not ruling out another assertion of so-called inherent Presidential power to override the law.

My fear is that if the public cannot get reassuring answers now to these

fundamental questions of law, then Americans could end up learning about the nominee’s views when it is too late—when our people open up the newspapers someday and learn about an intelligence program that is based on a dangerous and secret interpretation of the law. It happened repeatedly in the past, and my message today is that the Senate cannot let it happen again.

One of the reasons Ms. Elwood’s views on whether the government was obligated to respect the Foreign Intelligence Surveillance Act is so important is that, for the most part, the Central Intelligence Agency operates under authorities that are actually more vague than is the Foreign Intelligence Surveillance Act. In fact, those authorities are not even established in a statute that people in Iowa and Oregon could just go and read. The CIA’s authorities to collect and use information on Americans and even to secretly participate in organizations in the United States are conducted under an Executive order, Executive Order No. 12333.

In January, during the last 2 weeks of the Obama administration, the intelligence community released two documents that offered a little bit of insight into how intelligence is collected and used under this Executive order. It was good that the Obama administration released the documents. More transparency is why I can come to the floor and be part of this conversation.

These and other publicly available documents demonstrate the extent to which the CIA deals with information on Americans all of the time. Right now, the CIA is authorized to conduct signals intelligence as well as the human intelligence that is generally associated with the Agency, and the intelligence the CIA obtains from various sources, which can be collected in bulk, inevitably includes information on law-abiding Americans.

What do the rules say that apply to all of this information on Americans? What these rules say is, under this Executive order, the CIA can mostly do what it wants. If Ms. Elwood could find wiggle room in the airtight restrictions of the Foreign Intelligence Surveillance Act, I think the Senate ought to be asking: What might she do with the flexibility in the rules that govern what the CIA can do under this Executive order?

In fact, even when this Executive order includes limitations, there are usually exceptions. Guess who decides what the exceptions are. The CIA Director and the CIA General Counsel.

In short, the rules look like an invitation for the CIA Director and the general counsel to conduct secret programs and operations that rely on case-by-case decisions that have no clear or consistent legal framework. That is why it is so important that these nominees give us some sense of where they stand before they are confirmed.

I started with Mike Pompeo, who is now the Director of the Central Intelligence Agency. He wrote an article—an op-ed piece as it is called in the press—that called for the government to collect the bulk records of law-abiding Americans’ communications and to combine all of those records—“publicly available financial and lifestyle information into a comprehensive, searchable database.”

That, in my view, is breathtaking. It makes what everybody was talking about with regard to the old phone records collection effort look like small potatoes.

At his hearing, I asked then-Congressman Pompeo whether this database would have any boundaries. In other words, he is setting up a brandnew database—bigger than anything people have seen. He is going to collect people’s lifestyle information and who knows what else.

He said “of course there are boundaries. Any collection and retention must be conducted in accordance with the Constitution’s statutes and applicable Presidential directives.”

The real question is, What does that mean?

It means the person who is deciding what, if anything, Director Pompeo’s CIA cannot do is the lawyer, and that is where the nominee—Ms. Elwood to be general counsel—comes in.

We might ask: How would these questions come up at the CIA?

As a hypothetical, one question I asked Director Pompeo was: What happens when a foreign partner provides the CIA with information that is known to include the communications of law-abiding Americans?

For example, what if the Russians collected information on Americans and, instead of providing it to WikiLeaks, gave it to the CIA? It could be sensitive information about political leaders and our country and journalists and religious leaders and just regular, law-abiding Americans. What would Director Pompeo do in that situation? When, if ever, would it be inappropriate for the CIA to receive, use, or distribute this information?

His answer was that it is highly fact-specific. He said he would consult with lawyers.

So, when she came for her nomination hearing, I said this is our chance. Let’s ask the lawyer, Ms. Elwood, who is the nominee to be general counsel.

She said, like Director Pompeo, it would be based on all of the facts and circumstances. She said she had no personal experience with such a decision and was unable to offer an opinion.

This, in my view, is a prescription for trouble. We have a CIA Director and a nominee to be general counsel of the Agency, and neither of these two individuals will tell the Congress and the American people what the CIA will do under these circumstances which relate directly to the privacy of law-abiding and innocent Americans.

In her responses to committee questions, Ms. Elwood referred to one of the

documents that was released in January—the revised Attorney General guidelines—which she said imposed “stringent and detailed restrictions” on what the CIA can do with the intelligence it collects that is known to include information about Americans.

We are not talking about an insignificant amount of information on Americans. We are talking about bulk collection. We are talking about information on Americans that the rules, themselves, describe as “significant in volume, proportion, or sensitivity.” Obviously, the mere fact that the CIA collects and keeps this kind of information raises a lot of concerns about infringements of Americans’ privacy.

I wanted to know what these stringent restrictions were that Ms. Elwood was talking about that she said would, again, just sort of magically protect the rights of Americans.

One of the issues our people are especially concerned about is whether the government, after it has collected lots of information on Americans, can conduct warrantless, backdoor searches for information about specific Americans. Those who dismiss the concerns about these backdoor searches argue that if the intelligence has already been collected, it is just no big deal to search it, even if the search is intended to obtain information on innocent, law-abiding Americans. The problem is, the more collection that is going on, the bigger the pool of Americans’ information that is being searched.

This has come up with regard to section 702 of the Foreign Intelligence Surveillance Act, which we are going to debate in the coming months. As my colleagues know, a bipartisan coalition—a bipartisan group of Senators and House Members—has been trying for years to get the intelligence community to tell us how many innocent, law-abiding Americans are being swept up in the section 702 collection. That number, if we can ever get it, is directly related to whether the intelligence community should be allowed to conduct warrantless searches on particular Americans, and it is directly related to the point I offered at the outset, which is that we must have policies that promote security and liberty. If we do it smartly, we can have both.

These questions I have described also apply to information that is collected under the Executive order. In the case of the Executive order, there is not even a discussion about how much information about Americans gets swept up.

So what do the rules say about backdoor searches that have been conducted by the CIA under this Executive order?

It turns out, the CIA can conduct searches through all of this information on law-abiding Americans if the search is “reasonably designed to retrieve information related to a duly authorized activity of the CIA.”

Ms. Elwood has told the Intelligence Committee that there are really strin-

gent requirements on this, but as I just read—“reasonably designed to retrieve information related to a duly authorized activity of the CIA”—that sure does not sound like it has much teeth in it to me. It does not sound very stringent to me.

I asked Ms. Elwood at the hearing what other restrictions might apply.

In a written response, she referred to training requirements, to record-keeping, and to the rule that the information must be destroyed after 5 years. None of that changes the fact that there is no meaningful standard for the searches. There is no check. There is no balance. Even the CIA’s rule that the information can only be kept for 5 years has a huge loophole in that it can be extended by the CIA Director after consultation with—guess who again—the general counsel.

Again, we have rules that are vague to begin with, whose implementation is up to the discretion of the CIA Director and the general counsel. At this point, the Senate has virtually nothing to go on in terms of how this nominee for this critical general counsel position would exercise all of this power.

Another aspect of CIA activities that are authorized by the Executive order is that of the secret participation by someone who is working on behalf of the CIA and organizations in our country.

These activities would obviously be concerning to a lot of Americans. Most Americans probably believe the CIA is not even allowed to do this anymore, but it is. The question is, whether there are going to be rules that prevent abuses.

Since that is yet another modern-day, present-time topic, I said I am going to ask Ms. Elwood some questions on this. For example, for what purposes could the CIA secretly join a private organization in the United States?

The rules say the CIA Director can make case-by-case decisions with the concurrence of the general counsel, so I thought it would be appropriate to ask what the view is of the nominee to be the general counsel. Ms. Elwood’s response was that she had no experience with this matter and looked forward to learning about it. And that, of course, is typical of so many of her answers. Repeatedly, she declined to provide any clarity on how she would interpret the CIA’s authorities under this sweeping Executive order, but these are the calls she could make every single day if confirmed. At this point, the Senate has no clue how she would make them. It is my view that we cannot vote to confirm a nominee—particularly one who will operate entirely in secret—and just hope for the best.

I have other concerns about the Elwood nomination, particularly some of her views with respect to torture.

I asked Ms. Elwood whether the torture techniques the CIA had used violated the Detainee Treatment Act, often referred to as the McCain amend-

ment. She had no opinion. I asked her whether those techniques violated the statutory prohibition on torture. She had no opinion. I asked her whether the torture techniques violated the War Crimes Act. She had no opinion. I asked her whether the torture techniques violated U.S. obligations under the Convention Against Torture, the Geneva Convention and other U.S. treaty obligations. She had no opinion.

How could she have no opinion? She has said that she read the 500-page executive summary of the Intelligence Committee’s Torture Report. The horrific details of waterboarding, extended sleep deprivation, stress positions, and other torture techniques are known to everyone, but the nominee to be the CIA’s General Counsel has no opinion on these matters.

Ms. Elwood did, however, commit to complying with the 2015 law prohibiting interrogation techniques not authorized by the Army Field Manual. That gets us again to the question of what decisions she would make now, based on current law. Everyone agrees that waterboarding is prohibited by the Army Field Manual, but the Army Field Manual can be changed. Fortunately, the 2015 law also prohibits any changes to the Army Field Manual that involve the use or threat of force. I asked her whether the CIA’s torture techniques fell safely outside of anything the Army Field Manual could legally authorize. Her response, again, was that she had not studied the techniques.

So that was her position. She said she will comply with the law and agreed that the law prohibits interrogation techniques that involve the use or threat of force, but she refused to say whether waterboarding or any of the other CIA torture techniques falls outside that prohibition.

Finally, I asked the nominee how the constitutional rights of Americans would apply when the government seeks to kill them overseas. She responded that she had not considered the matter. Do these rights apply to legal permanent residents of the United States who are overseas? She did not have an opinion on that either.

To fully understand why this kind of avoidance is such a problem, we need to consider again what the CIA general counsel does and how she does it. I have been on the Senate Intelligence Committee since 2001. I have seen far too many intelligence programs go on for years before we find out about them. In so many of these cases, the problem lies in how senior lawyers interpreted their authorities. These interpretations are made in secret. They are made by a handful of people, and they are revealed to almost no one. We place almost immeasurable trust in the people who make these decisions. We cannot take this lightly.

The Senate and the American people have one shot—and one shot only—to get some insight into how those lawyers will make their decisions and how

they view the laws that apply to them. That one shot is the confirmation process. So when a nominee refused to take positions, it short-circuits the process. This is not acceptable. We cannot just confirm someone to be the CIA's general counsel without knowing what she will do in that position. That would be an abdication of our duty.

I want to close by saying that, at this extraordinary time in American history, a time when our country—and if you sit on the Intelligence Committee, as I have for a number of years, you go into the Intelligence Committee room, and it is all behind closed doors, and you often walk out of there very concerned about the well-being of our people, given some of the grave national security threats we hear about once or twice a week.

The point is that our choice is not between security and liberty; it is between smart policies and ones that are not so smart. For example, on this floor, when the leadership of the committee was interested in weakening strong encryption, which is what keeps our people safe—we have our whole lives wrapped up in a smartphone, and smart encryption ensures that terrorists and hackers can't get at that information. It ensures that pedophiles can't get access to the location tracker and pick up where your child might be. We all know how much our parents care about the well-being of kids.

People are saying: Let's just build backdoors into our products, and I said I am going to fight that. I will fight it with everything I have whenever it is proposed because it is bad for security, bad for liberty, bad for our companies that are trying to continue to offer high-skill, high-wage jobs because our competitors won't do it, and so far we have been able to hold it off.

As we seek in the days ahead to come up with smart policies that protect security and liberty, we have to get answers from those in the government who are going to have these key positions. Given the fact that the CIA Director, Mike Pompeo, made it clear in his hearing that he was going to rely on the person chosen by the Senate as his general counsel, I felt it was very important that we get some answers from the person we will be voting on shortly.

I regret to say to the Senate that this morning we are largely in the dark with respect to Ms. Elwood's views on the key questions I have outlined today.

I yield the floor.

Mr. VAN HOLLEN. Madam President, President Trump has routinely attacked basic American freedoms—of the press, of peaceful assembly, of religion, of speech. When he lost the popular vote, President-elect Trump assailed the integrity of our electoral process and falsely claimed that millions of people voted illegally. When the press exposed those falsehoods, Mr. Trump dismissed credible reporting as “fake news.” When the courts ruled

that his travel ban was unlawful, President Trump accused judges of abetting terrorists.

These actions have consequences beyond our own borders and embolden dictators around the world. President Trump displays a worldview that favors the military over diplomacy and transactional relationships over strategic alliances. President Trump's uncritical embrace of autocrats like Russian President Putin, Egyptian President Sisi, Turkish President Erdogan, and Philippine President Duterte is a repudiation of every reformer and activist seeking freedom from tyranny. It is a repudiation of America's values and founding principles.

President Trump's approach to the world is shortsighted and self-defeating. The greatest threats to U.S. national security come from countries that are corrupt, poorly governed, and fraught with poverty and disease. These countries require sustained engagement and assistance to prevent the kind of threats that could require American soldiers to go into war. These countries require American leadership and the American example to help address the root causes of conflict and to give a voice to the aspirations of their people.

That is why President Trump's proposed 32 percent cut to the budget of the State Department, his failure to put forward nominees for leadership positions, and his disrespect for the career employees who serve our country are so dangerous. By undermining American influence abroad, President Trump erodes American strength.

While John Sullivan has an extensive career in public service, I am concerned that he lacks experience at the State Department. An understanding of the institution is, in many ways, as important as an understanding of our complex diplomatic terrain. Despite these concerns, I was encouraged by the statements and commitments he made at his confirmation hearing.

In his testimony before the Senate Foreign Relations Committee, Mr. Sullivan committed to promoting American values abroad, saying: “Our greatest asset is our commitment to the fundamental values expressed at the founding of our nation; the rights to life, liberty, and the pursuit of happiness. These basic human rights are the bedrock of our republic and at the heart of American leadership in the world.”

He underscored that our alliances and partnerships “have been the cornerstone of our national security in the post-war era.” He commended the foreign service officers, civil servants, and locally employed staff who faithfully serve our country every day.

These statements are a rejection of the worldview proposed by President Trump. I hope that Mr. Sullivan honors these statements in office. For this reason, I support his nomination for Deputy Secretary of State.

Mr. WYDEN. I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

PUERTO RICO'S FISCAL CRISIS

Mr. GRASSLEY. Mr. President, I rise today to discuss the significance of the unprecedented events now occurring in Puerto Rico.

According to the May 16 editorial in the Wall Street Journal, “The legal brawl over Puerto Rico's bankruptcy begins this week, and it will be long and ugly.”

As we have seen in Greece and Detroit, what is happening in Puerto Rico should be a wake-up call for fiscally distressed States—meaning our 50 States, our cities, and our territories—to get their own houses in order. It is the canary in the mine that ought to be available to everybody. At the same time, it should be a cautionary tale for those who seek to extend similar bankruptcy authority to our own 50 States.

In 2015, after years of fiscal mismanagement and borrowing to finance their operations, Puerto Rico declared that its debt was unpayable and had to be restructured; however, because Puerto Rico lacked access to chapter 9 of the Bankruptcy Code, restructuring its complex debt outside of the court presented a challenge.

I held a hearing in the Judiciary Committee to examine this issue in December of 2015. We learned at that hearing that while bankruptcy is an effective tool to restructure debt, it merely treats the symptom and it doesn't solve the disease. I told you so, in that vein. I shared my views and the views of many others that unless Puerto Rico addressed its fiscal mismanagement woes, extending bankruptcy authority alone couldn't fix the problem. I told you so that, instead, it would merely kick the can down the road and harm thousands of retirees in Iowa and elsewhere who would bear the costs of Puerto Rico's irresponsible fiscal behavior. The Obama administration, though, pressed Congress to act and to provide Puerto Rico with an orderly bankruptcy-like process to restructure its debt.

According to the testimony of one Treasury official, “Without a comprehensive restructuring framework, Puerto Rico will continue to default on its debt, and litigation will intensify. . . . As the cascading defaults and litigation unfold, there is real risk of another lost decade, this one more damaging than the last.” So now, even with a comprehensive restructuring framework, there is still a real risk of another lost decade.

Ultimately, this debt restructuring framework was coupled with an independent oversight board and adopted as the Puerto Rico Oversight, Management, and Economic Stability Act, referred to as PROMESA. This approach,

we were told, would tackle Puerto Rico's debt crisis in an orderly way and would help to remedy the years of fiscal mismanagement. Nevertheless, I remained concerned that PROMESA and its bankruptcy-like provisions would invite years of litigation and uncertainty due to the lack of existing court precedent.

So it should be no surprise that a recent Bloomberg article titled "Puerto Rico's Bankruptcy Fight is About to Plunge Into the Unknown" described the bankruptcy process as "a circular firing" squad with "no established rule book to shape what comes next." The article reports that one market analyst "foresees a chaotic brew of lawsuits" because "nobody has any idea what is going to happen."

According to one news report, this is just the beginning, as PROMESA's bankruptcy provisions are "more likely to face years of appeal than a typical case."

Despite assurances otherwise, what happens next in the months and years to follow may be far-reaching and likely will impact us all. In particular, prior to the enactment of PROMESA, Puerto Rico, like the States, couldn't declare bankruptcy. I told you this last year, and it is as I predicted last year—granting Puerto Rico the authority to restructure all of its debts, including its State-like constitutional obligations, would be viewed as precedent for giving States similar authority.

I am not really surprised to see this is happening right now.

Getting back to the fact that I told the Senate a year ago. This past September, William Isaac, the former head of the FDIC, called on Congress to pass a law "giv[ing] Illinois the option of utilizing chapter 9, which is akin to what Congress just did for the Commonwealth of Puerto Rico."

The New York Times reported on May 3 that "bankruptcy lawyers and public finance experts are watching Puerto Rico's case closely, to see if it shows a path that financially distressed states like Illinois might also one day take."

The Chicago Tribune's editorial board recently wrote that investors are growing nervous about the talk of States seeking a bankruptcy system after the fashion of Puerto Rico, calling Puerto Rico "the frightening ghost of Illinois future."

The editorial wondered how much more difficult it would be for States to borrow money if lenders knew the States could shirk their obligations in bankruptcy when that debt becomes due.

For those who weren't listening to me last year, those who dismissed concerns that PROMESA would set a troubling and dangerous precedent should take notice and make sure that a one-time piece of legislation does not create a new norm. I hold out hope that PROMESA might manage to provide some help for Puerto Rico.

Success, though, will ultimately require strong leadership from the Com-

monwealth's leaders, which, for years, that leadership has been very lacking.

There is a lesson to be learned. The fiscal crisis in Puerto Rico should motivate all 50 States, our cities, and territories to find the courage now to make tough choices, which are the foundation of responsible governance, rather than look to the Federal Government and bankruptcy as a way out. If they do not, the effect could be long-lasting, harming the vulnerable both within their populations and outside of their borders.

Obviously, what a lot of smart people told us a year ago to solve Puerto Rico's debt problems simply has not worked out.

So at a time when States, citizens, and markets are all watching, we must stress fiscal responsibility and pay attention to what is happening there in Puerto Rico. Otherwise, the uncertainty and chaos we were assured would not come to pass may be just over the horizon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE PRESIDENT'S BUDGET

Mr. CARDIN. Mr. President, on Tuesday President Trump sent his proposed fiscal year 2018 budget to Congress. A budget is supposed to reflect the President's priorities and the values our country holds dear. Unfortunately, President Trump's full budget shows how much disdain he has for supporting American families here at home, how little he values America's strong leadership around the world, and how much he misunderstands the essential role the Federal Government has in keeping our air and water clean, roads and bridges functioning, and the public safe from deadly diseases and other threats.

This President's budget shows how much he values corporate profits and polluters over children's health and demonstrates an irrational ignorance of basic principles that have worked for and against the American economy throughout the years. The budget wastes money on a border wall and deportation force that will not make America any safer and will tear apart families and communities.

President Trump fails to uphold the promise he made as a candidate to protect American workers and seniors, and he breaks new ground in the level of uncertainty he is willing to inject into our economy, our local communities, and relationships with our historical allies and economic partners. More than any other Presidential budget in recent memory, this budget must be considered dead on arrival.

President Trump's full budget for fiscal year 2018 is an exercise in extre-

mism. President Trump wants to ax \$610 billion from Medicaid—the program that lifts up America's veterans and the most vulnerable men, women, and children, capping the funding in order to finance tax cuts for big businesses and the wealthiest among us. The budget further slashes the social safety net by cutting the food stamp program and eliminating critical social services programs. It directly hurts children by cutting \$6 billion from the Children's Health Insurance Program. The President wants to choke off funding for essential scientific research at the National Institutes of Health and infectious disease detection and response at the Centers for Disease Control and Prevention, while also slashing funding for key global health initiatives that ensure economic stability.

Further demonstrating his misunderstanding of the ripple effect Federal investments can have, the President inexplicably wants to end the economic development assistance programs to rural and economically distressed communities. I was particularly disappointed that he would eliminate the Appalachia Regional Commission, which is very important to the people in the western part of my State as an economic tool that can bring badly needed jobs to Appalachia country.

He wants to put the American dream out of reach for would-be homeowners and seekers of safe and affordable housing with the elimination of HUD's rental assistance and homeowner partnership programs. The President calls for shifting more than \$143 billion in additional student loan payments to hard-working students and their families. And he recommends ending a vital program that helps first responders, law enforcement, teachers, nurses, librarians, public safety, and military have a chance to reduce the burden of their student loans so that they can continue to serve their communities. The President also continues the ill-conceived Republican assault on Federal workers and retirees with his proposal for wholesale slashing the programs and staff, such as the economic and environmentally important EPA and Chesapeake Bay Program, making it nearly impossible for many departments to carry out their basic mission.

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

What is most perplexing about the administration's combined 31.7 percent gutting of international affairs spending—as Secretary Defense Mattis has said: If you don't fund the State Department Diplomacy Center, you had

better give the Defense Department more bullets and soldiers. This is counterproductive to making the world a safer place for America.

America is safer when the United States helps feed millions of starving people in Africa and the Middle East, helps Europe defend its democratic institutions from Russia interference, helps support countries and international organizations caring for vulnerable refugee populations, helps train farmers and other technical workers, helps lead the world in fighting climate change and promoting global health, and helps fund programs to protect human rights and promote democracy. In each of these areas, the administration has taken a penny-wise and pound-foolish approach that will cost lives abroad and endanger Americans here at home.

Each of the programs I mentioned are either eliminated or there are significant cuts, making it impossible for our dedicated Foreign Service officers to carry out the critically important missions they undertake.

As I look at the massive spending cuts put forward by the White House for vital national security, it is impossible to conclude that this is anything but an "America alone" budget—one that, if enacted, will have disastrous effects on our standing in the world.

Luckily, the majority of Members of Congress know this budget is dead on arrival. I look forward to working with like-minded Republican colleagues to make sure nothing remotely close to this budget is enacted.

Fortunately, our Founders developed a system of checks and balances with the Constitution providing that Congress appropriates public funds. It is our responsibility to pass the appropriations bill. I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 Omnibus appropriations, to prevent enactment of this outlandish executive branch attempt to cripple our economy and do lasting damage to our Nation's global leadership. Congress has a responsibility to ensure that we have a more realistic budget that helps the American public, contributes to genuine economic growth, and furthers America's true values.

I want to cite some examples in some areas as to how detrimental this budget is. First of all, there are economic assumptions made by the President's budget that are just not realistic. He assumes there is going to be a 3-percent economic growth rate, which economists tell us is simply not realistic. What does that mean? That means there is about \$2 trillion that is being used by economic assumptions which have no justification, meaning that we are going to see significant budget deficits increase if this budget were to become law. The budget double counts some of these gains in order to offset tax reductions. He is putting our economy at risk.

In healthcare, the President's budget continues the administration's mis-

guided and ill-conceived efforts to jeopardize the health and well-being of our constituents under the Affordable Care Act. Make no mistake about it, President Trump is trying to make sure that the healthcare system in this country does not work. He is deliberately putting at risk the cautionary provisions that are in the Affordable Care Act, which ensure that many of our constituents have affordable health rates without outrageous deductibles or copays. The Trump administration is jeopardizing that.

The Trump administration is jeopardizing the Medicaid system—\$610 billion cut in the Medicaid system, which is critically important for some of our most vulnerable people. There are 280,000 Marylanders who gained essential health coverage through the Medicaid expansion who will be left without access to care. There are an estimated 1.25 million Maryland Medicaid enrollees who will no longer be able to depend on benefits like mental health and substance abuse, pediatric dental services, or maternity coverage.

Our President is recommending a \$6 billion cut in the Children's Health Insurance Program, the CHIP program. That is absolutely outrageous. There is a bipartisan effort in Congress to make sure the children of America have the health they need.

Then there is a \$7 billion—22-percent—cut in the National Institutes of Health. Democrats and Republicans have come together, recognizing that America has provided the true leadership and basic research to deal with the mysteries of illness, and the President wants to reverse that trend. That will not only cost us in terms of our health advancements, but it will also hurt our economy.

The President cuts the funds to the National Institute on Minority Health and Health Disparities. I thought we had made a commitment that we are going to narrow the gap of discrimination in our healthcare system. The President's budget moves in the opposite direction.

In Social Services and Social Security, the President, on his campaign trail, promised not to cut the Social Security system. He broke that promise with this budget. These cuts are a "Robin Hood in reverse" budget. His cuts in the Supplemental Security Income Program and Social Security Disability Insurance Program will be devastating for low- and modest-income individuals, as well as persons with disabilities and those over 65 years of age.

So we have seen cuts to programs the President claimed he would not cut when he was a candidate. The budget cuts nearly \$200 billion from the Supplemental Nutrition Assistance Program, SNAP, or food stamps, which helps low-income Americans with food purchases. He also cuts the TANF Program, which helps people who are in need of assistance. The budget eliminates the LIHEAP, Low Income Home Energy Assistance Program, the

Weatherization Assistance Program, and State Energy Program. I guess Donald Trump wants low-income Americans to freeze in the dark. This is shameful and reprehensible.

Yes, there is money for some advancements—the advancement of the so-called border wall with Mexico. I visited Mexico just a few months ago. I visited the U.S.-Mexico border. I couldn't find one border security guard, security personnel, who felt that building a wall made any sense. It will not keep out the illegal flow of people or drugs, and it will compromise our ability to work with our neighbors in the south to control immigration and to control drugs. The President's Executive order on immigration and the President's fiscal year 2018 budget ramp up deportation forces inside the United States, which will do more to harm our national security and public safety than to help. We shouldn't be moving in that direction.

Legal Services is one of the areas I worked on for a long time with my Republican colleagues to make sure we fund the Legal Services Corporation. The Trump budget completely eliminates that funding. The late Justice Antonin Scalia said at Legal Services Corporation's 40th Anniversary Conference in 2014: "LSC pursues the most fundamental of American ideals, and it pursues equal justice in those areas of life most important to the lives of our citizens."

We believe in equal justice under the law. If a person cannot get legal help, they cannot get equal justice under the law. And the President says there is no Federal role for this. I hope that we will soundly reject that.

The President's budget eliminates the Community Development Block Grant Program. That is very troubling. Here is one of the more flexible programs we offer the local government in order to be able to make their own decisions, and the President's budget eliminates that program.

The President's budget eliminates many of our programs under agriculture, which will hurt our rural areas and hurt our farming community. The budget proposes to eliminate new enrollment in the Conservation Stewardship Program and funding for the Regional Conservation Partnership Program. I am very familiar with the Regional Conservation Partnership Program. It was put in the last farm reauthorization bill. It was done as an effort to help deal with conservation in critically important areas, including the Chesapeake Bay watershed. It is a very important program to preserving our bay and preserving farm land so that we can have both a healthy bay and healthy agriculture. The President eliminates those programs. I could go on and on about agriculture—the many programs that are either severely restricted or eliminated under the President's budget.

In education, the fiscal year 2018 budget released by President Trump

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

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

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

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

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

What in the world makes President Trump think that our Nation's drinking water infrastructure shall be kept at status quo? Don't we all remember what happened in Flint, MI? We have

discovered similar things in New Jersey and Pennsylvania. In Baltimore, our public school system cannot connect their water fountains to the water supply because of lead contamination. We need to have a greater commitment to make sure that the water supply to America is safe.

Under the budget, the Office of Compliance would be cut by one-third of its budget. That is EPA not being able to enforce the law. Aren't we a country of the rule of law? You would not think so under President Trump's budget.

The President's budget also does not contain a critical infrastructure plan. We heard that during the campaign. But nowhere in this budget is he providing for that increase. Instead, it proposes cuts in some of the highway trust programs.

Every day, civil servants perform countless tasks that help support and defend and protect America. Civil servants are saving lives, empowering small businesses, keeping America safe from harm, and otherwise ensuring a safe and prosperous future for our country, including our children and families. We know that our Federal employees often perform the type of work that no one else can do. It is a highly qualified Federal workforce. On May 5, Donald Trump issued a proclamation declaring May 7 through 13, 2017, as Public Service Recognition Week. He stated:

Throughout my first 100 days, I have seen the tremendous work civil servants do to fulfill our duty to the American people. At all levels of government, our public servants put our country and our people first.

He has a bizarre way of showing his appreciation. Earlier this week, he released a budget that punishes Federal workers by making them pay much more for their pensions, an additional \$5,000 for an average Federal worker, while making these pensions much smaller.

The relentless assault on the Federal workforce must end. The civilian workforce was smaller last year than it was 40 years ago, according to data from the Office of Personnel Management. Federal workers increasingly have been asked to do more and more with less and less. They have already sacrificed financially, contributing \$190 billion to deficit reduction just since 2011.

Workers hired in 2012 already are paying more for smaller pensions. Sequestration-related furloughs cost Federal workers \$1 billion in lost pay, and there was a 3-year pay freeze from 2011 to 2013, and substandard rises since then. Salaries and wages have fallen 6.5 percent since 2010, adjusted for inflation.

Now comes the latest attack on the Federal worker's pension, on top of continued attacks on pay, healthcare and other benefits, collective bargaining, and due process rights. President Trump would eliminate the annual cost of living adjustments for people in the Federal Employees Retirement

System, including current retirees, and reduce them by half a percentage point for people in the old Civil Service Retirement System, including current retirees.

According to certified financial planner Art Stein, the annuity would lose one-third of its value over 20 years if inflation averages between 2 and 3 percent annually, and nearly half of its value if inflation averages 4 percent. According to the National Active and Retired Federal Employees Association, the average FERS annuitant would lose \$99,471 over 20 years, and the average CSRS annuitant would lose \$60,576 over 20 years under the Trump budget.

That is outrageous. That is outrageous. We are talking about people who are already retired. They can't re-enter the workforce. They have no choice. Yet we are telling them that they are not going to get what we promised. It is important to understand that 85 percent of the Federal workforce is located beyond the Washington metropolitan area. Federal workers are in big cities and small towns across America, striving to make things better for their neighbors.

Do we really want to engage in a race to the bottom with respect to our Federal workers? These are the people who make sure our parents' Social Security checks arrive on time. They make sure the air we breathe, the water we drink, and the food we eat are safe. They are trying to find a cure for our spouse's cancer and our sibling's type 1 diabetes.

They support our sons and daughters in harm's way, and they care for the wounded warriors at home. They patrol our borders and discover and disrupt terrorist threats aimed at our community. They are working to ensure that our grandchildren inherit a habitable climate. When we punish Federal workers—30 percent of whom are veterans, by the way—we are not just harming them and their families, but we are harming each and every American.

I intend to do everything within my power to work with Republicans, using the model of the fiscal year 2017 omnibus appropriations, to prevent the enactment of this dangerous executive branch attempt to cripple our economy and do lasting damage to our Nation's global leadership. Congress has the responsibility to ensure that we have a more realistic budget that helps the American public, contributes to genuine economic growth, and furthers America's true values.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Utah.

HEALTHCARE LEGISLATION

Mr. HATCH. Mr. President, I rise today to speak about the continuing effort to repeal and replace ObamaCare. This effort has essentially been going on since the day the bill was signed into law. I think most of us on the Republican side recognize the overwhelming consensus surrounding the

failures of ObamaCare as a major reason we currently find ourselves in the majority.

As you know, the House passed the American Health Care Act, a bill that would repeal and replace ObamaCare, earlier this month. This is an important step in the process. Later today, we expect to hear from the Congressional Budget Office about the House bill. The CBO score will lay down an important marker for the repeal and replace efforts in the Senate. It will allow us to work to ensure that the House bill fits into the constraints of the reconciliation rules in the Senate, while we continue to strive toward our own policy goals to implement patient-centered healthcare and healthcare reforms that address cost and promote choice and competition.

I am very interested in what they say. These changes are more important than ever. Just today, we received a report from HHS that, from the time ObamaCare took effect through 2017, there was an average premium increase of 105 percent across the 39 States using healthcare.gov. This is just one snapshot of the runaway costs of ObamaCare, and it is just one of many examples indicating why we need to act as quickly as possible to repeal and replace the misguided law.

As the Senate continues to discuss the policy matters related to this effort, we will need to confront a number of different issues as we work to provide enduring reforms for our beleaguered healthcare system. As chairman of the Senate committee with jurisdiction over most of the salient issues under discussion, I want to make my views on these matters very clear.

First, it is my view that all of the ObamaCare taxes need to go. We should not be treating the ObamaCare taxes as a smorgasbord, picking and choosing which ones to keep and which to discard. I don't think there is a single tax increase in ObamaCare that has enjoyed support on this Republican side.

When all is said and done, the tax provisions of the Affordable Care Act represented a trillion-dollar hit on the economy in just the first 10 years. That is nearly 1 percent of the projected gross domestic product over the same period. In my view, it would be inappropriate, after spending the better part of a decade railing against ObamaCare's burdensome job-killing taxes, for us to then turn around and say that some of them are fine so long as they are being used to fund Republican healthcare proposals.

It is very simple. We need to repeal all of the ObamaCare taxes—the medical device tax, the health insurance tax, the so-called Cadillac tax, the taxes on healthcare savings and pharmaceuticals, and several others. They all have to go.

Second, we need to fully repeal the individual mandate. There has been some talk about keeping the mandate around temporarily, if nothing else, to help shore up the new system. But as I

said with the ObamaCare taxes, Republicans have spent years condemning the individual mandate as an unconstitutional assault on individual liberty. We have also argued that it was ineffective and that it has failed to draw enough younger and healthier consumers into the insurance market in order to offset the cost of ObamaCare's draconian market reform mandates.

I don't see how we can now turn on a dime and say that the individual mandate is now somehow acceptable because we are using it to prop up a system that Republicans have designed. Like the taxes, the individual mandate, in my view, needs to be repealed. Lastly, we need to resist any temptation to alter the tax treatment of employer-provided health insurance as part of this particular exercise. Don't get me wrong. There have been a number of health reform proposals over the years that have dealt with this issue, including a legislative framework that I drafted, along with two of my colleagues. However, given the limitations we face in this current exercise and the fact that we are not starting from a blank slate but rather attempting to repeal a law that has been implemented for a number of years, we should be wary of the impact of pulling employer-sponsored insurance into this current debate.

The purpose of this budget reconciliation exercise to repeal and replace ObamaCare is to address costs in the individual markets. I believe it is important that everyone, whether they are Members of Congress, stakeholders in the business community, or living elsewhere in the country, manage their expectations about the possible outcomes of this process given the limitations we are facing.

While the constraints inherent to the budget reconciliation process may be inconvenient at the specific moment, they serve a number of important purposes. Under this process, the Senate will need to reduce the deficit by at least as much as the House bill. There is no way around that. The process for determining what provisions of the House bill will need to be changed is still ongoing. Of course, we will have to take a good long look at the numbers we get from CBO later today.

Not only do we need to take into account the CBO numbers and the budget rules, but we also need to consider what the best policy is, and, at the end of the day, what approach is doable. We can do a lot in this exercise, but we should not make this the be-all and end-all of our healthcare reform effort.

As I said before, everyone should be managing their expectations at this point. While we can and should be ambitious in our efforts, we need to be realistic about the limitations that exist and be willing to practice the art of the doable, to compromise, and to really recognize what issues will need to be set aside for another day.

None of this is going to be easy, but I believe we are up to the challenge. I

look forward to working with my colleagues on these issues and to finding solutions that will help us keep the promises we made to our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to follow the comments made by the President pro tempore of the Senate—the Senator from Utah—talking about problems that people have and problems that grow every day with their future look at healthcare and what it may mean for their families.

This is a top-of-the-mind issue for families in Utah, or Missouri, where I am from, or Montana, where the Presiding Officer is from, or Massachusetts. Anywhere in the country, anyone who is looking at this system and hoping to have a system they could rely on is finding that it is just not working. This is a plan that clearly has failed. It was a plan that gave all kinds of assurances, virtually none of which have been kept.

In our State today, we got some bad news in Missouri about what that health insurance exchange looks like next year. Blue Cross Blue Shield serves 30 counties in our State. Another Blue Cross-related group, Anthem, serves the rest of the State. But today, Blue Cross Blue Shield announced that it is going to pull out of the exchanges next year. Some 31,000 people in 25 counties around Kansas City will have no insurer at this moment who is willing to sell policies on the individual exchange. This is devastating news for those families—maybe they are already on their second or third insurance company in as many years—trying to wade through yet another individual plan that tells them what might or might not be covered. This is certainly a long way from the assurances that you would be able to keep your plan and you would be able to continue to see the doctors you like. It seems a long way from that pledge. Remember that pledge? If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor. It didn't turn out to be that way at all.

In fact, in the five other counties that Blue Cross is leaving in our State—and I don't say this with any disrespect toward that nonprofit company—they are losing money. This system won't work, and that is why we are down from multiple companies willing to offer insurance in all kinds of counties around the country to now States, like Iowa, having no insurance company at all that will offer an individual policy anywhere.

In the five metropolitan counties in the Kansas area, they have three competitors this year in those five counties. Humana announced in February that they would be leaving next year. Blue Cross announced today that they would be leaving. So 5 metropolitan counties at this moment, at least, have only one company that will even offer

a policy, and 25 counties have no company that will offer a policy based on that announcement. If you only have one choice, do you really have any choices at all?

Under this plan, unless we go in a very different direction, the choice is to buy the policy or pay the penalty. This exchange that was promised where the average family would see their insurance costs go down \$2,500 a year—this is as far from that promise as you could possibly get. Not only has your policy likely gone up more than \$2,500, but your deductible has gone up in even higher percentages than that.

Certainly, 30 percent of the counties in America right now only have one company that will offer insurance. As I said earlier, our neighboring State to the north, Iowa, has no company that will offer insurance to anybody on the individual market. What kind of system is that?

In my State, we have 114 counties and the city of St. Louis in addition to those 114 counties. At this moment, 97 of them have only one company that will offer insurance. Unless things change dramatically, in January, 25 of those 97 will have no company that will offer insurance. Now, 77 counties—unless the one company offering insurance decides it can't participate in that market either—would have only one choice. I think it is likely that those 77 counties will see some change in whether they have one choice or no choice.

Last week, I came to the floor to talk about Missourians who have problems and who are seeing their out-of-pocket costs skyrocket under this. Let me share another story about one of the several people we heard from this week.

Holly is a cancer survivor. She lives in Southeast Missouri. She was forced again this year to switch insurance policies when the insurance company she had left the individual exchange, the ObamaCare exchange. That left Holly with only one choice. Again, people in the vast majority of our counties have the same option—they have one option. Holly had one option, and that carrier didn't cover any of her four cancer doctors. Now, remember, this is a cancer survivor who literally has been in a fight for her life, and now she can't get a policy that allows her to see the doctors in whom, in that fight for her life, she developed confidence. So that means she can't see her oncologist under any policy she can get. She can't see the radiation oncologist, the surgical oncologist, and the reconstructive surgeon. None of those people are now available to her.

This is in a world where Holly, you, me—all of us were told: If you like your doctor, you can keep your doctor. Well, she liked all four of her doctors, and she can't keep any of those doctors. We were told: If you like your policy, you can keep your policy. If it weren't so serious, looking back at that promise, it would be like it was

some cruel joke that somebody is coming up with that couldn't have been further from the truth. When you are battling cancer and you lose access to the doctors you know and trust, no reasonable person can argue to you that the system we have is working. The status quo is unacceptable. It is clearly unsustainable.

There is a lot of discussion about what kind of change we are going to have. The "why" here is more important than the "how." The "why" here is the most important part of this debate because the reason we have to change is that the system we have is absolutely not working.

Americans like Holly and all the families in the Kansas City area who are certain to lose this year's coverage next year may or may not have coverage at all. No company besides this one company that left was willing to be there this year. They deserve better. That is why I am going to continue to work with my Senate colleagues to give families more choices to expand their access to the healthcare providers they want and the kind of insurance coverage they would like to have.

This plan simply hasn't worked, it isn't working, and it is going to get worse before it gets better. That is why we are debating how to change it, not debating the effort that has totally failed. Now we need to get in and figure out how to stabilize this marketplace and answer those important questions for families all over this country who not only don't have the coverage they want, but they also don't have access to the healthcare they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I congratulate my colleague from Missouri for the excellent comments he made.

I bring to the floor a report that came out last evening, which is essentially the analysis that the Obama administration never wanted the American people to see, and it has to do with ObamaCare from 2013 to 2017. This report that the Obama administration would love to hide from the American people makes the point that my colleague from Missouri just made.

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

More than 7 years ago, the Washington Democrats wrote an enormously costly and complicated healthcare law. They forced it through the Senate, and they made lots of promises. They

promised it would provide care for less money. They promised that you could keep your doctor and that you could keep your insurance. They promised that if you just allowed Washington to have more control, everything would be better for you. It hasn't worked out that way. These are the numbers we are looking at today, and it looks as if prices are going to go up again next year because of the mandates and the requirements of the Obama healthcare law.

In Connecticut, insurance companies say they want an average increase of about 24 percent; in Maryland, the average is 45 percent; and in Oregon, 17 percent. Americans are again facing double-digit increases in their ObamaCare premiums next year, just like this past year.

Some companies simply said: Hey, I am done. I am not going to sell anymore. It is just not worth it.

That is what Aetna has done—pulled out entirely. The thing that is so interesting about Aetna's decision is that they were one of the major cheerleaders early on back in the beginning of ObamaCare. They said: Oh yeah, we want to do this. We want to sell insurance all around the country. Well, now they are pulling out of ObamaCare all across America. What that means for people at home is that they have fewer choices.

People living in two-thirds of the counties in this country—and in every county in my home State of Wyoming—are down to fewer and fewer choices. We have one choice of a carrier to buy from on the exchange in Wyoming. In two-thirds of the counties, people have only one or two choices. There are now places where people have no choices. Even if they get a subsidy under ObamaCare, there is no place they can use it, so it is useless to them.

The companies that remain—what are they doing to help try to control costs? Well, they are cutting back on access to doctors and to hospitals, as we just heard is the situation of the patient in Missouri.

Democrats say that people have to buy the insurance anyway because they say they put a mandate on it. Americans, like it or not, you have to buy ObamaCare insurance. If you don't like it, we are going to fine you. That is what the Democrats said. Well, in spite of the mandate, 20 million Americans said "No, thank you," and about 8 million paid a fine. Another 12 million got an exemption because there are actually 41 different ways you can get exempted from ObamaCare. People realize it is not a good deal for them. They know ObamaCare has made insurance so expensive that it is not a good value for their hard-earned dollars.

It is astonishing to hear Democrats now say that basically the problem was that Washington didn't have enough control. We need more government control, they are saying. There are a number of Democrats who want a single-payer healthcare system. Some call

it Medicare for all. They can call it what they want—it means higher costs and more Washington control over the healthcare American families need.

The State of Vermont looked at this idea a couple of years ago. Even in this very small, very liberal State, they dropped the idea almost immediately. Why? Because they said it was too expensive.

That didn't stop other States from looking at it. Recently, this occurred in the State of California. Democrats in California recently offered a plan to have the State take control of all healthcare for everyone who lives there. Universal healthcare for all, they call it—doctor visits, hospitals, inpatient care, outpatient care, emergencies, dental, vision, mental health, nursing homes, everything, cradle to grave, universal health coverage.

So what do the stories in the California papers say about this? Well, they did a budget analysis. The budget office of the State of California did a budget analysis and said: What would such a thing cost? They came up with a cost of \$400 billion a year. That sounds like a big number, but how do you put that in perspective? What else can you do? Four hundred billion dollars. So they said: Well, let's compare it to the budget of the entire State of California. The entire budget for the State of California today is \$190 billion, so the cost of universal healthcare alone is twice the budget of the whole State of California. That includes teachers, firefighters, police, everything. They are proposing to spend twice the amount that they spend on everything on universal healthcare.

So what do the Democrats say? Well, we will just have to raise taxes. That is their answer to so much of everything. I guess they figure that hard-working families in California would need to pay these taxes every year—not just once but every year because that price tag is \$400 billion each and every year.

Democrats have no good ideas on how to deal with this collapse of ObamaCare. Republicans are offering real solutions. We are looking for ways to bring costs down, to give people more freedom, and to give people more control over their own healthcare. We are working to make sure people can get the care they need from a doctor they choose at a lower cost. We don't have that with ObamaCare.

The Democrats are pushing the exact opposite approach. They are offering higher costs, higher taxes, more government control, more government say in your family's life.

ObamaCare has failed. Republicans are committed to finding long-term solutions to our Nation's healthcare needs.

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

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

Mr. CARPER. Thank you, Mr. President. Good afternoon.

PARIS AGREEMENT

Mr. President, there is an African proverb that goes something like this: If you want to go fast, go alone; if you want to go far, go together.

The Paris Agreement was developed in that spirit; that 195 nations and territories can do more to protect our planet from climate change, the greatest environmental challenge of our lifetime, than the United States or any country can do isolated or on its own. Nearly 200 countries now have agreed to do their part to limit our global temperature rise by developing national plans to reduce their own emissions.

We know climate change is a global challenge that does not respect national borders. Emissions anywhere affect people everywhere, with the poorest and most vulnerable populations affected most. There is a reason why we call it "global warming." We know no one country, no one region, no one continent can solve this problem alone.

President Trump's inner circle has a different take on this historical agreement. For instance, during an appearance on "Fox and Friends" last month, Scott Pruitt, the EPA Administrator, denounced the Paris Agreement, calling it "a bad deal for America."

Asked about his biggest objection to the accord, this is what he said. He claimed China and India had no obligation until 2030—no obligation until 2030—even though "they are polluting far more than we are."

Well, that is just false. First, in 2015, the United States on a per capita basis produced more than double the carbon dioxide emissions of China—more than double—and eight times more than India. Also, contrary to what the Administrator continues to espouse, both China and India have pledged to reach their carbon emissions reduction goals by 2030, which means they are taking steps now—not 5 years from now, not 10 years from now, not 13 years from now—now, to meet those commitments. India is on schedule to be the world's third largest solar market by the end of 2017. In fact, last year, India unveiled the largest solar power facility in the world.

Meanwhile, Chinese leaders have ordered their country's coal companies to cut 1.3 million jobs over the next 5 years. Some of these workers will find jobs in the clean energy sector, which Beijing expects to generate more than 13 million jobs by 2020.

Make no mistake, if the United States cedes its leadership position on climate change, China will be ready and willing to assume that role—our role. In doing so, they will move ahead, and we will fall behind. It is just that simple.

We have a chart here that includes a quote from China's top climate negotiator. He told Reuters about 6 months

ago that if Trump abandons efforts to implement the Paris Agreement, "China's influence and voice are likely to increase in global climate governance, which will then spill over into other areas of global governance and increase China's global standing, power and leadership."

The Chinese clearly understand that the Paris Agreement affords their country the opportunity to emerge in the 21st century as a clean energy superpower.

I have been there. A year ago, I was there. In the trains they built and the train systems they built, the huge electric buses, all electric buses that I rode, it is clear they know what they are doing, and their intent was to eat our lunch by pursuing this clean sustainable energy approach.

Unfortunately, those in the Trump administration seem to be the only ones who don't recognize that. Some day they will wish they had, and the rest of us will wish we had too. Withdrawing from this pact doesn't put America first, it puts America behind.

You don't have to take my word for it. Just ask our business community. They see the clear benefits for their businesses and for America if we continue to play a lead role in the implementation of the Paris Agreement. Over 1,000 American companies and investors, some of which are represented here on this chart, have written to President Trump urging his administration and him to address climate change through the implementation of the Paris Agreement. The businesses, which include Exxon, Starbucks, Apple, General Mills, Walmart, Nike, Morgan Stanley, and BP—just to name a few—this is what all these companies and their leaders said: Failure to embrace the Paris accords "puts American prosperity at risk. But the right action now will create jobs and boost U.S. competitiveness."

I have another chart.

We have two letters here. One was written to a new President, President Obama, in 2009. Again, this is a full-page ad.

This is another ad that appeared in the past week to another new President, in this case, President Trump. Interesting enough, back in 2009, a Manhattan businessman named Donald J. Trump agreed with the 1,000 companies I mentioned earlier—the 1,000 companies that said we ought to do something about climate change. We ought to get on board and lead the way. Businessman Donald J. Trump agreed with them and joined CEOs to run an ad in the New York Times urging then-President Obama to "lead the world by example," ahead of the U.N. Climate Change Conference in Copenhagen.

In the ad right here, Donald Trump called on President Obama to allow the United States of America "to serve in modeling the change necessary to protect humanity and our planet."

Eight years later, the person who signed this letter and joined all these

other CEOs in saying to President Obama: “Wake up. Let’s do something about this climate change stuff. Make sure we are leading the parade”—8 years later, he is not signing the letter. He is the addressee on the letter, from, again, hundreds of CEOs from around the country, and they are urging him to do the very same thing Donald J. Trump had urged Barack Obama to do 8 years earlier. If you ever want to think of something that is ironic, find an example of two full-page ads that sort of represent the term “irony,” this is it. This is it.

The companies noted in this second full-page ad that the Paris Agreement provides just the kind of framework we need. So U.S. businesses still recognize that our country leading the world in addressing climate change is the right approach. We might want to ask: Why doesn’t our President, Donald Trump, realize that? With the Paris Agreement, the global community rightly recognized that there are challenges bigger than any one State and came together to do what is best for our collective future.

It is not the first time the global community came together for the greater good. In 1944, the world came together at the Convention on International Civil Aviation to regulate international air travel so planes could avoid flying into one another in the not-so-friendly skies of the future.

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

In 1977, the Chemical Weapons Convention outlawed the production, stockpiling, and use of chemical weapons, which the world agreed were inhumane.

On these critical issues, the world came together overwhelmingly to do what was in the best interest of humanity rather than the best interest of one single nation, but even these other historic and frankly commonsense agreements don’t have as many signers as the Paris Agreement does.

We hear numbers thrown around a lot when we talk about the Paris Agreement, but to put the number of signers in context, let me just say it is nearly the whole world—nearly the whole world.

If you wonder what 195 national flags look like, pretty much the whole world, this chart depicts that. There are two flags down here that have not signed, and one of those is Nicaragua. They didn’t sign because they thought the Paris accords didn’t go far enough. The other country that didn’t sign on is Syria. So, in effect, there is really only one country that has refused to accept the basis of the Paris Agreement, this huge Paris accord, and that one nation is Syria.

Our withdrawing leaves the United States in company with Bashar al-Assad. We will be his wingman. That is

not the company we ought to be keeping, and that is not who we are.

When it comes to global challenges such as terrorism and cyber attacks, the United States doesn’t sit back and wait for someone else to lead. We lead. America leads the way. We always have. It is part of the fabric of our Nation.

To win our freedom, we took on the mightiest nation on Earth at the time, England, not once but twice, and beat them. A half century later, we survived a bloody Civil War that took hundreds of thousands of lives and left hundreds of thousands more crippled and wounded. After that war, our President was assassinated and his successor, Andrew Johnson, was impeached. Somehow we survived all that and we went on to lead our allies to victory in World War I and World War II. We led our country out of the Great Depression and into victory in the Cold War as well.

Americans should, once again, be leading the world to combat what is likely to be the greatest challenge we will face in our lifetimes. Our children and their children are counting on this, and we should not let them down.

Somebody asked me how long it would take to read a list of the 195 nations that have signed on to the Paris Peace Accords, and I have the names right here. I am not sure I can correctly pronounce all of the names—maybe page 1 and the last page, and I will leave it at that.

It starts out with Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, and Barbados.

That is the first page, and it goes on and on and on.

I will finish up with Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

There are 195 in all. We ought to be in company with the names of all of the countries that are on that list. We should not be in the company of the one that is down here by itself—Syria.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 13 minutes remaining until the vote.

Mr. CARPER. Thank you.

IRAN

Mr. President, one of the countries on this list of the 195 subscribing to and signing on to the Paris Agreement was the country of Iran. I want to talk a little bit about Iran in the time that remains.

I came home from church this past Sunday. My wife and I were in the kitchen—we were fixing breakfast—when I turned on the television and watched, I think it was, CNN. They were broadcasting live from Saudi Arabia our President’s talking to a large group of national leaders representing

Muslim countries from around the world, hosted by Saudi Arabia. The President was giving his speech. He was using a teleprompter, but a lot of Presidents use teleprompters. He was reading a speech off of the teleprompter. As I was listening, I actually thought that this was a pretty good speech. Closer to the end of the speech—I do not know if he went off camera or went off the teleprompter and just did an inaudible or if this was part of the speech—he started talking about Iran and why they are a nemesis to a lot of the world and are not to be trusted—somebody we should not be doing business with or going into any kind of agreements with, even an agreement that causes them not to be able to build a nuclear weapon.

In any event, I thought to myself that there is a real irony here because, as he was going on and berating Iran, they were still counting the votes in Iran from the election that had occurred the day before, which is unlike many of the countries that were represented and that President Trump was addressing in that they do not have elections in those countries. Women do not get to hold office or run for office in many of those countries.

Let me just be the first to say that, clearly, Iran is not a Jeffersonian democracy, and, as some would suggest of late, maybe our credentials are somewhat tarnished on that too. I think of the over 1,600 people who registered to run for President in Iran. There were 1,600 people in Iran who wanted to run for President this year, and Iran’s Guardian Council only allowed 6, ultimately, to run.

Iran has never allowed a woman to run for President. Women do hold elected positions. They serve in the parliament and in municipal positions, but none of them has ever run for President. We have had one or two or maybe three.

Iran does not enjoy a free press. International election observers are strictly forbidden, and there are widespread allegations that Iran’s 2009 Presidential elections, in which Ahmadinejad was supposedly re-elected—I doubt that he was, but there are a lot of people who think those elections were rigged.

In Iran, most of the final decisions rest with the Supreme Leader, at least decisions of consequence, and the Supreme Leader, as we know, is not popularly elected by the people of that country.

Here is what happened in the elections in Iran over the weekend. A lot of people turned out to vote, and they were willing to support a candidate who openly advocates for engagement with the West, including with us. The Supreme Leader of Iran, frankly, did not want President Rouhani to be re-elected, but he was, with nearly 60 percent of the vote. In fact, the Supreme Leader, I think, and others urged others to get out of the race so that there would be just a one-on-one against a

hard-line candidate, who was favored by the Supreme Leader, and President Rouhani, who turned out to be favored in the election by almost 60 percent of the voters.

Of the people who voted, I do not know how this breaks out by age, but the country of Iran is a young country. They had their revolution back in the late 1970s. You may recall they captured our Embassy and held our folks hostage during the end of the Carter administration. They created a lot of havoc—not a lot of bloodshed but a lot of havoc—and a lot of bad will from that point in time until almost to this day.

Most of the people who live in Iran today are under the age of 30. A clear majority of them were not alive in 1970 to 1979. They never knew the fellow who led that revolution in Iran in the late 1970s. Most of the people in that country today were born after 1979.

I have talked to any number of Americans, including those who have held senior positions in previous administrations who have gone to Iran in recent years, and they all tell me the same story. They could not believe how welcomed they were by people everywhere—young people and not so young people, but especially by young people. There was a fascination on the part of especially the young people with our country, and there actually appears to be a fair amount of respect and admiration for our country. They would like to have a better relationship with our country.

They turned out and voted for a President. They also voted in municipal elections over the weekend. In the municipal elections, they voted out some sitting mayors of cities like Tehran, which is the capital city. The mayor there was a hard-liner, and, apparently, he has been knocked out of office or will be shortly. There are many other municipal leaders, and a moderate reformist will be succeeding one of the hard-liners.

I do not mean to suggest that all in Iran love us. They do not. The Revolutionary Guard and some of their leadership do not care for us at all. They, frankly, like terrorism and embrace terrorism and would like to continue to foment upheaval and terror in some parts around the country. They are not the future of their country. The future of their country voted last weekend. We have all heard about voting for change. Well, they voted for change, and my hope is that they will get what they voted for.

I think, for us, we have to be smart enough to say that no democracy is perfect—not ours, not theirs—and give them at least a passing grade for effort and see, as we go forward, how we can find ways to work together.

I served in the Vietnam war—three tours in Southeast Asia. I came back at the end of the war and moved from California to Delaware. I got an MBA and became the treasurer, Congressman, Governor, and Senator of Dela-

ware. When I was a Congressman, I led a six-member congressional delegation, including one former U.S. POW, Air Force Capt. Pete Peterson, who spent 6 years in the Hanoi Hilton. We went back to Vietnam a month after I stepped down as a captain in the U.S. Navy. We went back to Vietnam, Cambodia, and Laos to find out what happened to the thousands of MIAs whose bodies were never recovered. We do not know how they died or where they died or when they died, but we went back and tried to get to the truth. We did so at the behest and encouragement of the George Herbert Walker Bush administration.

We took with us a roadmap to normalize relations between the United States and Vietnam. Lo and behold, we ended up getting to meet their brand new leader, Do Muoi. He was a brand new leader who had only been in office for a week. We presented our roadmap to normalize relations. The six of us—Democrat and Republican Members of the House—had a very emotional meeting with him—a very emotional meeting—and said that these are the things you have to do. If you want to normalize relations with us, give us access to crash sites, the ability to excavate crash sites, the ability to talk to people who live in those areas and communities that are around those crash sites, the ability to go into your war museums, and the ability to go into your military archives and get as much information as we can. We said that we wanted our folks—U.S. folks—to be able to go around the country, to travel around their country. If somebody reports seeing a round-eye, or somebody who might be American, we want to be able to go find him.

A long story short, they did all of the things we asked them to do. Pete Peterson, a Member of our delegation, became the U.S. Ambassador to Vietnam. He made sure that the Vietnamese kept to the letter and spirit of that agreement. They did, and we normalized relations.

When I went back to Vietnam last year with President Obama, I met with some of the same people I had met with in August of 1991, who are now leaders of their countries. Do Muoi is still alive. I wrote him a note and sent it to him while I was there.

There are 55,000 American names that are on a wall down by the Lincoln Memorial—55,000 men and women who died in the war, with whom I served—and we have allowed bygones to be bygones with Vietnam. They are not a Jeffersonian democracy, but it turns out that we have worked through our difficulties. They have become a major trading partner with the United States—in fact, a major market. They want to buy things from us, too, like Boeing jets, and a lot of them for a lot of money—billions of dollars.

As it turns out, they and Iran have an airline that is decrepit. We used to joke about an airline in this country that was called Allegheny. We called it

“Agony.” We had another airline in this country called “Tree Top.” In Iran, they do not have an airline to be proud of, as they have very old airplanes and not especially safe airplanes. Like Vietnam, they want to buy our airplanes—a lot of them, for a lot of money.

I would hope that we could be smart enough to say that maybe we should sell to them. We are not going to sell them military equipment. We sell military equipment to Vietnam now, but we are not going to do that kind of thing with Iran. Maybe, if we are smart, we can sell them airplanes and, later on, the parts to the airplanes and, later on, other things as well. We should start small and go from there, as we have with Vietnam.

I will close, but if I could, I want to just say that our President, who has called for the isolation of Iran, also has, basically, praised the actions of President Duterte, of the Philippines, the leader of the Philippines. Do you know what he has done? He has launched a campaign of extrajudicial murders and has killed over 8,000 people.

He has warmly welcomed the leader of Turkey, Erdogan, who may have won or may not have won a tight election that gives him extraordinary powers as the leader of that country.

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

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

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

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

For now, I just want to say to those people, though, in that country, who

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

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Under the previous order, all postcloture time has expired.

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

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—94

Alexander	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sasse
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Scott
Cassidy	Kaine	Shaheen
Cochran	Kennedy	Shelby
Collins	King	Stabenow
Coons	Klobuchar	Strange
Corker	Lankford	Sullivan
Cornyn	Leahy	Tester
Cortez Masto	Lee	Thune
Cotton	Manchin	Tillis
Crapo	Markey	Toomey
Cruz	McCain	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	
Fischer	Murphy	
Flake	Murray	

NAYS—6

Booker	Gillibrand	Sanders
Duckworth	Harris	Warren

The nomination was confirmed.

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

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the nomination of Amul R. Thapar, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, Orrin G. Hatch, Roger F. Wicker, Jeff Flake, John Cornyn, Chuck Grassley, John Hoeven, James E. Risch, Mike Rounds, Deb Fischer, Mike Crapo, Jerry Moran, Pat Roberts, Lindsey Graham, John Kennedy, Steve Daines, David Perdue.

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

[Rollcall Vote No. 136 Ex.]

YEAS—52

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

NAYS—48

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

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

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

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

HEALTHCARE LEGISLATION

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

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

For instance, in my State of New Hampshire, health insurance premium increases last year averaged just 2 percent. That is the lowest annual increase in history. Today, it is a very different picture. Because of the efforts of the Trump administration to undermine the Affordable Care Act, insurance companies in New Hampshire and across the country face widespread uncertainty. Many of them are deciding that they have no choice but to protect themselves by drastically increasing premiums.

This week, there was a report in the New Hampshire Union Leader, which is our State's largest newspaper, that premiums in New Hampshire could increase by as much as 44 percent. Now, President Trump says that the Affordable Care Act is "exploding," but let's be clear. If ObamaCare is exploding, as President Trump says, it is because this administration lit the fuse and has been working aggressively to undermine the law.

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

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

More broadly, the administration's mixed signals and erratic management of the Affordable Care Act are causing uncertainty in the marketplace. Paul Markovich, the CEO of Blue Shield of

California, has said that health plans are being forced to raise premiums to compensate for all of the turmoil.

It gets worse.

Last week, the Los Angeles Times reported that Seema Verma, the Administrator of the Centers for Medicare and Medicaid Services, shocked a meeting of insurance industry executives by threatening to cut off funding for cost-sharing reductions unless insurers agreed to support the House Republicans' bill to repeal the Affordable Care Act—the bill that was passed several weeks ago.

Washington State Insurance Commissioner Mike Kreidler criticized the administration's actions as playing Russian roulette with Americans' health insurance coverage. He said: "This has real impact on people's lives."

One insurance company executive said this about the administration's actions: "There's a sense that there are no hands on the wheel, and they are just letting the bus careen down the road."

Physicians and other healthcare professionals live by a time-honored pledge to do no harm, but the Trump administration is pursuing a course that will do tremendous harm to millions of Americans who have gained health coverage for the first time because of the Affordable Care Act. Unless and until Congress repeals the Affordable Care Act, it is the law of the land, and this administration has a responsibility to administer this law with fairness, with rigor, and with competence. The administration certainly does not have the right to take active steps to undermine or even sabotage the law or to threaten insurance companies with such steps if they do not support the repeal of ObamaCare.

It is time for the administration to reconsider its approach to healthcare reform. To date, regrettably, the administration's approach has been highly partisan, with no outreach to Democrats. Instead of a "do no harm" approach, instead of taking steps to fill President Trump's pledge that we are going to have insurance for everybody—and he came through New Hampshire on multiple occasions during his primary campaign and during the general election campaign. What he said about health insurance was that we were going to make sure that everybody has it; we are going to make sure that they pay less and that they get quality coverage. The administration now seems determined to take health coverage away from tens of millions of Americans.

The Congressional Budget Office estimated that the House Republicans' bill—the first one—to repeal the Affordable Care Act would take coverage away from 24 million Americans. Yesterday, the administration proposed a budget that would cut Medicaid by as much as \$1.3 trillion over the next decade. That would end coverage for millions of low-income Americans, people with disabilities, and so many of our

elderly in nursing homes. In New Hampshire, where we are really on the frontlines of the heroin and opioid epidemic, it would end treatment for many people who are getting treatment for their substance use disorders because of the expansion of Medicaid.

When we think about the people who would be hurt by this, it is unconscionable to hear Office of Management and Budget Director Mick Mulvaney say: "There is a certain philosophy wrapped up in the budget, and that is that we are no longer going to measure compassion by the number of programs or the number of people on those programs." I disagree with that view. By deliberately taking healthcare coverage from 24 million Americans, it shows the lack of compassion of this administration.

This is not about numbers. He is right about that. This should not be about numbers. This should be about people, about their families, and about what these proposals will do to everyday Americans who will no longer have access to affordable health coverage. Whether they have preexisting conditions or whether they need to get treatment for cancer, for substance use disorders, or for whatever their healthcare needs are, under this proposal, they are not going to be able to afford it. Millions of Americans will not be able to afford it.

I think there is a better way forward. Instead of tearing down the Affordable Care Act and taking health coverage away from people, we should be building on the gains and on the achievements of healthcare reform.

On that score, I want to share an extraordinary letter to the editor that was written by Carol Gulla, of Newmarket, NH.

I am reading her letter:

I was in good health; why bother with a physical?

That was my mentality for years before the Affordable Care Act (aka Obamacare). I work for a small nonprofit business, so we don't qualify for group health insurance plans. An annual physical wasn't included in the high premium, high deductible plans that were available to me on the individual health insurance market so they were often a luxury. But it was OK; I felt great! Why bother with doctors?

Because of the Affordable Care Act, last June I went for a routine physical. During [the exam] a lump was discovered in my breast. Ten days later, breast cancer was diagnosed. . . . Fast forward to today. I've just completed my final chemotherapy treatment and my prognosis is very positive. That physical saved my life.

Let me restate that—Obamacare saved my life.

That crucial physical in June would not have happened had it not been an essential preventive service included in all health plans under the ACA. While not perfect, my insurance through the ACA is far better than anything available to me as an individual in the past.

Ms. Gulla's letter continues:

Up until this point I have been pretty quiet about my diagnosis simply because I didn't want cancer to be the main topic of every conversation I had. But, with the Republican

majority in Washington, including Secretary of Health & Human Services Tom Price, promising to repeal the ACA, being quiet is no longer an option. I am being asked to entrust my health and well-being to hollow promises of it will "be replaced by something better; it will be great." Forgive me if I'm skeptical!

This is my life we're talking about! Do not tell me to be patient. Do not tell me to "wait and see." Either outline a . . . plan for improving the Affordable Care Act, or leave my health insurance alone!

She signs it with her name, Carol Gulla, of Newmarket, NH.

I think we need to listen to Carol and to so many other people like her all across America.

Instead of allowing this administration to undermine and even sabotage the Affordable Care Act, we in the Senate need to work together, Democrats and Republicans, to strengthen the parts of the Affordable Care Act that are working in the real world, including Medicaid expansion, and to fix what is not working. According to multiple recent polls that I have seen on this issue, this is what the great majority of Americans want us to do. It is time for us to listen to the American people.

The Affordable Care Act has had a profoundly positive impact all across America, but it needs commonsense repairs and it needs strengthening. Mend it, don't end it, and certainly don't sabotage it. This should be a bipartisan focus in the Senate. I intend to do everything I can to encourage such a bipartisan effort. I know my colleagues on both sides of the aisle would be willing to do this important work if they understood how much the American people want to see us do this.

We know that the Affordable Care Act has had positive impacts in each of our States, including giving people peace of mind, knowing they can't be denied coverage based on preexisting conditions. So let's work together. Let's ensure that the Affordable Care Act works even better in the future for all Americans.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to thank my colleague from New Hampshire before she leaves the floor for her statement on the Affordable Care Act. I know she made reference to the recent report from the Congressional Budget Office that we just received, and it tells the whole story. It tells us all we need to know about TrumpCare 2—the second attempt by the Republicans to replace the Affordable Care Act. What it tells us in the starkest terms is exactly the reason why the Republicans didn't want to wait around for this analysis.

For the record, the Congressional Budget Office is a nonpartisan agency of the Federal Government that analyzes our great ideas and tells us what is going to happen if they become law. I know this agency pretty well because

when we wrote the Affordable Care Act, we waited and waited and waited, sometimes weeks at a time, until some bright idea that we thought we had was analyzed in the cold reality of healthcare in America. Sometimes they came back and said good idea, and many times they came back and said bad idea.

The Republicans passed TrumpCare 2 in the House about 3 weeks ago and wouldn't wait for the Congressional Budget Office analysis. We thought to ourselves, that is unusual. That is the standard everybody uses in Congress. They wouldn't wait because they knew what was coming, and today it was announced.

This afternoon, here is what the Congressional Budget Office said about the Republican attempt to repeal the Affordable Care Act. Next year, under the Republican plan, 14 million Americans would lose their health insurance. How about that for a starter. That is the starting point of their analysis. Over the next 10 years, 23 million Americans would lose their health insurance. Next year, premiums—the cost of health insurance—would increase 20 percent in the individual market. The CBO affirms that under current law—the Affordable Care Act—the marketplaces are stable. However, under the Republican repeal bill, one-sixth of the population resides in parts of America where the individual market would become unstable beginning in the year 2020.

There will be \$834 billion in cuts in Federal Medicaid Programs over the next decade. Do we know what those cuts mean? In my State, half the children born are covered by Medicaid. The mothers get prenatal care so the babies are healthy—paid for by Medicaid. The delivery is paid for by Medicaid. The postnatal care of that little infant is paid for by Medicaid.

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

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

This is from the Congressional Budget Office again: \$88 billion in tax cuts

for the superwealthy and big businesses, including drug companies.

Mrs. SHAHEEN. Mr. President, will my colleague yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. SHAHEEN. Those numbers came out while I was speaking on the floor, because I was talking about the first House-passed bill to repeal the Affordable Care Act. What the Senator from Illinois is telling me is that the numbers for the bill they passed to fix the first bill they couldn't pass are just as bad and in some ways even worse than the original bill.

Mr. DURBIN. Mr. President, through the Chair, in response to the Senator from New Hampshire, they are equally disastrous.

Listen to these quotes from the Congressional Budget Office this afternoon about the Republican repeal plan: "People who are less healthy, including those with preexisting conditions, would ultimately be unable to purchase comprehensive individual market insurance at premiums comparable to those under current law if they could purchase it at all."

Listen to this. It goes on to say: "In particular, out-of-pocket spending on maternity care and mental health and substance abuse services could increase by thousands of dollars in a given year for the individual market enrollees who use those services."

Let me bring this home to your State. Your State has been devastated—our State has been hurt badly—your State has been devastated by the opioid crisis. I would like the Senator from New Hampshire, if she would, to respond to that by giving us some detail. What they are saying is that the Republican repeal of the Affordable Care Act is going to deny coverage in health insurance for substance abuse treatment for families whose kids are discovered to be on opioids.

I yield through the Chair without yielding the floor to the Senator from New Hampshire to describe her challenge in New Hampshire.

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

So what the Senator from Illinois is telling me, from the CBO, is that based on the plan that passed the House that Republicans have supported, those people who are getting their treatment—lifesaving treatment for mental health issues and substance abuse disorders—they are going to be kicked off of their

plan, and they are not going to have any other option for getting that care.

Mr. DURBIN. That is what the Congressional Budget Office reports.

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

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

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

This afternoon we had a press conference and we invited four or five families to come in with their kids. The theme of the press conference was, what is going to happen if your child has a preexisting condition?

Well, there were some amazing little kids there and some heroic moms and dads telling the story about what happens when you discover that your little infant has a cantaloupe-sized tumor from neuroblastoma and what happens for that family, what happens to that infant. Thank goodness those kids were all standing there smiling. They fought the good fight, and they have to continue to fight it, and each and every one of them is branded as having a preexisting condition. Back in the old days, before the Affordable Care Act, that meant those families were unable to buy health insurance, or if they could buy it, they couldn't afford it because the premiums were too high. So we passed the Affordable Care Act and said: Enough. We are not going to allow you to discriminate against anyone for a preexisting condition.

If you have a spouse with diabetes, if you have somebody in your family who is a cancer survivor, they can't use it against you. They can't discriminate. Now the Congressional Budget Office tells us what is going to happen to those people. We are going back to the bad old days when those families will not only have to stay awake at night

worrying about whether that baby of theirs is going to survive, they are going to stay awake at night also worrying about how in the world they are going to pay for their health insurance.

Is that the Republican answer? Is that Trumpism at work when it comes to healthcare in America? I can't believe the American people voted for that. I can't believe they are saying to our Republican colleagues: We really don't care if our health insurance covers preexisting conditions. Of course they care.

They come back with something called high-risk pools. I am sure the Senator from New Hampshire can remember those. Let me tell you about some of those warnings around swimming pools that say: No diving, the pool is too shallow. Well, the high-risk pools for preexisting conditions are way too shallow. No family with preexisting conditions should dive into those pools because the amount of money provided for by the Republicans in their affordable care repeal would only cover about one out of four families with preexisting conditions. Three out of four families: You are on your own.

Think about that. If you have ever been in a position in life where you are a parent with a sick child and have no health insurance, you will never forget it as long as you live. I know because I have been there. When I was a law student with a little baby who was sick, I had no health insurance. I will never forget it as long as I live.

Why don't the Republicans hear the same message we hear? Why aren't they listening to these families and the struggles they are going through to keep their kids alive? And they come up with a repeal plan that is going to make it exceedingly difficult—in some cases impossible—to provide quality care to these kids and to people with preexisting conditions. That, to me, is not our responsibility.

I go to the conclusion of the Senator from New Hampshire, which I think is the right one. Is the Affordable Care Act perfect? No. It is one of the most important and I think the most giving bills I have ever voted for, but it is far from perfect. We should be sitting down with the other side of the aisle—Republicans and Democrats—not to repeal the Affordable Care Act but to make sure we make the repairs that make a difference.

Each one of us has a list of things we would like to see addressed. The cost of premiums are too high in the individual market. Let's address that directly, and we should. The fact that pharmaceutical drugs don't have any regulation or control in terms of pricing is just plain wrong. And third—I will just put on my agenda—I think every American should have the option of a public option plan like Medicare. You can decide if that is right for you or your family, but a not-for-profit plan based on Medicare should be available to every American no matter

where you live. Those are the three things I would put on the table right away. To walk away from coverage for 23 million Americans and to endanger the coverage for those who remain with premiums they can't afford is hardly humane and hardly consistent with American values.

So I thank the Senator from New Hampshire for her contribution in this. We have to get the message out.

Mrs. SHAHEEN. If I could just add one more group of folks who are going to be affected by this bill that passed the House several weeks ago. That is our veterans. We have millions of veterans in this country who get their healthcare through Medicaid. We have asked these folks to put their lives on the line for this country, and now we are talking about taking away the healthcare they depend on.

I was at one of our community mental health centers in New Hampshire last week and met with a number of veterans who get their care through the expansion of Medicaid. They talked about what it means to be able to get care, to be able to go into that community mental health center and work with the veterans outreach coordinator who works with veterans, trying to make sure they get the help they need. If this bill goes forward, PTSD, which affects so many veterans, would be considered a preexisting condition and they wouldn't be able to get health insurance going forward.

This bill is nothing but mean-spirited. As the Senator said, all of the efforts to save money in the bill are so money can be used to give huge tax breaks to the wealthiest among us. I don't think that is what Americans want. As the Senator says, we need to work with our colleagues. We need to get a good bill that improves the Affordable Care Act, fixes what is not working, and makes it better.

Mr. DURBIN. If I may also say, I agree completely that discriminating against veterans should hardly be the starting point for the reform of our healthcare system.

I want to make this point because I know exactly what the first speech will be from the Republican side of the aisle. This point in the Congressional Budget Office affirms that under current law insurance marketplaces are stable. They are stable. That isn't what you will hear from the other side of the aisle. The other side of the aisle loves to use the phrase "death spiral," that the current healthcare system in America is in a death spiral.

The only death spiral in the current healthcare system is brought on because the Republicans have their hands around the throat of that system and they are choking it. Their sabotage of our current healthcare system is the reason there is uncertainty in the insurance markets. The insurance companies told us that this week: We don't know where you are going in Washington. We don't know what the future will hold. We have an obligation to our

shareholders and people who work for us to make sure we protect ourselves. So we are going to hold back in terms of commitment.

So to the Republicans I would say: This is no death spiral. This is a self-fulfilling prophecy to bring down our healthcare system, and shame on those who would do it at the expense of vulnerable populations across America.

I will mention one other group while the Senator from New Hampshire is on the floor. The Illinois Hospital Association roundly opposes this Republican TrumpCare bill. The reason they do is they say it endangers smalltown hospitals—and we have a lot of them in our State—and inner-city hospitals as well. I am sure that is the case in New Hampshire.

Mrs. SHAHEEN. Actually, the New Hampshire Hospital Association also opposes the bill for the very same reason. We have hospitals at risk if this bill is passed.

Mr. DURBIN. I am sure, in the Senator's State, like in our State of Illinois, there are larger cities with big hospitals that treat all kinds of cases, but were it not for that safety net of hospitals in small towns, these people living there would drive an extra 50 or 100 miles to get to a hospital and would see the loss of critical services for trauma and emergencies that currently exist with these smalltown hospitals.

According to the Illinois Hospital Association and others, the first casualties of the Republican repeal bill—the first casualties of TrumpCare—it is estimated in Illinois that we will lose 60,000 healthcare jobs at our hospitals because of the Republican approach. How important are these jobs? I will go out on a limb: In most communities, they are the best paying jobs in the community. The men and women who are the doctors and the nurses and the specialists who provide that basic care in these towns, sure, they get compensated better than most, but we want to compensate them and keep them there because without them, people don't have the basic health services they count on.

So from every perspective, whether it is the doctors, the nurses, the pediatricians, substance abuse treatment, hospitals and clinics, the Republican approach to repealing ObamaCare—repealing the Affordable Care Act—is devastating, and the Congressional Budget Office put it in writing today.

I might say, we should close by saying what is happening in the Senate after the House passed this terrible bill, which the Congressional Budget Office told us about. Well, we don't know. It is a mystery. We would have expected that someone in the Senate would have decided: Let's put a bill on the table, let's have an open public hearing, let's have a debate about where we go, and let's make a good, sound decision that is in the best interests of the American families. That is not the case at all.

Instead, the Republican leader in the Senate has chosen 12 or 13 men to sit in

a room outside of the view of the public and to craft an alternative to the terrible bill that passed the House. Nobody has seen it, nobody wants to talk about it. It has not been scored. It has not been debated. That is their idea of reforming healthcare in America. That is not going to work—at least not going to work for the best interests of the families I represent.

If we are going to come together on a bipartisan basis to repair and strengthen the Affordable Care Act, let's do it, but let's do it in the light of day, instead of hiding behind the doors of some room with 13 Senators who have been given this blessing, anointed, to try to come up with a new healthcare system for America. That, to me, is inconsistent with our responsibility—our public responsibility—when it comes to this critical issue.

So I thank the Senator from New Hampshire for her input on this. There will be more to be said.

Mrs. SHAHEEN. There will be. If I could ask one final question because not only is this effort in the Senate happening behind closed doors, but initially it excluded women.

Women are more than 50 percent of this country. We have particular needs when it comes to healthcare. Fortunately, the essential health benefits part of the Affordable Care Act provide requirements for preventive health for women, for mammograms. They cover maternity benefits when you have a baby. They are talking about writing this legislation without taking into consideration the women in the Senate, the women in the country, and what we need to do to make sure we have access to healthcare. That is just unconscionable, added to the fact that it is all being done behind closed doors.

Mr. DURBIN. I agree with that. Also, as the Senator from New Hampshire knows better than anybody, originally being a woman was a preexisting condition.

Mrs. SHAHEEN. Absolutely. They want to take us back to that.

Mr. DURBIN. It would disqualify you or raise your premiums because you are a woman. We got rid of that gross discrimination against women when we did the Affordable Care Act. We shouldn't have a similar level of discrimination when it comes to writing any improvement in this Affordable Care Act.

This is a big enough Senate and a big enough place for us to all gather around the table and make sure we do this in the best interests of all Americans, regardless of gender, regardless of background, regardless of where you live. That is the way we should approach something as serious as an item that accounts for \$1 of every \$6 in the American economy—an item that is literally life and death for families all across Illinois, New Hampshire, and all across the United States.

The Congressional Budget Office said it all today. It is time for us to put Trump 2.0 to rest and try to come up

with something which really is befitting this great Nation.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, I rise to oppose the nomination of Judge Amul Thapar to serve as a judge on the Sixth Circuit Court of Appeals.

It should surprise absolutely no one that Judge Thapar is the second nominee to a Federal court to come up for a vote in this Congress. His nomination comes on the heels of the nomination of now-Justice Neil Gorsuch, an ultra-conservative who could not earn enough support to be confirmed under Senate's normal rules, a judge so radical, so controversial that Senate Republicans had to change the Senate rules and lower the vote threshold to force his nomination through the Senate.

Now the Senate is poised to vote on a judge cut from the same cloth. Like Justice Gorsuch, Judge Thapar made the list of 21 acceptable judges that far-right groups drew up and handed to President Trump—judges who would tilt the scales of justice in favor of the rich and the powerful. As in Justice Gorsuch's case, those radical groups are committed to doing whatever it takes to make sure Judge Thapar sits on the Nation's highest courts.

For those groups, the goal is not just to get a few ultraconservative judges on our Federal courts; it is to capture the entire judicial branch. For years, billionaire-funded, rightwing groups have worked hand in hand with Republicans to ensure that our courts advance the interests of the wealthy and powerful over the rights of everyone else. They abused the filibuster to stop fair, mainstream judges from filling vacancies on Federal courts, they slowed the judicial nominations process to a crawl, and they threw the Constitution and Senate precedent out the window by refusing to consider President Obama's Supreme Court nominee. Under their watch, judicial vacancies stacked up and courts became overloaded with cases. Now Republicans and their extremist friends have a President who shares their concern about the interests of the 1 percent, and they are ready to stack our Federal courts with judges who will advance their radical agenda. Judge Thapar is much more than up to the task.

There are many reasons to oppose Judge Thapar's nomination to the Sixth Circuit, from his decisions making it harder for working Americans to get access to the judicial system to his support for sentencing policies that don't make us safer but that exacer-

bate the problem of mass incarceration. There is a lot to object to, but I want to highlight one area that should concern every person who thinks government should work for all of us; that is, Judge Thapar's stance on money in politics.

For decades, our laws restricted the amount of money that individuals and corporations could pour into the political process. In recent years, Federal courts chipped away at those laws, and then Supreme Court decisions in cases like *McCutcheon* and *Citizens United* took a sledgehammer to campaign finance laws, unleashing a flood of dark money into the political system.

There are now dozens of perfectly legal ways for the 1 percent to buy influence and favor: corporate campaign contributions and super pacs, the revolving door between government and the private sector, bought-and-paid-for experts to push alternative facts, armies of lobbyists swarming the Halls of Congress. Their investments have paid off in the form of special breaks, exemptions, deals, riders, subsidies, loopholes, and every other handout industry can imagine. That money—that unaccountable, dark, unlimited money—has fundamentally distorted our democracy.

Judge Thapar would make the problem worse. Judge Thapar believes that actual speech and monetary contributions are basically the same thing. When he had to decide on the constitutionality of a Kentucky rule preventing State judges and judicial candidates from donating to political groups or campaigns, he concluded that the rule was unconstitutional. In his decision, Judge Thapar said: "There is simply no difference between 'saying' that one supports an organization by using words and 'saying' that one supports an organization by donating money." No difference between talking about a candidate and dumping a bucket of money into the candidate's campaign. Wow.

In Judge Thapar's view, the Constitution should protect a billionaire's right to dump unlimited sums of money into the political process to influence the outcome of elections. That is even further than the Supreme Court has gone. As the Sixth Circuit reminded Judge Thapar when it reversed his decision on donations, even the Supreme Court has refused to treat monetary donations as equivalent to direct speech.

The issue of concentrated money in our political system is one that doesn't split down party lines. Americans of all political views cringe at the massive amounts of secret money that slither through our political process. They have seen politicians beholden to the handful of deep-pocketed individuals and giant corporations, and they have seen those politicians turn their backs on the constituents they were elected to represent. That is at the heart of what is wrong in our Nation. Our government should work for everyone, not just for the millionaires and billionaires.

Fighting for a government that is accountable to the people means fighting to reduce the influence of concentrated money and concentrated power in our political system. It is time to take down the sign that says "government for sale" that hangs above Washington, DC, and we can start today by rejecting Judge Thapar's nomination to serve on the Sixth Circuit Court of Appeals.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

AMENDED U.S. SENATE TRAVEL REGULATIONS

Mr. SHELBY. Mr. President, I wish to inform all Senators that on Friday, May 19, 2017, the Committee on Rules and Administration adopted amendments to the U.S. Senate Travel Regulations and corresponding changes to the committee and administrative office staff regulations, which are published as part of the travel regulations. All amendments are effective immediately.

I ask unanimous consent that a summary of these modifications and the text of the amended regulations be printed in the RECORD.

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

SUMMARY OF AMENDED REGULATIONS

U.S. SENATE TRAVEL REGULATIONS

The Committee has modified its travel regulations to provide that any mode of transportation hired for a fee while on official travel or for purposes of interdepartmental transportation, including but not limited to public transportation, is eligible for reimbursement.

The Committee also has modified its travel regulations to align the rules governing rental car reimbursements. The amended regulations provide that staff members may be reimbursed for rental car expenses incurred for purposes of interdepartmental transportation regardless of their duty station.

The amended regulations do not affect or alter the longstanding prohibition on the reimbursement of commuting expenses, and offices continue to be prohibited from obtaining reimbursement of "no show" charges as-

sociated with official travel and interdepartmental transportation.

COMMITTEE AND ADMINISTRATIVE OFFICE STAFF REGULATIONS

The Committee has also amended the Committee and Administrative Office Staff Regulations that are published as part of the Travel Regulations. The reference to "interdepartmental transportation" in the section governing the use of petty cash funds has been revised to be consistent with the amended Travel Regulations.

REGULATIONS AND STATUTORY AUTHORITY

The travel regulations herein have been promulgated by the Committee on Rules and Administration pursuant to the authority vested in it by paragraph 1(n)(1)8 of Rule XXV of the Standing Rules of the Senate and by section 6503 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

Standing Rules of the Senate

Rule XXV

Paragraph 1(n)(1)8

(n)(1) Committee on Rules and Administration, to which committee shall be referred * * * matters relating to the following subjects: * * *

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same * * *

United States Code

Title 2 Section 6503

Sec. 6503. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate * * *.

UNITED STATES SENATE TRAVEL REGULATIONS

Revised by the Committee on Rules and Administration

Effective October 1, 1991 as amended January 1, 1999, as further amended December 7, 2006, October 26, 2007, December 20, 2007, March 27, 2009, and May 19, 2017.

GENERAL REGULATIONS

I. Travel Authorization

A. Only those individuals having an official connection with the function involved may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of standing, select, special, joint, policy or conference committees
2. Staff of such committees
3. Employees properly detailed to such committees from other agencies
4. Employees of Members of such committees whose salaries are disbursed by the Secretary of the Senate and employees appointed under authority of section 111 of Public Law 95-94, approved August 5, 1977, when designated as "ex officio employees" by the Chairman of such committee. Approval of the reimbursement voucher will be considered sufficient designation.

5. Senators, including staff and nominating board members. (Also individuals properly detailed to a Senator's office under authority of Section 503(b)(3) of P.L. 96-465, approved October 17, 1980.)

6. All other administrative offices, including Officers and staff.

C. An employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of the former office until the conclusion of that official travel.

D. All travel shall be either authorized or approved by the chairman of the committee, Senator, or Officer of the Senate to whom such authority has been properly delegated. The administrative approval authority re-

quired will be issued prior to the expenses being incurred and will specify the travel to be undertaken unless circumstances in a particular case prevent such prior approval.

E. Official Travel Authorizations: The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide discount air fares for Members, Officers, and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card
2. The use of an "Official Travel Authorization" form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senator, Committee chairman, or Officer of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card, check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

II. Funds for Traveling Expenses

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

a) Advances to Committees (P.L. 81-118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, policy, or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(a) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him[her] or his[her] order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations, other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the unexpended amount advanced before or shortly after the expiration of the authority under which these funds were obtained.

(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated with signature authority.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) shall sign the travel advance form to acknowledge receipt of the cash.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

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

(9) No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Committee Chairman and his/her staff is \$200.

(11) The aggregate total of travel advances for committees shall not exceed \$5,000, unless otherwise authorized by prior approval of the Committee on Rules and Administration.

b) Advances to Senators and their staffs (2 U.S.C. 58(j))

(Regulations for Travel Advances for Senators and Their Staffs adopted by the Committee on Rules and Administration, effective April 20, 1983, pursuant to P.L. 97-276)

(1) Travel advances from a Senators' Official Personnel and Office Expense Account must be authorized by that Senator for himself/herself as well as for his/her staff. Staff is defined as those individuals whose salaries are funded from the Senator's account. An employee in the Office of the President Pro Tempore, the Deputy President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Conference of the Majority, or the Secretary for the Conference of the Minority shall be considered an employee in the office of the Senator holding such office.

(2) Advances shall only be used to defray official travel expenses . . .

(3) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Member and a staff person designated with signature authority.

(4) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing

Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(5) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

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

(9) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator and his/her staff is \$200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The aggregate total of travel advances per Senator's office shall not exceed 10% of the expense portion of the Senators' Official Personnel and Office Expense Account, or \$5,000, whichever is greater.

c) Advances to Administrative Offices of the Senate

(Regulations Governing Cash Advances for Official Senate Travel, adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as amended, as applicable to Senate administrative offices)

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicable Officer of the Senate and a staff person designated with signature authority.

(2) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(3) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for ad-

vances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(4) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(5) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

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

(7) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator Officer and his/her staff is \$200. No more than two (2) travel advances per traveler may be outstanding at any one time.

d) Office of the Secretary of the Senate (2 U.S.C. 61a-9a)

(1) . . . The Secretary of the Senate is authorized to advance, with his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding \$1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties . . .

e) Office of the Sergeant at Arms and Doorkeeper of the Senate (2 U.S.C. 61f-1a)

(1) For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

COMMITTEE ON RULES AND ADMINISTRATION REGULATIONS FOR TRAVEL ADVANCES FOR THE OFFICE OF THE SENATE SERGEANT AT ARMS)

(a) **GENERAL**—With the written approval of the Sergeant at Arms or designee, advances from the contingent expense appropriation account for the Office of the Sergeant at Arms may be provided to the Sergeant at Arms or the Sergeant at Arms' staff to defray official travel expenses, as defined by the U. S. Senate Travel Regulations. Staff is defined as those individuals whose salaries are funded by the line item within the "Salaries, Officers, and Employees" appropriation account for the Office of the Sergeant at Arms.

(b) **FORMS**—Travel advance request forms shall include the date of the request, the name of the traveler, the dates of the official travel, the intended itinerary, the authorizing signature of the Sergeant at Arms or his designee, and a staff person designated with signature authority.

(c) **PAYMENT OF ADVANCES**—

(i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check.

(ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(iii) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(d) **REPAYMENT OF ADVANCES**—

(i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses.

(ii) In those cases when a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal Government.

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

(e) **LIMITS**—

(i) To minimize the payment of travel advances, whenever possible, travelers are expected to utilize the corporate and individual travel cards approved by the Committee on Rules and Administration.

(ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question.

(iii) The minimum travel advance that can be authorized for official travel expenses is

\$200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. **Government Travel Plans**

(a) **Government Charge Cards**

(1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.

(a) The employing Senator, chairman, or Officer of the Senate should authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.

(b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.

(c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, and bus tickets, and rental cars.

(a) Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the airfare, train, and bus tickets, and rental car expenses charged to this account.

(b) Other transportation costs, per diem expenses, and incidentals are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration.

(c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder, usually the Administrative Director or Chief Clerk of the office. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(1) A centrally billed account may be established through the approved Senate vendor (currently the Combined Airlines Ticket Office (CATO)) and will be charged against an account number issued to each designated office; there are no charge cards issued for such an account.

III. **Foreign Travel**

A. Reimbursement of foreign travel expenses is not authorized from the contingent fund of Member offices.

B. Committees, including all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate, are authorized funds for foreign travel from their committee budget and through S. Res. 179, 95-1, notwithstanding Congressional Delegations which are authorized foreign travel funds under the authority of the Mutual Security Act of 1954 (22 U.S.C. 1754).

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987.

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

(1) any employee of the Member;

(2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, Officer, or employee shall use any funds furnished to him/her to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

IV. **Reimbursable Expenses:** Travel expenses (i.e., transportation, lodging, meals and incidental expenses) which will be reimbursed are limited to those expenses essential to the transaction of official business while away from the official station or post of duty.

A. **Member Duty Station(s):** The official duty station of Senate Members shall be considered to be the metropolitan area of Washington, D.C.

1. During adjournment sine die or the August adjournment/recess period, the usual place of residence in the home state, as certified for purposes of official Senate travel, shall also be considered a duty station.

2. Each Member shall certify in writing at the beginning of each Congress to the Senate Disbursing Office his/her usual place of residence in the home state; such certification document shall include a statement that the Senator has read and agrees to the pertinent travel regulations on permissible reimbursements.

3. For purposes of this provision, "usual place of residence" in the home state shall encompass the area within thirty-five (35) miles of the residence (by the most direct route). If a Member has no "usual place of residence" in his/her home state, he/she may designate a "voting residence," or any other "legal residence," pursuant to state law (including the area within thirty-five (35) miles of such residence), as his/her duty station.

B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be made only for trips which begin and end in Washington, D.C., or, in the case of an employee assigned to an office of a Senator in the Senator's home state, on trips which begin and end at the place where such office is located.

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

3. For purposes of these regulations, the "duty station" shall encompass the area within thirty five (35) miles from where the Senator's home state office or designated duty station is located.

C. No employee of the Senate, relative or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

D. A duty station for employees, other than Washington, D.C., may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such station to the Senate Disbursing Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

E. For purposes of these regulations, the metropolitan area of Washington, D.C., shall be defined as follows:

1. The District of Columbia
2. Maryland Counties of
 - a) Charles
 - b) Montgomery
 - c) Prince Georges
3. Virginia Counties of
 - a) Arlington
 - b) Fairfax
 - c) Loudoun
 - d) Prince William
4. Virginia Cities of
 - a) Alexandria
 - b) Fairfax
 - c) Falls Church
 - d) Manassas
 - e) Manassas Park
5. Airport locations of
 - a) Baltimore/Washington International Thurgood Marshall Airport
 - b) Ronald Reagan Washington National Airport
 - c) Washington Dulles International Airport

F. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, D.C., may be reimbursed from official Senate funds.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the date, and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary report and stated in accordance with these regulations. The official expense summary report form is available at the Senate

Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must show in the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem expenses, incidental expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of \$50. In addition, the Committee on Rules and Administration reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the contingent fund of the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as VISA, MASTER CHARGE, or DINERS CLUB, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

TRANSPORTATION EXPENSES

I. Common Carrier Transportation and Accommodations

A. Transportation includes all necessary official travel on railroads, airlines, helicopters, public transportation, taxicabs or other mode of transportation hired for a fee, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation such as but not limited to baggage transfer. When a claim is made for common carrier transportation obtained with cash, the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

1. Train Accommodations

a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved.

When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senate.

b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, coach accommodations should be used to the maximum extent possible, on the basis of advantage to the Senate, suitability and convenience to the traveler, and nature of the business involved.

2. Airplane Accommodations

a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers' convenience, safety, and comfort.

b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

B. Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved for him/her, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by a ticket or where a journey is terminated short of the destination specified, the traveler must report such facts

to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. "No show" charges, if incurred by Members or staff personnel in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid "no show" assessments.

3. A Member shall be permitted to make more than one reservation on scheduled flights with participating airlines when such action assists the Member in conducting his/her official business.

C. Compensation Packages: In the event that a Senate traveler is denied passage or gives up his/her reservation due to overbooking on transportation for which he/she held a reservation and this results in a payment of any rebate, this payment shall not be considered as a personal receipt by the traveler, but rather as a payment to the Senate, the agency for which and at whose expense the travel is being performed.

1. Such payments shall be submitted to the appropriate individual for the proper disposition when the traveler submits his/her expense account.

2. Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares should be used for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Senate.

3. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees does not exceed the rates prescribed by the Committee on Rules and Administration.

E. Frequent Flyer Miles: Travel promotional awards (e.g. free travel, travel discounts, upgrade certificates, coupons, frequent flyer miles, access to carrier club facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee's position with the Federal Government.

2. Members, officers and employees may only retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect

route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official direct route. Personal travel should be noted on the traveler's expense summary report when it interrupts official travel.

G. Miscellaneous Transportation During Official Travel: The cost of public transportation, taxicabs, or other mode of transportation hired for a fee in connection with official travel will be allowed as an official transportation expense.

H. Dual Purpose Travel: Dual purpose travel occurs when a Senator, staffer, or other official traveler conducts both Senatorial office business and Committee office business during the same trip. The initial point at which official business is conducted will determine the fund which will be charged for travel expenses from and to Washington, D.C. Examples include:

1. If committee business is conducted at the first stop in the trip, travel expenses from Washington, D.C., to said point and return will be chargeable to the committee's funds. Additional travel expenses from said point to other points in the United States, incurred by reason of conducting senatorial business, will be charged to the Senators' Official Personnel and Office Expense Account.

2. If senatorial business is conducted at the first stop in the trip, travel expenses from Washington, D.C., to said point and return will be chargeable to the Senators' Official Personnel and Office Expense Account. Committee funds will be charged with any additional travel expenses incurred for the purpose of performing committee business.

I. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler's duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had the witness departed from and returned to his/her duty station or residence.

II. Baggage

A. The term "baggage" as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

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

C. Necessary charges for the transfer of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Charges for porters and checking baggage at transportation terminals will be allowed.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. Specific types of conveyances are privately owned, special, and private airplane.

A. Privately Owned

1. Chairmen of committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel,

shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expenses of transportation. This amount should not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes, when engaged in official business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will most nearly compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there may be allowed reimbursement for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel costs; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the round-trip mileage of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal or from a terminal to either his/her place of abode or place of business: Provided, that the amount of reimbursement for round-trip mileage shall not in either instance exceed the taxicab fare for a one-way trip between such applicable points, notwithstanding the obligations of reasonable schedules.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental transportation or when the traveler is leaving their duty station and entering into a travel status. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the terminal or other parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes shall be certified from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air mileage may be included in the mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees) may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

8. When damages to a privately owned vehicle occur due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

B. Special

1. General:

a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his/her designated duty station.

b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated by each traveler on his/her travel voucher and the aggregate cost reimbursable will be subject to the limitation stated above.

c) If the hire of a special conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operator, ferriage, tolls, operator waiting time, charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars:

a) Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said vehicle, unless the use of a larger class vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form 'Request for a Waiver of the Travel Regulations' is submitted with the voucher, and found in order upon audit by the Rules Committee.

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

c) Government Rate: In connection with the rental of an automobile for the use in conducting Senate business, it should be noted that the Defense Travel Management Office (DTMO), a division of the Department of Defense, arranges rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, plus full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (currently the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individuals who choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

d) Insurance: In connection with the rental of vehicles from commercial sources, the Senate will not pay or reimburse for the cost of the loss/damage waiver (LDW), collision damage waiver (CDW) or collision damage insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible on the insurance included as part of the rental contract without additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While on Official Travel: Collision damage to a rented vehicle, for which

the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such claims shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long-standing policy of the government to self-insure its own risks of loss or damage to government property and the liability of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six seat plane, or comparable aircraft. Charter of aircraft may be allowed notwithstanding the availability of commercial facilities, if such commercial facilities are not such that reasonable schedules may be kept. When charter aircraft is used, an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

b) In the event charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

c) When a charter aircraft larger than a twin-engine, six seat plane is used, the form 'Request for a Waiver of the Travel Regulations' is submitted with the voucher.

C. Corporate/Private Aircraft: Reimbursement of official expenses for the use of a corporate or private aircraft is allowable from the contingent fund of the Senate provided the traveler complies with the prohibitions, restrictions, and authorizations specified in these regulations. Moreover, pursuant to the Ethics Committee Interpretive Ruling 444, excess campaign funds may be used to defray official expenses consistent with the regulations promulgated by the Federal Election Commission.

1. An amendment to Rule XXXV of the Standing Rules of the Senate, paragraph 1(c)(1)(C), enacted September 14, 2007, pursuant to P.L. 110-81, states:

(C)(i) Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

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

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft anymore than the Member's or immediate family member's proportionate share of ownership allows.

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

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

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

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

IV. Interdepartmental Transportation

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

1. Mileage when using a privately owned vehicle.

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

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

SUBSISTENCE EXPENSES

I. Per Diem Expenses

A. Allowance

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

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

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

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

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

(1) Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

(2) Meetings in the duty station where meals are served, such as but not limited to Chamber of Commerce monthly meetings do not constitute training. Therefore, the meals associated with these meetings are not an authorized reimbursable expense.

3. In any case where the employee's tour of travel requires more than two months' stay at a temporary duty station, consideration should be given to either a change in official station or a reduction in the per diem allowance.

4. Where for a traveler's personal convenience/business there is an interruption of travel or deviation from the direct route, the per diem expenses allowed will not exceed that which would have been incurred on uninterrupted travel by a usually traveled route and the time of departure from and return to official business shall be stated on the voucher.

5. Per diem expenses will be allowed through the time the traveler departs on personal business and will be recommenced at the time he/she returns to official business. Such dates and times shall be stated on the voucher.

B. Rates

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

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

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

c) In traveling between localities outside the continental United States, the per diem rate allowed at the locality from which travel is performed shall continue through the quarter day in which the traveler arrives at his/her destination: Provided, that if such rate is not commensurate with the expenses

incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

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

C. Computations

1. The date of departure from, and arrival at, the official station or other point where official travel begins and ends, must be shown on the travel voucher. Other points visited should be shown on the voucher but date of arrival and departure at these points need not be shown.

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

a) The maximum allowable per diem for an official trip is computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. If the maximum daily rate for a traveler's destination is higher than the prescribed daily rate, then the form "Request for a Waiver of the Travel Regulations" must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

b) Total per diem for an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

INCIDENTAL EXPENSES

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

I. Traveler's Checks/Money Orders: The service fee for preparation of traveler's checks or money orders for use during official travel is allowable.

III. Communications

A. Communication services such as telephone, telegraph, and faxes, may be used on official business when such expeditious means of communications is essential. Government-owned facilities should be used, if practical. If not available, the cheapest practical class of commercial service should be used.

B. Additionally, one personal telephone call will be reimbursed for each day that a Senator or staff member is in a travel status. The calls may not exceed an average of five minutes a day, and cannot be reimbursed at a rate higher than \$5.00 without itemized documentation.

IV. Stationery: Stationery items such as pens, paper, batteries, etc. which are necessary to conduct official Senate business while in a travel status are authorized.

V. Conference Center/Meeting Room Reservations: The fee for the reservation of a meeting room, conference room, or business center while on official travel is allowable.

VI. Other: This category would be used (with full explanation on the Expense Summary Report for Travel) to disclose any expense which would occur incidentally while on official travel, and for which there is no other expense category, i.e., interpreting services, hotel taxes, baggage cart rental, etc.

CONFERENCE AND TRAINING FEES

I. Training of Senators' Office Staff: The Senators' Official Personnel and Office Expense Account is available to defray the fees associated with the attendance by the Sen-

ator or the Senator's employees at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties.

A. When such fees (actual or reduced) are less than or equal to \$500, have a time duration of not more than five (5) days, and have been asked to be waived or reduced for Government participation, reimbursement shall be made as an official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

B. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. The costs of meals that are considered an integral, mandatory and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

II. Training of Committee Employees: Section 202(j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training.

A. Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1. The sponsoring organization has been asked to waive or reduce the fee for Government participation.

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

3. The duration of the meeting does not exceed five (5) days.

B. When such fees are less than or equal to \$500, have a time duration of not more than five (5) days, and have been requested to be waived or reduced for Government participation, reimbursement shall be made as a non-training, official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as an official training expense. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Committee on Rules and Administration must be sought. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Committee on Rules and Administration.

D. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification forms which must accompany the reimbursement voucher are available in the Disbursing Office or through the Senate Intranet.

III. Training of Administrative Offices Staff: The administrative approval of the voucher is the only approval required by the Committee on Rules and Administration. Training expenses of staff shall be limited to those fees associated with the attendance by staff at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties. However, reimbursement shall not be allowed for

tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

SPECIAL EVENTS

I. Retreats: Reimbursement of official travel expenses for office staff retreats is allowable from the contingent fund provided they follow the restrictions and authorizations in these regulations. Reimbursement of expenses for meeting rooms and equipment used during the retreat also is allowable. The vouchers for retreat expenses should be noted as retreat vouchers.

A. Discussion of Interpretative Ruling of the Select Committee on Ethics, No. 444, issued February 14, 2002

An office retreat may be paid for with either or both official funds (with Rules Committee approval) or principal campaign committee funds. Private parties may not pay expenses incurred in connection with an office retreat. Campaign workers may attend, at campaign expense, office retreats if their purpose in attending is to engage in official activities, such as providing feedback from constituents on legislative or representational matters.

B. When processing direct pay vouchers payable either to each individual traveler or to the vendor providing the retreat accommodations, prior approval by the Committee on Rules and Administration is not required. Retreat expenses, including but not limited to per diem, may be charged to the office's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Spreadsheet of Expenses

1. The Member office, Committee, or Administrative office, must attach to the retreat voucher(s) a spreadsheet detailing each day of the retreat broken out by breakfast, lunch, dinner, and lodging for each traveler attending the retreat.

2. For each traveler, the spreadsheet should list his/her duty station, additional per diem expenses incurred outside of the retreat, and any other retreat attendee the traveler shared a room with during the retreat. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The "Waiver of the Travel Regulations" form does not need to be attached to retreat voucher(s) for the sharing of rooms.

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

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

II. Funerals: Members who represent the Senate at the funeral of a Member or former member may be reimbursed for the actual and necessary expenses of their attendance, pursuant to S. Res. 263, agreed to July 30, 1998. Additionally, the actual and necessary expenses of a committee appointed to represent the Senate at the funeral of a deceased Member or former Member may be reimbursed pursuant to S. Res. 458, agreed to October 4, 1984.

A. Pursuant to 2 U.S.C. 58e, which authorizes reimbursement for travel while on official business within the United States, members and their staff may be reimbursed for the actual and necessary expenses of attending funerals within their home state only.

B. Examples of funerals that may be considered official business include, but are not limited to, funerals for military service

members, first responders, or public officials from the Member's state.

SENATORS' OFFICE STAFF

I. Legislative Authority (2 U.S.C. 58(e), as amended)

(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term "travel expenses" includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the Office of the President Pro Tempore, Deputy President Pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of \$50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Senator.

Section 3. Official expenses of \$50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of \$50 or less, or authorize pay-

ment of expenses incurred in excess of \$50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, detailee pursuant to section 503(b)(3) of PL 96-465, or individual serving on a nominee recommendation panel pursuant to 2 U.S.C. 58(h) shall be accompanied by an "Expense Summary Report—Travel" signed by such person.

Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report Non-Travel" signed by such person.

COMMITTEE AND ADMINISTRATIVE OFFICE STAFF

(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)

I. Legislative Authority (2 U.S.C. 68b)

No part of the appropriations made under the heading "Contingent Expenses of the Senate" may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States.

II. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

III. Hearing Expenses (committees only)

A. In connection with hearings held outside of Washington, D.C., committees are authorized to pay the travel expenses of official reporters having company offices in Washington, D.C., or in other locations, for traveling to points outside the District of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts can be accomplished only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, D.C., reporters or traveling reporters in another area highly advantageous to the Senate; and further provided, that should such hearings exceed five days in duration, prior approval (for the payment of reporters' travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)

A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to August 5, 1987, will be those necessary transportation expenses incurred in traveling from the witness' place of residence to the site of the Senate examination and the necessary transportation expenses incurred in returning the witness to his/her residence.

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

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

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

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

(Adopted by the Committee on Rules and Administration on July 23, 1987, as authorized by S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 1981, as amended.)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of \$50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses," for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

- date expense was incurred;
- the amount of the expense;
- the product or service that was provided;
- the vendor providing the product or service;
- the address of the vendor; and
- the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of \$50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office.

However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

- a) salary reimbursement for compensation on a "When Actually Employed" basis;
- b) reimbursement of official travel in a privately owned vehicle;
- c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Congress, 1st session;
- d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Congress, 2nd session, as amended; and
- e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100-71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of \$50 or less, or authorize payment of expenses incurred in excess of \$50 without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than \$5000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than \$300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

- a) date expense was incurred;
- b) amount of expense;
- c) product or service provided; and
- d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over \$50.

Section 9. Petty cash funds should be used for the following incidental expenses:

- a) postage;
- b) delivery expenses;
- c) interdepartmental transportation (as defined in United States Senate Travel Regulations);
- d) single copies of publications (not subscriptions);
- e) office supplies not available in the Senate Stationery Room; and
- f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of \$300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

TRIBUTE TO MAJOR GENERAL LAURA J. RICHARDSON

Mr. INHOFE. Mr. President today I wish pay tribute to a great leader and an exceptional Army officer, MG Laura J. Richardson, the Chief Legislative Li-

aison for the Office of the Secretary of the Army, as she prepares to leave this position for one of even greater importance.

Major General Richardson has served our Army and our Nation for more than 30 years. She was a true professional—a dedicated soldier, leader, officer, spouse, and mother. Throughout her career, she commanded our great soldiers at many levels, deployed to combat numerous times in defense of our Nation, and was assigned to some of the most critical positions in our military. As the Army's Chief Legislative Liaison, Major General Richardson continues to provide outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to the Army, Congress, and this Nation.

A native of Colorado, Major General Richardson was commissioned a second lieutenant of aviation upon graduation from Metropolitan State College in Denver. Her first assignment after flight school was in Korea with the 17th Aviation Brigade, where she served as a platoon leader, company executive officer, brigade staff officer, and company commander. She next served at Fort Hood, TX, on the III Corps staff and in the 6th Cavalry Brigade as a company commander and brigade adjutant. In 1999, General Richardson was selected to serve as the military aide to Vice President Al Gore at the White House in Washington, DC. Following that assignment, she moved to Fort Campbell, KY, to serve as the Division Deputy G-3 of the 101st Airborne Division, Air Assault, and later commanded the 5th Battalion, 101st Aviation Regiment, including a deployment to Iraq in support of Operation Iraqi Freedom.

Major General Richardson has served in a variety of joint and Army staff positions to include: an assault helicopter battalion operations officer and executive officer; deputy director, then director for the Army's Transformation Office; and the Army's liaison officer to the U.S. Senate. She also served as the garrison commander of Fort McNair and Fort Myer, VA.

Major General Richardson's assignments as a general officer include commanding general of the U.S. Army Operational Test Command, deputy commanding general of the 1st Cavalry Division at Fort Hood, TX, and most recently, deputy chief of staff for communications with Headquarters, International Security Assistance Force, ISAF, in support of Operation Enduring Freedom, Afghanistan.

For the past 3 years, Major General Richardson was the Chief of the U.S. Army Legislative Liaison. During this period of extraordinary change and challenge for the Army, Major General Richardson implemented and fostered improved strategic partnership with Congress. Through her leadership, the Army significantly enhanced relationships with both legislative chambers, improving understanding and broad-

ening congressional support for Army priorities. Major General Richardson managed some of the most complex issues our Army faced through three legislative cycles with unparalleled results, enabling the Army to receive the necessary resources to support combat operations in two theaters of war, sustain the All-Volunteer Force, and improve the quality of life for our soldiers, their families, and our civilians.

On behalf of Congress and the United States of America, I thank Laura, her husband, MG Jim Richardson, and their entire family for their continued commitment, sacrifice, and contribution to this great nation. I join my colleagues in wishing her future success as she continues to serve our great Army and Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO RUSSELL GORDON

• Mr. HEINRICH. Mr. President, it is an honor to join the community of music lovers in New Mexico to recognize Mr. Russell Gordon in his final year of presenting the Los Alamos County Summer Concert Series.

For 28 years, the concert series has been a pillar of the community in northern New Mexico, bringing together families, neighbors, and friends with local, national, and internationally renowned musicians.

In 1988, Russell and his wife, Deborah, moved to White Rock, NM, where they started Gordon's CDs, Tapes and Records.

Local musicians remember playing on the sidewalk outside of his shop when Russell began the series in 1990. Today the series is a much larger affair with hundreds gathering around the historic Ashley Pond and other venues in Los Alamos on Friday evenings to begin their weekend with art, culture, and dance.

Russell Gordon's passion for music shines through the variety of genres featured, including Spanish, Native American, big band, bluegrass, classical, country music, folk, gospel, rock, jazz, and international acts. Russell has kept local New Mexican artists in his line-up over the years and helped grow and mentor the music scene throughout the State. He has inspired young musicians, expanded horizons, and has created countless memories for musicians and concert-goers in New Mexico.

As the ranking member on the Joint Economic Committee, I am proud to recognize the contributions of local small business owners like Russell and Deborah Gordon. We wish them the best of luck in their future endeavors and thank them for their contributions to the community.●

RECOGNIZING WINSHIP CANCER INSTITUTE

• Mr. ISAKSON. Mr. President, today I am honored to congratulate Winship

Cancer Institute at Emory University on earning the prestigious comprehensive cancer center designation from the National Cancer Institute. This designation now places Georgia's own Winship Cancer Institute in the top 1 percent of all cancer centers in the United States.

Winship Cancer Institute was established in 1937 with a gift from one of Georgia's generous philanthropists, Robert W. Woodruff, whose mission was to allow Georgians to get the best cancer treatment in their home State. He envisioned doctors and researchers working together in the same facility, so that scientists would be reminded of the urgency of their work and motivated to bring innovative treatments to patients. Winship treated 168 patients in its first year. Today Winship sees more than 15,000 patients every year.

The research being performed at Winship Cancer Institute is particularly important to Georgians because Winship researchers are studying the environmental and genetic issues unique to cancer in our State. Winship's goals are very specific: reducing the risk of cancer and detecting cancer at the earliest possible stage.

An estimated 50,000 Georgians will be diagnosed with cancer this year, and approximately a third of them will receive some component of their treatment at one of Winship's clinical locations in metropolitan Atlanta.

In recommending Winship for this special designation, former President Jimmy Carter spoke of the research and work being performed at Winship that helped save his life after his cancer diagnosis at his advanced age.

Today Winship continues to stand out because of its commitment to aligning its outstanding cancer research and education initiatives with its significant cancer prevention and cancer care efforts. I am proud to congratulate Winship Cancer Institute on this important milestone, as its researchers and clinicians continue their mission to lessen the burden of cancer for the citizens of Georgia.●

71 LIVESTOCK ASSOCIATION CENTENNIAL CELEBRATION

● Mr. RISCH. Mr. President, my colleague Senator MIKE CRAPO joins me today in congratulating the 71 Livestock Association of southwestern Idaho and northeastern Nevada on its centennial anniversary. On June 24, 2017, members of the 71 Livestock Association will gather at the Three Creek School to celebrate 100 years of good stewardship on our western rangelands.

The 71 Livestock Association has deep roots in southwestern Idaho and northeastern Nevada and boasts a colorful heritage that defines our idea of western ranching. In the early 1870s, the Three Creek Area's premier cattleman, Joseph Scott, was the first to use a 71 brand after purchasing it from a Nevada rancher. The 71 Livestock As-

sociation took its name from that brand in homage to Scott.

In 1905, local ranchers requested that the Federal Government look into creating a forest reserve to protect grazing and other resources on the range. Less than a year later in 1906, with Gifford Pinchot as the first Chief of the Forest Service, President Theodore Roosevelt signed into law a forest reserve in Nevada. The creation of the forest reserve sparked a partnership between the Three Creek Ranchers and the U.S. Forest Service.

In December 1917, the ranchers of Owyhee and Twin Falls Counties came together to form the 71 Livestock Association with Joe E. Hawes as the first chairman. Noteworthy, the 71 Livestock Association started with both woolgrowers and cattle producers, which created a stronger partnership and greater collaboration among all range users and managers.

In the early 1930s, livestock producers in the West were concerned with deterioration of the range due to uncontrolled grazing and wanted to better protect the public lands. Due to that concern, Congress passed the Taylor Grazing Act in 1934, and the 71 Livestock Association created its first constitution and bylaws. The Taylor Grazing Act established grazing boards, and the 71 Livestock Association had three members on Idaho's very first grazing advisory board.

The 71 Livestock Association has seen many changes and has evolved to make conditions better on the range. In its formative years, they helped create a system for grazing as the main enforcement body on the forest reserve in Nevada. As the Bureau of Land Management began managing the range in southwestern Idaho and Elko County, NV, they helped to allocate range to its members and to help install key infrastructure like fences, pipelines, roads, phone service, electrical power, and even a tax levy for the Three Creek School.

From its inception, the 71 Livestock Association has experienced many challenges from jackrabbit infestations, plant poisoned cattle, severe winters, environmental lawsuits, endangered species, National Environmental Policy Act, NEPA, regulations, and range fires. In addition, they have lived through the Sage Brush Rebellion and the Jarbridge Shovel Brigade. Through it all, they have been instrumental at bringing together ranchers and Federal, State and local agencies to discuss and resolve issues with a spirit of cooperation.

Today the 71 Livestock Association has been at the center of rangeland fire management. In their true spirit, the 71 Livestock Association pitched in to help with the rehabilitation and reclamation of the land and helped create and develop the Rangeland Fire Protection Associations, RFFA. By being first on the scene, the RFFA have been instrumental in helping to stop fires before they develop into larger uncontrolled range fires.

Because of its success and standing in the region, the 71 Livestock Association has seen members go on to represent constituents of southern Idaho in the Idaho State Legislature—notably, the late Noy Brackett, his son Bert Brackett, and the late George Swan.

The 71 Livestock Association serves as a role model for Idaho and the Nation on how to innovate and collaborate on land management issues. Today they remain focused on advancing their mission of "bettering conditions on the range." Congratulations to the 71 Livestock Association on a successful 100 years of operation.●

RECOGNIZING THE NATIONAL ORPHAN TRAIN COMPLEX

● Mr. ROBERTS. Mr. President, I would like to acknowledge an important event in our history, the Orphan Train Movement. This movement is not only extremely important to Kansas; it also placed approximately 250,000 orphaned, abandoned, and homeless children in homes across the United States. The National Orphan Train Complex, which is headquartered in our very own Concordia, KS—also known as Orphan Train Town—continues to tell stories of children who were impacted by these orphan trains.

The first orphan train arrived in Kansas in 1859 to the city of Wathena, where three children were placed with Kansas families. Since this first train, 12,000 children were moved to Kansas homes. These children would grow up in Kansas, raising families, growing the economy, and serving their communities through farming, teaching, and starting businesses. These children and their journey are an integral part of Kansas history.

The mission of the National Orphan Train Complex in Concordia, KS, is to collect, preserve, interpret, and disseminate knowledge about the orphan trains and the children who rode them. The National Orphan Train Complex is the only organization compiling a master list of orphan train riders to assist future generations with genealogical information. The tireless work done by this organization deserves acknowledgement. I am proud to recognize the 15th annual celebration of Orphan Train Riders, which takes place June 1 through June 4.

I ask my colleagues join me in recognizing the Orphan Train Movement and the National Orphan Train Complex on their outstanding research and preservation of our Nation's history.●

MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1005. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

H.R. 1162. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

H.R. 1329. An act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

H.R. 1545. An act to amend title 38, United States Code, to clarify the authority of the Secretary of the Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes.

H.R. 1725. An act to direct the Secretary of Veterans Affairs to submit certain reports relating to medical evidence submitted in support of claims for benefits under the laws administered by the Secretary.

H.R. 1808. An act to amend and improve the Missing Children's Assistance Act, and for other purposes.

H.R. 1809. An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

H.R. 2288. An act to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2473. An act to direct the Attorney General to study issues relating to human trafficking, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 366) to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

Enrolled Bill Signed

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 366. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1005. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; to the Committee on Veterans' Affairs.

H.R. 1162. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans; to the Committee on Veterans' Affairs.

H.R. 1329. An act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1545. An act to amend title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1725. An act to direct the Secretary of Veterans Affairs to submit certain reports relating to medical evidence submitted in support of claims for benefits under the laws administered by the Secretary; to the Committee on Veterans' Affairs.

H.R. 1808. An act to amend and improve the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

H.R. 2288. An act to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2473. An act to direct the Attorney General to study issues relating to human trafficking, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1641. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Certification of Pesticide Applicators Rule; Delay of Effective Date" (FRL No. 9962-94) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1642. A communication from the Secretary of Defense, transmitting the report of four (4) officers authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-1643. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Daniel B. Allyn, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-1644. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled "Defense Production Act Annual Fund Report for Fiscal Year 2016"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1645. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1646. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1647. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2012 Primary Annual Fine Particle Matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) for Areas in Tennessee" ((RIN2060-AT44) (FRL No. 9962-89-OAR)) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC-1648. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery" (FRL No. 9962-21-Region 6) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC-1649. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan" (FRL No. 9962-20-Region 6) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC-1650. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products" ((RIN2070-AK35) (FRL No. 9962-86)) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC-1651. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List 6 Foreign Species of Elasmobranchs Under the Endangered Species Act (RIN0648-XE184) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Environment and Public Works.

EC-1652. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to negotiations with Canada and Mexico regarding modernization of the North American Free Trade Agreement (NAFTA); to the Committee on Finance.

EC-1653. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR); Delay of Effective Date" ((RIN0938-AS90) (CMS-5519-F3)) received in

the Office of the President of the Senate on May 18, 2017; to the Committee on Finance.

EC-1654. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR)" ((RIN0938-AS90) (CMS-5519-F)) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Finance.

EC-1655. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2017-0516); to the Committee on Foreign Relations.

EC-1656. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2017-0517); to the Committee on Foreign Relations.

EC-1657. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2017-0515); to the Committee on Foreign Relations.

EC-1658. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2017-0514); to the Committee on Foreign Relations.

EC-1659. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation" (RIN0906-AA89) received in the Office of the President of the Senate on May 18, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-1660. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses'; Further Delayed Effective Date; Request for Comments; Extension of Comment Period" ((RIN0910-AH19) (Docket No. FDA-2015-N-2002)) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-1661. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-1662. A communication from the Deputy Inspector General for Audit Services, Department of Health and Human Services, transmitting, pursuant to law, a report enti-

tled "U.S. Department of Health and Human Services Met Many Requirements of the Improper Payments Information Act of 2002 but Did Not Fully Comply for Fiscal Year 2016"; to the Committee on Homeland Security and Governmental Affairs.

EC-1663. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XF210) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1664. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XF259) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1665. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Island Fisheries; 2016 Annual Catch Limits and Accountability Measures" (RIN0648-XF587) received in the Office of the President of the Senate on May 23, 2017; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-29. A joint memorial adopted by the Legislature of the State of Idaho memorializing the importance of agriculture in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT MEMORIAL NO. 6

Whereas, since the beginning of time, the ability of man to provide food, fiber and fuel for himself and others has determined his independence, freedom and security; and

Whereas, the strength of a nation is based on its ability to sufficiently provide safe and reliable food, fiber and fuel for its people; and

Whereas, the family farm unit is the foundation of agriculture and one of the basic strengths of the United States; and

Whereas, a strong and viable agricultural industry is a very important part of our national security and overall well-being; and

Whereas, federal, state and local laws and regulations require farmers, ranchers and food processors in the United States to meet the highest standards in the world when it comes to environmental protection, worker safety, wage rates and food safety concerns; and

Whereas, United States farmers, ranchers and food processors pay for record audits on farm inspections and USDA product inspections to confirm that necessary criteria are met to adhere to the laws and regulations that apply; and

Whereas, the Food Safety Modernization Act requires that all food products, foreign and domestic, must adhere to the same food safety standards, and yet only 2% of all imported food products are actually inspected. Now, therefore, be it

Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge that United States farmers, ranchers and food

processors be enabled to compete freely and trade fairly in foreign and domestic markets on a strictly level playing field. Be it further

Resolved, That food safety standards in the United States should be enforced fully on food from foreign countries wishing to participate in markets that lie within the boundaries of the United States and funded in a way that does not burden the United States taxpayer. And be it further

Resolved, When determining the economic value of international trade agreements, we urge that the cost of environmental protection, worker safety, wage rates and food safety standards be quantified and considered in such determinations. And be it further

Resolved, That we encourage the education of the general public regarding the importance of the role agriculture plays in the development of a society, recognizing that such public education, primarily at the middle and secondary school levels, is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-30. A joint memorial adopted by the Legislature of the State of Idaho urging the United States Air Force, President of the United States, and the United States Congress to thoroughly and conscientiously evaluate the utility and efficacy of basing a squadron of F-35 Lightning II Joint Strike Fighter aircraft at Gowen Field in Boise, Idaho, to facilitate a continued flying mission for the Idaho Air National Guard; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL NO. 9

Whereas, the State and the citizens of Idaho have a proud tradition of support for the armed forces of the United States of America; and

Whereas, the Idaho Air National Guard has distinguished itself in service to the State of Idaho and to the citizens of our state and the United States of America; and

Whereas, Gowen Field, located in the City of Boise, Idaho, has served admirably for decades as an effective, world-class military installation, both in federal and state service, as a base of operations for the Idaho Army National Guard and the Idaho Air National Guard; and

Whereas, the U.S. Air Force has chosen Gowen Field among five finalists for two sites to locate squadrons of F-35 Lightning II Joint Strike Fighter aircraft; and

Whereas, Gowen Field is the only finalist for the basing of F-35 aircraft in the western United States; and

Whereas, Gowen Field, Boise, and southwestern Idaho possess the facilities, infrastructure, airspace, climate, landscape, skilled personnel, relevant private-sector industry and strong public support for military operations required to effectively support the siting of F-35 aircraft; and

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

Whereas, the economies of Boise, southwestern Idaho and the entire state would be materially damaged by the loss of an Idaho Air National Guard flying mission at Gowen Field, which now provides jobs and career opportunities for thousands of Idaho citizens, both military and civilian; and

Whereas, it is incumbent upon the leadership of the State of Idaho to extend its active support to efforts to maintain a viable flying mission for the Idaho Air National Guard, such as that which would be provided by the U.S. Air Force's basing of F-35 aircraft at Gowen Field. Now, therefore, be it

Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage and call upon the U.S. Air Force, the Administration and Congress to thoroughly and conscientiously evaluate the utility and efficacy of basing a squadron of F-35 Lightning II Joint Strike Fighter aircraft at Gowen Field in Boise, Idaho, to facilitate a continued flying mission for the Idaho Air National Guard. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Secretary of the Air Force, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-31. A concurrent resolution adopted by the Legislature of the State of Michigan memorializing the United States Congress to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers that paid into the fund; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas, The nuclear power industry needs a permanent repository for high-level nuclear waste produced by reactors. Nuclear power plays a vital role in meeting our nation's current and future energy needs. However, the failure to construct a permanent repository severely impedes efforts to construct new power plants to provide this clean and reliable base load power; and

Whereas, Over the last thirty years, the nuclear power industry and its customers have paid the federal government billions of dollars to construct a permanent repository. Under the Nuclear Waste Policy Act of 1982, the U.S. Congress established the Nuclear Waste Fund to collect money for the repository. Revenue to the fund came from mandatory fees assessed on all nuclear energy. Since 1983, customers of Michigan electric utilities alone have paid \$812 million into the fund for construction of the repository; and

Whereas, A permanent repository for high-level nuclear waste has not been established and constructed. More than 2,000 metric tons of spent nuclear fuel from power plants continue to accumulate at temporary, and potentially vulnerable, sites across the nation, adding to the more than 70,000 metric tons already stored at these sites; and

Whereas, The Nuclear Waste Fund contains a substantial balance for establishment of the repository. While fee collection was suspended as of May 16, 2014, the fund still contains a balance of over \$31 billion for the express purpose of supporting radioactive waste disposal activities. It is imperative that Congress meet its obligation to the nuclear power industry and U.S. citizens that paid into this fund; now, therefore, be it

Resolved, by the Senate, (the House of Representatives concurring), That we memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers that paid into the fund; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-32. A joint memorial adopted by the Legislature of the State of Idaho supporting the Department of Energy, the President of the United States, and the United States Congress to identify, commit, and sustain the necessary funding to allow the Department of Energy to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 3

Whereas, at the direction of the United States government, the U.S. Department of Energy's Idaho site was established in 1949 to demonstrate peaceful uses of splitting the atom through nuclear reactor research and development in its mission to create electricity for commercial use and propulsion for the United States Navy fleet; and

Whereas, during its history the Department of Energy's Idaho site designed and built fifty-two nuclear reactors, perfecting light-water reactor design and operation, proving that reactors could create more fuel than they use, extending the useful life of our country's naval vessels, and providing isotopes to the medical community for the elimination of cancer and other diseases; and

Whereas, in its sixty-eight-year history, radioactive and hazardous wastes were generated on-site, or were shipped to Idaho, that required storage or disposal using industry-accepted practices at the time, which presented environmental challenges at the 890 square-mile federal site and to the underlying Snake River Plain Aquifer, the primary drinking and agricultural water source for more than 300,000 Idaho residents; and

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

Whereas, after several years of assessment and negotiations, the State of Idaho entered into a legally binding agreement with the federal government on December 9, 1991, to assess all potential waste sites at the Department of Energy's Idaho site and use the risk-based process outlined in the Comprehensive Environmental Response, Compensation and Liability Act to clean up legacy waste sites with the intent of protecting the second-largest continuous aquifer in the United States and restoring or preserving areas of the site to protect people and the ancestral lands of the Shoshone-Bannock Tribes; and

Whereas, the Department of Energy and its contractors have completed environmental assessments of all suspected waste sites at the Department of Energy's Idaho site and completed the cleanup actions outlined in twenty of twenty-five records of decision; and

Whereas, environmental scientists and engineers have employed innovative cleanup technologies and processes to protect employees, the public, and the environment, while also expediting the remediation of contaminated sites and saving taxpayers hundreds of millions of dollars; and

Whereas, the Department of Energy and its contractor continue to make measurable progress removing Cold War weapons waste from an unlined landfill with the aim of pro-

tecting the Snake River Plain Aquifer—one of Idaho's most precious natural resources. Now, therefore, be it

Resolved, by the members of the First Regular Session the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein; that, in this twenty-fifth anniversary of the signing of the Federal Facility Agreement and Consent Order, we support the Department of Energy, the Administration and Congress to identify, commit and sustain the necessary funding to allow the Department of Energy to continue to make progress at meeting its cleanup milestones to benefit the citizens of Idaho and its environment. Be it further

Resolved, That the Legislature supports continued funding for the national and international missions at the Department of Energy's Idaho site to include, but not be limited to, nuclear energy research and development, bioenergy research, renewable energy research, cyber security advancements, smart-grid technology deployments, and national security support to the Department of Homeland Security and other departments. And be it further

Resolved, That the chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POW-33. A joint memorial adopted by the Legislature of the State of Idaho relative to the Hells Canyon Complex; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 2

Whereas, the Snake River, and its surface and ground water tributaries, is the backbone of Idaho's economy, supplying water for 76% of Idaho's population, cities, businesses, dairies, factories and more than 3 million acres of irrigated lands above Idaho Power Company's Hells Canyon Complex; and

Whereas, in the first half of the 20th century, hydropower development in the mid-Snake and Hells Canyon spurred economic development, irrigation, industry and growth in Southern Idaho and has provided Idahoans with clean electric energy at rates that are among the lowest in the nation; and

Whereas, the State of Idaho, while recognizing the benefit of hydropower generation to the citizens of the State through sustaining economic growth and agriculture, also acknowledged the value of protecting Idaho's water, property rights and natural resources; and

Whereas, in 1964, the State, recognizing its sovereignty over Idaho's water resources and potential intrusions upon that sovereignty, approved through constitutional amendment, Section 7, Article XV, Constitution of the State of Idaho, the establishment of the Idaho Water Resource Board (IWRB) whose members are appointed by the Governor with the advice and consent of the Senate, and empowered the IWRB to formulate a comprehensive State Water Plan as described in Section 42-1734A, Idaho Code; and

Whereas, pursuant to Section 42-1734A, Idaho Code, the State of Idaho has adopted a State Water Plan ("Plan"); and

Whereas, Policy 1A of the Plan provides that: "The State asserts sovereignty over the development and use of Idaho's water resources for the benefits of its citizens. [And that] [a]ny action by the federal government or other states that would impair Idaho's sovereignty over its water resources is against state policy"; and

Whereas, Policy 1N of the Plan provides that: "Appropriation of water for hydropower should be subordinated to subsequent

upstream beneficial uses to assure an adequate supply of water for all future beneficial uses, and minimum stream flows for hydropower projects should be established by state action"; and

Whereas, Policy 2B of the Plan provides that: "The State asserts primacy over the management of its fish and wildlife and water resources. Accordingly, any reintroduction or introduction of federally listed species or other aquatic species without state consultation and approval is against the policy of the State of Idaho because it would impair or impede the state's primacy over its water resources"; and

Whereas, Policy 4A of the Plan provides that the main stem Snake River will be managed to meet or exceed minimum average daily flows at Milner, Murphy, Weiser, Johnson Bar and Lime Point and that these "minimum flows provide the management framework for the optimum development of water resources of the Snake River Basin"; and

Whereas, Policy 4H of the Plan provides that: "Hydropower generation is a beneficial use of the flow of the Snake River, and it is in the public interest to protect the minimum average daily flows set forth in Policy 4A as a base flow for hydropower use"; and

Whereas, Policy 4J of the Plan provides that: "The minimum stream flows set forth in Policy 4A provide adequate flows for Snake River fish, wildlife, recreation, and scenic values in the main stem Snake River below Milner Dam"; and

Whereas Policy 4C of the State Water Plan in discussing the Swan Falls Agreement, recognized the value of hydropower through the acknowledgment and protection of minimum stream flows and ensured that electric rates remain beneficial to its citizens; and

Whereas, in 1976 the State of Idaho in partnership with neighboring states of Oregon and Washington (collectively "States"), together with the National Marine Fisheries Service filed a petition with the Federal Energy Regulatory Commission (FERC) requesting that "it issue an order requiring the licensee to take appropriate measures as compensation for" the loss of salmon and steelhead due to the construction and operation of the Hells Canyon Complex; and

Whereas, in 1980 the States and the Idaho Power Company executed a settlement agreement that, by its terms, constituted "full and complete mitigation for all numerical losses of salmon and steelhead caused by or in any way associated with the construction of, and operation within the existing license" for, the Hells Canyon Complex; and "further agree not to contend or support contentions by others before any agency or in any proceeding that additional fish or fish facilities are required by or in any way associated with the construction of, or operation within the existing license for," the Hells Canyon Complex; and

Whereas, the Idaho Power Company has complied with the terms of the 1980 Settlement Agreement with state support; and

Whereas, in 1984 the State and Idaho Power Company entered into the implementing agreements for the Swan Falls Settlement, which confirmed the State's primacy over flows of the Snake River through the establishment of minimum flows from Milner Dam to reaches below the Hells Canyon Complex; and

Whereas, the Idaho Power Company, since 2003, has been seeking to relicense the Hells Canyon Complex before the FERC under the Federal Power Act; and

Whereas, the State Water Plan directs the Water Resource Board to participate in the Hells Canyon Complex relicensing to ensure that the conditions in "the new license for the Hells Canyon Complex includes operational conditions that preserve and enhance

the generation capacity of the project in a manner consistent with the State Water Plan"; and

Whereas, in 2004 the State, participating water users, and the Nez Perce Tribe entered into the 2004 Snake River Water Rights Agreement providing for cooperative agreements to assist in the recovery of listed species under the Endangered Species Act in tributaries below the Hells Canyon Complex while providing certainty to Idaho landowners and water users in the exercise of property rights; and

Whereas, the 2004 Snake River Water Rights Agreement identified specific actions by the water users with respect to the rental of water to augment flows for listed anadromous fish below the Hells Canyon Complex, such agreement providing certain protections to the water users; and

Whereas, water users have benefited from the certainty regarding the water supply availability and operating conditions in the reaches of the Snake River upstream from the Hells Canyon Complex; and

Whereas, the Idaho Water Users Association, through Association Resolution No. 2017-6, has and continues to oppose introduction of salmon and steelhead species into surface waters above the Hells Canyon Complex due to the drastic impacts on irrigated agriculture, industry, water supply and electric generation; and

Whereas, Section 42-1734C, Idaho Code, requires that the Idaho State Water Plan "be submitted to the Federal Energy Regulatory Commission . . . as the state water plan for the conservation, development, management and optimum use of the state of Idaho's water resource" and the Plan has been submitted; and

Whereas, the State committed to certain actions through the 1980 Agreement, the Swan Falls Agreement, and the 2004 Snake River Agreement, that provide the citizens of Idaho certainty and appropriate management of the State's resources in a manner consistent with the intentions provided herein; and

Whereas, the State of Oregon has taken certain actions in the relicensing proceeding for the Hells Canyon Complex in an attempt to mandate the passage and introduction of salmon and steelhead above Hells Canyon Dam and into the Idaho waters of the Snake River, which form a border between Oregon and Idaho, that directly infringe upon Idaho's sovereignty over its water resources and primacy over management of its fish and water resources; and

Whereas, the Governor of the State of Idaho, through the Office of Species Conservation, is charged with coordinating with all state departments and divisions with respect to endangered, threatened, candidate species, species petitioned to be listed, and rare and declining species, coordinating state response to federal recovery plans and projects, participating in regional efforts and providing input to federal and state agencies with regard to such species act as an ombudsman for state citizens on ESA issues, and ensuring state primacy over management of its fish and wildlife, including prevention of reintroduction or introduction of listed species without state consultation and approval; and

Whereas, the Governor, by letter to the Natural Resources Agency Administrators and Directors dated May 27, 2016, directed that: "Each agency shall coordinate with the Governor's Office of Species Conservation and status of any introduction or reintroduction proposals under the Endangered Species Act"; and

Whereas, the Governor, by letter to Oregon Governor Brown dated July 19, 2016, advised that Idaho would not agree to Oregon's pas-

sage or introduction proposal above Hells Canyon Dam, in violation of Sections 67-818 and 67-6302, Idaho Code, stating in part: "Such occurrence would violate longstanding Idaho law and policy opposing reintroduction of any species without the express consent of the Idaho State Legislature and executive branch. . . . Based upon state law and in part on our past experiences with reintroduced a species (e.g., wolves), Idaho cannot and will not, agree to the reintroduction of salmon or steelhead above Hells Canyon Dam."; and

Whereas, while the Idaho Power Company serves customers in Idaho and eastern Oregon, approximately 95% of its customers are located in Idaho; and

Whereas, the Governor, by letter to Oregon Governor Brown dated January 17, 2017, advised that Oregon's draft 401 conditions related to fish passage and reintroduction would impact Idaho waters and citizens and interfere with Idaho's sovereign interests in managing its natural resources; and

Whereas, the Governor's January 17, 2017, letter further advised that with respect to "any new requirement imposed by Oregon will lead to additional costs that will disproportionately impact Idaho customers" and "passage and reintroduction conditions should be removed"; and

Whereas, protecting Idaho's sovereignty by ensuring that Oregon does not impose fish passage and introduction in violation of Idaho law and policy will continue to be a benefit to Idaho's citizens through greater certainty regarding property rights, water supply and economic development. Now, therefore, be it

Resolved, By the members of the First Regular Session of the sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports actions by the Governor and the Attorney General to oppose passage and introduction of salmon or steelhead above Hells Canyon Dam, that are necessary to protect Idaho's sovereignty, including its waters and property rights, and to ensure that Idaho's sovereignty is not violated by the introduction of salmon or steelhead to the reaches of the Snake River, and its Idaho tributaries, above Hells Canyon Dam. Be it further

Resolved, That the Governor and the Attorney General shall undertake such action as is necessary and appropriate to ensure that the terms of the 1980 Agreement are complied with in regard to mitigation for the Hells Canyon Complex to protect upstream water users, water rights, landowners and economic development from the State of Oregon's efforts to pass and introduce salmon and steelhead above Hells Canyon Dam into waters of the State. And be it further

Resolved, That consistent with the authority of Section 67-6302, Idaho Code, the Legislature of the State of Idaho does not approve of the efforts by the State of Oregon and opposes any action by a federal agency, or any entity acting on behalf of a federal agency, or other groups, entities or individuals to require the passage and introduction or reintroduction of salmon or steelhead above Hells Canyon Dam, including trying to include in the FERC license for the Hells Canyon Project any provision that would result in introduction or reintroduction of any such species into the waters of the State of Idaho. And be it further

Resolved, That, the State of Idaho supports the relicensing of Hells Canyon Complex consistent with the following policies: (A) The license is consistent with the policies set forth in the Idaho State Water Plan; (B) The license recognizes that no salmon and steelhead populations can be introduced or reintroduced above Hells Canyon Dam; (C)

The license recognizes that the water rights for the Hells Canyon Complex are subordinated to future upstream uses as set forth in the partial decrees for each of the three dams; and (D) The mitigation requirements in the license for salmon and steelhead comply with the terms of the 1980 Settlement Agreement. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-34. A joint memorial adopted by the Legislature of the State of Idaho encouraging western states and the Federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 4

Whereas, eradication of invasive species is a matter of national concern, transcending state lines; and

Whereas, the presence of quagga and zebra mussels, collectively referred to as dreissenid mussels, in the West is a matter of growing and alarming concern; and

Whereas, the mussels were introduced into the Great Lakes in the 1980s by watercraft from the shipping industry through ballast water and adhesion to watercraft, having originated in Eastern Europe near the Black Sea, and now having spread to 32 states, including a discovery of larvae in Montana in November 2016; and

Whereas, in her five-year lifetime, a single quagga or zebra mussel will produce about 5 million eggs, 100,000 of which reach adulthood. The offspring of a single mussel will in turn produce a total of half a billion adult offspring; and

Whereas, mussels spread, in large part, by attaching to exposed hard surfaces of watercraft, as well as ballast water discharges, and being transported from water body to water body, many times across state lines, and many western states have now enacted laws to establish watercraft inspection programs to prevent the spread of quagga and zebra mussels to unaffected waters; and

Whereas, it is estimated that mussel introduction into the State of Idaho would cost Idaho approximately \$94 million per year. This figure does not include agriculture-related impacts, which would be devastating to the state, but reflects the impact to hydroelectric facilities, recreation areas, fish hatcheries, golf courses, intake valves for drinking water facilities and irrigation facilities; and

Whereas, federal action, and federal regulations, are necessary to address decontamination policies for those infested federal waters in the West; and

Whereas, the State of Idaho seeks to foster cooperative efforts between the western states and the federal government for the establishment of a coordinated effort to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered. Now, therefore, be it

Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legis-

lature, the House of Representatives and the Senate concurring therein, that we encourage western states and the federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the leadership of the houses, assemblies and senates in the states of Montana, Wyoming, Utah, Nevada, Oregon, Washington, Arizona, Colorado, New Mexico and California, and to the Pacific Northwest Economic Region.

POM-35. A joint memorial adopted by the Legislature of the State of Idaho urging the United States Congress to appropriate \$8 million of the authorized \$20 million for fiscal year 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA); to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 8

Whereas, Dreissenid mussels, specifically quagga mussels (*Dreissena rostriformis bugensis*) and zebra mussels (*Dreissena polymorpha*), are aquatic invasive species that cause irreparable ecological damage to many waters in the United States; and

Whereas, we are requesting \$8 million in federal matching funding for FY 2018 to combat the immediate threat of invasive quagga and zebra mussels to the Pacific Northwest region. Until recently, the Pacific Northwest region remained one of the only regions in North America without invasive quagga and zebra mussels. In November 2016, invasive mussel larvae were detected at Canyon Ferry Reservoir and Tiber Reservoir, located in Montana, and part of the Missouri River system. In response, Montana Governor. Steve Bullock declared a natural resources state of emergency; and

Whereas, further spread of these invasive mussels will have a devastating and far-reaching impact on the economic and environmental wellbeing of the entire region. If invasive mussel populations become established in the Pacific Northwest, they will cost the region \$500 million a year, so it is vital that we work together to ensure that the invasive mussels do not make the short trip across the Continental Divide and into the Columbia River system. Failing to ensure this would not only result in Idaho water bodies becoming infested with quagga and zebra mussels, but the rest of the Columbia River Basin and region as well; and

Whereas, for these reasons, we ask Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA). The \$8 million in federal matching funding would be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin

against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region; and

Whereas, we appreciate the funding that Congress appropriated under the Water Resources Reform and Development Act of 2014 (WRRDA) and WIIN to assist the four Northwest states. The emergency in Montana highlights the constant and ongoing threat of invasive mussels to the region, and the importance of the states' continued receipt of federal matching funding to support their efforts to protect against these aquatic invaders. Therefore, we respectfully ask that you consider our request and take the necessary steps to ensure that federal funds are appropriated to the four Northwest states in FY 2018. Now, therefore, be it

Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge Congress to appropriate \$8 million of the authorized \$20 million for FY 2018 to the four Northwest states of Idaho, Montana, Oregon, and Washington, according to the Water Infrastructure Improvements for the Nation Act (WIIN), which includes the Water Resources Development Act of 2016 (WRDA). The \$8 million in federal matching funding will be used to enhance funds already allocated by the states for watercraft inspection and decontamination stations with the purpose of protecting the Columbia River Basin against invasive mussels. Now that invasive mussel larvae have been found in Montana, federal assistance is key to ensuring that the Columbia River Basin system is protected and that invasive mussels do not spread to the rest of the region. And be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Army, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-36. A concurrent resolution adopted by the Legislature of the State of Michigan urging the United States Department of Energy and the United States Nuclear Regulatory Commission to fulfill their obligation to establish a permanent solution for handling high-level nuclear waste; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, Nuclear power has been a significant source of the nation's electricity production over the last four decades. According to the U.S. Energy Information Administration, nuclear power provided about 20 percent of the electricity produced in the United States in 2015, and Michigan's three nuclear power plants were responsible for about 26 percent of the electricity generated in the state; and

Whereas, Since the earliest days of nuclear power, determining how to deal with used nuclear fuel has been a great dilemma. Currently, more than 70,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country, including locations in Michigan. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including transportation; and

Whereas, More than 30 years ago, Congress enacted the Nuclear Waste Policy Act of 1982 to address the long-term storage of nuclear waste. The act requires the federal government, through the Department of Energy, to build a repository for the permanent storage

of high-level radioactive material from nuclear power plants and to begin accepting waste by January 31, 1998. It is now 2017, and the nation remains without a permanent repository, despite billions of dollars collected from electric ratepayers for the project; and

Whereas, The Department of Energy's National Laboratories have pioneered a method of recycling spent nuclear waste into fuel, known as pyrochemical processing, which could extend the productive life of uranium and cut down on nuclear waste. The Nuclear Regulatory Commission should prioritize the development and implementation of technical specifications and licensing requirements to enable the construction of Generation IV reactors capable of performing pyrochemical processing; and

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

Resolved by the Senate (the House of Representatives concurring), That we urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation, as provided by law, to establish a permanent solution for handling high-level nuclear waste, and be it further

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

POM-37. A joint memorial adopted by the Legislature of the State of Idaho urging the President of the United States, the Secretary of Health and Human Services, and the United States Congress to allow individual states to serve as the primary regulator of health insurance plans and permit the availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations, and rules governing such plans; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Sixtieth Idaho Legislature passed Senate Joint Memorial 106, sponsored by the office of Governor C.L. "Butch" Otter, calling for an amendment to the U.S. Constitution that would prevent Congress from passing laws requiring citizens of the United States to participate in any health care insurance program or penalizing them for declining health care coverage; and

Whereas, the Idaho Health Freedom Act codifies as state policy that every person in the State of Idaho is and shall be free from government compulsion in the selection of health insurance options, and that such liberty is protected by the constitutions of the United States and the State of Idaho; and

Whereas, the average Idaho rate increase for 2017 individual Affordable Care Act (ACA) health insurance plans was 24% and, with the year-over-year increases since the implementation of the ACA federal mandates, health insurance plans have become unaffordable for thousands of Idahoans and their families; and

Whereas, nearly 90,000 Idahoans can afford coverage only with the assistance of an ACA premium assistance tax credit or other subsidy, and Idaho's uninsured includes "middle class" individuals and families who earn too

much to qualify for federal insurance premium assistance and have no coverage option other than high-cost ACA plans; and

Whereas, the premium amounts for pre-ACA individual transitional "grandmothered" plans were 30% to 50% less than those of the individual ACA plans, indicating that a return to state regulation of the individual insurance market would result in significantly lower premium amounts for many Idahoans, and

Whereas, prior to implementation of the ACA, the State of Idaho primarily regulated the Idaho health insurance market and provided aggressive oversight of all aspects of that market and enforced consumer protections as well as ensured a local, responsive regulation for consumers; and

Whereas, prior to the implementation of the ACA-mandated plans, Idaho had a stable and competitive individual insurance market, with among the lowest individual premium amounts in the nation, and consumers could choose from a variety of health insurance coverage options to best cover them and their families; and

Whereas, on January 20, 2017, President Donald J. Trump signed an executive order to minimize the economic burden of the ACA pending repeal, including instruction to the Secretary of Health and Human Services and to the heads of all other executive departments and agencies with authorities and responsibilities under the act to exercise all authority and discretion available to them to provide greater flexibility to states and to cooperate with them implementing healthcare programs. Now, therefore, be it

Resolved, By the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges President Trump, Secretary Price and Congress to take the following action: Allow individual states to once again serve as the primary regulator of health insurance plans and immediately permit the free market availability and sale of nonsubsidized health insurance plans in accordance with state-established statutes, regulations and rules governing such plans; and be it further

Resolved, That the Idaho Department of Insurance issue guidance allowing for competitive, innovative, nonsubsidized health insurance plans, along with the free market sale of health insurance plans to Idahoans who choose to purchase them, in accordance with state-established statutes, regulations and rules governing such plans; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Health and Human Services, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States, as well as to Governor C.L. "Butch" Otter and Director Dean Cameron of the Idaho Department of Insurance.

POM-38. A resolution adopted by the Senate of the State of California calling upon the United States Congress to reject any effort to repeal the Affordable Care Act unless it is simultaneously replaced with an alternative program that meets the standards clearly and consistently articulated by the President of the United States; to the Committee on Finance.

SENATE RESOLUTION NO. 26

Whereas, Over the first two years of full implementation of the federal Patient Protection and Affordable Care Act (Public Law

111-148) (Affordable Care Act), California's uninsured rate decreased by half—the largest percentage point decline in the uninsured rate of any state—from 17.2 percent in 2013 to 8.6 percent in 2015, according to the United States Census Bureau, with the federal Centers for Disease Control and Prevention indicating a further fall to 7.1 percent in the first nine months of 2016; and

Whereas, This decline, from 6.5 million uninsured individuals in 2013 to 3.3 million uninsured individuals in 2015, is a historic accomplishment that reaches across all income levels, geographic regions, and ethnic groups in California; and

Whereas, In June 2016, nearly 3.7 million individuals received coverage through the Affordable Care Act's Medicaid eligibility expansion; and

Whereas, Over 13 million children and adults—approximately one-third of the population—now receive health care coverage through the Medi-Cal program in California; and

Whereas, Since the California Health Benefit Exchange, also known as Covered California, opened its doors, it has cumulatively enrolled 2.5 million people into health care coverage; and

Whereas, Currently, nearly 1.4 million people are enrolled in health care coverage through Covered California, with approximately 90 percent receiving federal subsidies; and

Whereas, The lifeblood of these coverage expansions in California is the federal funding received through the Affordable Care Act; and

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

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

Whereas, The American Health Care Act under consideration in Congress provides \$600 billion in tax cuts primarily to upper-income individuals, implements an "age tax" that allows insurers to charge an older person five times the amount charged to a young adult, and proposes that income-based premium subsidies would be replaced by age-based subsidies that hurt moderate-income individuals and makes insurance unaffordable for all but the least healthy; and

Whereas, Millions of Americans rely on the essential provisions of the Affordable Care Act, including, among others, premium tax credits, cost-sharing subsidies, and easily comparable comprehensive coverage; and

Whereas, Since the Affordable Care Act was passed in March 2010, the United States private sector added over 15,000,000 jobs and set a record for consecutive months of job growth, and

Whereas, Health care policy is extremely complex because it involves the lives and well-being of hundreds of millions of Americans, impacts the national economy in innumerable ways, and involves complex laws and regulations, insurance markets, and consumer protections; Now, therefore, be it

Resolved by the Senate of the State of California, That the Senate affirms its strong

support for the Affordable Care Act and calls upon the United States Congress to reject any effort to repeal the Affordable Care Act unless it is simultaneously replaced with an alternative program that meets the standards clearly and consistently articulated by President Trump: that not one American will lose coverage and that coverage will be more affordable and of higher quality for all Americans; and be it further

Resolved, That the Senate urges Congress to not jeopardize the health of millions of Americans by pushing through irresponsible policy in late-night hearings, but instead allow for comprehensive public review, “including evaluations by the Congressional Budget Office and relevant policy committees, so that Americans have their concerns heard; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-39. A concurrent resolution adopted by the Legislature of the State of Michigan urging the President of the United States and the United States Congress to explore and support policies that will lead to the establishment of facilities within the United States for the reprocessing and recycling of spent nuclear fuel; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, The federal Nuclear Waste Policy Act of 1982 called for the United States Department of Energy to begin collecting spent nuclear waste and develop a long-term plan for storage of the material. In 2002, Congress approved Yucca Mountain in Nevada as the location to allow the Department of Energy to establish a safe repository for high-level spent nuclear waste; and

Whereas, In 2010, the Department of Energy halted the project at Yucca Mountain when the construction authorization process was in progress, despite the Nuclear Waste Fund receiving more than \$30 billion in revenue from electric customers throughout the United States in order to construct the facility and store the spent fuel; and

Whereas, The Argonne National Laboratory has developed a high-temperature method of recycling spent nuclear waste into fuel, known as pyrochemical processing. This process allows 100 times more of the energy in uranium ore to be used to produce electricity compared to current commercial reactors; and

Whereas, Extending the productive life of uranium ore through pyrochemical processing ensures almost inexhaustible supplies of low-cost uranium resources for the generation of electricity, minimizes the risk that used fuel could be stolen and used to produce weapons, and reduces the amount of nuclear waste and the time it must be isolated by almost 1,000 times; and

Whereas, Advanced non-light-water reactors currently under development in the United States and internationally have the potential to utilize used fuel from existing reactors as fuel, but according to the Nuclear Regulatory Commission, there are no reprocessing facilities currently operating within the United States; and

Whereas, The federal government's inability to adequately store or reprocess almost 100,000 tons of spent nuclear fuel has adversely affected the residents of the state of Michigan. Michigan has paid more than \$800 million into the Nuclear Waste Fund since

1983, but the federal government has failed to use it to permanently store nuclear waste in a way that serves the public; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President and Congress of the United States to explore and support policies that will lead to the establishment of facilities within the United States for the reprocessing and recycling of spent nuclear fuel; be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 190. A bill to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes (Rept. No. 115-76).

S. 215. A bill to authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, and for other purposes (Rept. No. 115-77).

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

S. 239. A bill to amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities, and for other purposes (Rept. No. 115-79).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 723. A bill to extend the deadline for commencement of construction of a hydroelectric project (Rept. No. 115-80).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 724. A bill to amend the Federal Power Act to modernize authorizations for necessary hydropower approvals (Rept. No. 115-81).

S. 730. A bill to extend the deadline for commencement of construction of certain hydroelectric projects (Rept. No. 115-82).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 734. A bill to extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam (Rept. No. 115-83).

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 245. A bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes (Rept. No. 115-84).

S. 343. A bill to repeal certain obsolete laws relating to Indians (Rept. No. 115-85).

By Mr. ISAKSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1094. A bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. RISCH for the Committee on Small Business and Entrepreneurship.

*Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROUNDS (for himself and Mr. HOEVEN):

S. 1210. A bill to amend the Internal Revenue Code of 1986 to reduce tax rates across the board; to the Committee on Finance.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. 1211. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, and Mr. BLUMENTHAL):

S. 1212. A bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 1213. A bill to require the Secretary of Transportation to post a copy of the most recent response plan for each onshore oil pipeline on a publicly accessible website; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Ms. KLOBUCHAR):

S. 1214. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. REED):

S. 1215. A bill to amend part E of title IV of the Social Security Act to allow States that provide foster care for children up to age 21 to serve former foster youths through age 23 under the John H. Chafee Foster Care Independence Program; to the Committee on Finance.

By Mr. LEE (for himself, Mrs. FEINSTEIN, Mr. CRUZ, Mr. WHITEHOUSE, Ms. COLLINS, and Mr. COONS):

S. 1216. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. CORKER, Mr. CORNYN, Mr. HATCH, Mr. MCCONNELL, Mr. PERDUE, Mr. RISCH, Mr. ROBERTS, Mr.

SCOTT, Mr. WICKER, and Mr. BOOZMAN):

S. 1217. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HEITKAMP (for herself, Mr. SULLIVAN, and Ms. HARRIS):

S. 1218. A bill to promote Federal employment for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

S. 1219. A bill to provide for stability of title to certain land in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself, Mrs. FEINSTEIN, Mr. KAINE, Ms. CORTEZ MASTO, Ms. MURKOWSKI, and Mr. SCHATZ):

S. 1220. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. COONS):

S. 1221. A bill to counter the influence of the Russian Federation in Europe and Eurasia, and for other purposes; to the Committee on Foreign Relations.

By Mr. FLAKE:

S. 1222. A bill to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1223. A bill to repeal the Klamath Tribe Judgment Fund Act; to the Committee on Indian Affairs.

By Mr. KAINE:

S. 1224. A bill to authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself, Mr. ALEXANDER, Ms. STABENOW, and Mr. PORTMAN):

S. 1225. A bill to support research, development, and other activities to develop innovative vehicle technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 1226. A bill to amend the Oil Pollution Act of 1990 to equalize liability and financial assurance requirements for onshore pipeline facilities that could discharge oil into the Great Lakes system with such requirements for offshore pipelines, to authorize the Secretary of Transportation to issue an emergency order directing pipeline owners to comply with existing pipeline operating agreements or acquire sufficient resources to appropriately respond to possible oil spill incidents, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. WHITEHOUSE, and Ms. WARREN):

S. 1227. A bill to amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment under Medicaid and the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. YOUNG (for himself and Mrs. SHAHEEN):

S. 1228. A bill to require a National Diplomacy and Development Strategy; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. HELLER, Mr. GRAHAM, Mr. NELSON, Ms. BALDWIN, Mrs. MCCASKILL, and Mrs. GILLIBRAND):

S. Res. 176. A resolution commemorating the 50th anniversary of the reunification of Jerusalem; to the Committee on Foreign Relations.

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. Res. 177. A resolution congratulating the Webster University chess team for winning a record-breaking fifth consecutive national title at the President's Cup collegiate chess championship in New York City; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 178. A resolution to authorize testimony, document production, and representation in United States v. Kevin Lee Olson; considered and agreed to.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. BURR, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 253

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

S. 322

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

S. 428

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 428, a bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through enhanced pediatric health homes, and for other purposes.

S. 479

At the request of Mr. BROWN, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 540

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 660

At the request of Mr. GARDNER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 660, a bill to amend the Higher Education Act of 1965 in order to fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.

S. 756

At the request of Mr. SULLIVAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. SCHATZ), the Senator from Maine (Mr. KING), the Senator from Louisiana (Mr. KENNEDY), the Senator from Maine (Ms. COLLINS) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

S. 765

At the request of Mr. PERDUE, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 765, a bill to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

S. 808

At the request of Mr. THUNE, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 808, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 926

At the request of Mrs. ERNST, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 1024

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1024, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1050

At the request of Ms. DUCKWORTH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1081

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1081, a bill to establish an Employee Ownership and Participation Initiative, and for other purposes.

S. 1082

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1082, a bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes.

S. 1107

At the request of Mr. COONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1107, a bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

S. 1141

At the request of Mrs. SHAHEEN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1141, a bill to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

S. 1191

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1191, a bill to amend title XVIII of the Social Security Act to refine how Medicare pays for orthotics and prosthetics and to improve beneficiary experience and outcomes with orthotic and prosthetic care, and for other purposes.

S. RES. 109

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

S. RES. 162

At the request of Mr. LANKFORD, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. Res. 162, a resolution reaffirming the commitment of the United States to promoting religious freedom, and for other purposes.

S. RES. 174

At the request of Mr. MORAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 174, a resolution rec-

ognizing the 100th anniversary of Lions Clubs International and celebrating the Lions Clubs International for a long history of humanitarian service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, and Mr. BLUMENTHAL):

S. 1212. A bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Gun Violence Prevention Order Act of 2017. At this time, I would also like to thank Senators BLUMENTHAL, GILLIBRAND, and MARKEY for cosponsoring this legislation. Their support is sincerely appreciated.

Yesterday marked the 3rd anniversary of the horrific shooting that outraged the community of Isla Vista, California and the Nation. During this attack, the City of Isla Vista was struck by tragedy when 22-year-old Elliot Rodger went on a shooting rampage after fatally stabbing his two roommates and a friend. Armed with a Glock 34 handgun and two SIG Sauer P226 handguns, the assailant drove through the streets of Isla Vista, shooting and killing 3 young students and injuring 14 others near the University of California, Santa Barbara campus before taking his own life. The Isla Vista community was in shock, and we as a nation struggled to comprehend how this tragedy could have been prevented.

As more facts emerged about the assailant, we learned that he had a history of mental health concerns and violent behavior. He had been prescribed medications used to treat schizophrenia and bipolar disorder and at age 18 Rodgers had begun to refuse the mental health treatment he had been receiving. Local deputies had also encountered him several times through conflicts and fights he had with friends and roommates. And less than a month before his deadly rampage, a concerned friend had called a county mental health staff member, and, after speaking with the assailant's mother, law enforcement conducted a welfare check at Rodger's apartment. At that point, Rodger's murderous plot was well underway, and had the police searched his room, they would have found a stockpile of guns and ammunition along with papers detailing his plans to kill. This individual should have never been able to obtain a firearm—and the bill I am introducing today would enable law enforcement and family members to intervene and prevent attackers like this assailant from carrying out atrocious acts of gun violence in the future.

Over 30,000 people die each year from gun violence, and on average, 7 children and teens are killed by guns every day. We know that families and friends

are in the best position to recognize early signs of trouble before tragedy occurs. However, family members and law enforcement officials commonly have no legal means of taking preventive steps to stop a troubled individual from committing an act of gun violence before it occurs. To solve this problem, the State of California enacted a law in the aftermath of the Isla Vista attack that enables family members or law enforcement officers to ask a court for a gun violence prevention order.

Modeled on California's existing laws on domestic violence, when a judge believes there is sufficient evidence that an individual is a danger to themselves or others, the gun violence prevention order temporarily prohibits an individual from purchasing firearms or ammunition. And under a higher burden of proof, a court can also issue a warrant to remove any firearms or ammunition already in the individual's possession. Based on this California law and other State laws, the Gun Violence Prevention Order Act of 2017 would create a new law enforcement grant under the Community-Oriented Policing Services Program at the Department of Justice and incentivize States to take intervening measures to prevent gun violence. Specifically, this legislation would ensure that families and others can seek a gun violence prevention order from a court to temporarily stop someone close to them who poses a threat to themselves or others from purchasing a firearm. This legislation also ensures that a court can issue a gun violence prevention warrant requiring law enforcement to take temporary possession of firearms that have already been purchased if the court determines that the individual poses a threat. Because criminal background checks are critical to preventing gun crimes, this legislation also requires the Department of Justice and comparable state law enforcement agencies to keep their background check databases up to date and requires courts to notify these agencies when a gun violence prevention order is issued.

Importantly, this legislation also protects due process rights by providing written notice and multiple opportunities for the court to make independent determinations on the matter.

Additionally, the Department of Justice and State law enforcement agencies would be required to protect the affected individual's confidentiality. Finally, I would like to say a few words about the victims and survivors of the Isla Vista attack and what this legislation means to their community. Many of the victims and survivors of this attack were students and young adults. They had their whole lives ahead of them. As communities across California and our Nation mark the third anniversary of this terrible tragedy, let us remember the lives of Weihsan Wang, Cheng Yuan Hong, George Chen, Veronika Weiss, Katherine Cooper, and Christopher Michaels-Martinez. The

families of these victims will never be the same again, and I will never forget hearing their stories in the aftermath of this attack. As a mother and grandmother, I cannot imagine the pain they have gone through. As the elected leaders of this body, we must never forget what happened in Isla Vista and take steps to keep our communities safe from the gun violence that continues to endanger them. We have seen the costs of inaction, and the Gun Violence Prevention Order Act of 2017 is a step we can take to protect communities across America and ensure that other communities do not experience the pain that Isla Vista went through. I hope my colleagues will join me in remembering the victims of this attack and supporting this legislation.

By Mr. KAINE:

S. 1224. A bill to authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KAINE. Mr. President, today I am introducing legislation to authorize a game-changing scale of investment in making America's infrastructure more resilient to natural disasters.

The BUILD Resilience Act would build on the National Disaster Resilience Competition first authorized in the 2013 Hurricane Sandy emergency supplemental disaster package. It would authorize \$1 billion a year over 5 years to jumpstart large-scale investment in community resilience—supporting jobs, strengthening infrastructure, and reducing risk to communities from disasters like hurricanes and flooding.

This bill aims to follow the “ounce of prevention” principle. Cleaning up after a disaster is important, but if we invest in sturdier infrastructure before the disaster, there will be less to clean up after the disaster. This is borne out in two separate studies. The Congressional Budget Office estimates that every \$1 invested upfront in resilient infrastructure saves \$3 on the back end. The Multihazard Mitigation Council of the National Institute of Building Sciences estimates \$4 of benefit.

The Sandy Competition supported resilience projects in low-lying coastal areas of Virginia and Louisiana; in Sandy-affected areas of New York and New Jersey, in flood-prone Midwest regions like Iowa and North Dakota, and elsewhere. But Virginia's grant illustrates the scale of the challenge. This grant is supporting innovative flood-control projects but only in two at-risk neighborhoods of Norfolk, which is only one part of a broader Hampton Roads region. Neighboring localities like Newport News and Chesapeake submitted proposals to address their own infrastructure needs, but funding was insufficient. Since there will always be risk of another devastating storm, we must learn from Sandy and take steps now to protect our communities later. This bill tries to do that.

With a range from 1½ to 7 feet of sea level rise projected by the year 2100, the Hampton Roads region is the second largest population center at risk from sea level rise in the Nation, behind only New Orleans. Residents are dealing with skyrocketing flood insurance premiums and flooding not only after a Sandy or a Matthew but from ordinary rainstorms. This is a direct Federal responsibility given the presence of the largest concentration of naval power in the world. An ODU study estimates that the main Norfolk city road leading into Naval Station Norfolk could be inundated by the tides a few hours per day by midcentury. That makes this not only an infrastructure issue but a national security issue.

I hope to work with the White House and Congress to advance a comprehensive infrastructure package that rises to this challenge.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—COMMEMORATING THE 50TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. HELLER, Mr. GRAHAM, Mr. NELSON, Ms. BALDWIN, Mrs. MCCASKILL, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 176

Whereas June 2017 marks the 50th anniversary of the Six Day War and the reunification of the city of Jerusalem;

Whereas there has been a continuous Jewish presence in Jerusalem for 3 millennia;

Whereas Jerusalem is a holy city and the home for people of the Jewish, Muslim, and Christian faiths;

Whereas, for 3,000 years, Jerusalem has been Judaism's holiest city and the focal point of Jewish religious devotion;

Whereas, from 1948 to 1967, Jerusalem was a divided city, and Israeli citizens of all faiths as well as Jews of all nationalities were denied access to holy sites in eastern Jerusalem, including the Old City, in which the Western Wall is located;

Whereas, in 1967, Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas, since 1967, Jerusalem has been a united city, and persons of all religious faiths have access to holy sites within the city;

Whereas this year marks the 50th year that Jerusalem has been administered as a united city in which the rights of all faiths have been respected and protected;

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states that Jerusalem should remain the undivided capital of Israel in which the rights of every ethnic and religious group are protected; and

Whereas it is the longstanding policy of the United States Government that a just resolution to the Israeli-Palestinian conflict can only be achieved through direct, bilateral negotiations without preconditions for a sustainable two-state solution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th Anniversary of the reunification of Jerusalem and extends its friendship and hopes for peace to the residents of Jerusalem and the people of Israel;

(2) reaffirms its support for Israel's commitment to religious freedom and administration of holy sites in Jerusalem;

(3) continues to support strengthening the mutually beneficial American-Israeli relationship;

(4) commends Egypt and Jordan, former combatant states of the Six Day War, who in subsequent years embraced a vision of peace and coexistence with Israel and have continued to uphold their respective peace agreements;

(5) reaffirms that it is the longstanding, bipartisan policy of the United States Government that the permanent status of Jerusalem remains a matter to be decided between the parties through final status negotiations towards a two-state solution; and

(6) reaffirms the Jerusalem Embassy Act of 1995 (Public Law 104-45) as United States law, and calls upon the President and all United States officials to abide by its provisions.

SENATE RESOLUTION 177—CONGRATULATING THE WEBSTER UNIVERSITY CHESS TEAM FOR WINNING A RECORD-BREAKING FIFTH CONSECUTIVE NATIONAL TITLE AT THE PRESIDENT'S CUP COLLEGIATE CHESS CHAMPIONSHIP IN NEW YORK CITY

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas Webster University is the first team in the history of the President's Cup collegiate chess championship to win 5 consecutive national titles;

Whereas the 2017 victory is the seventh consecutive national championship for Grandmaster and coach Susan Polgar and the program at the Susan Polgar Institute for Chess Excellence;

Whereas Webster University is a leader in promoting chess as a vehicle for enriching the education of children and young adults; and

Whereas Webster University has become a hub for developing chess excellence in students from across the United States and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Webster University for winning a record-breaking fifth consecutive national title at the President's Cup collegiate chess championship; and

(2) encourages Webster University to continue promoting the educational benefits of chess among its students and the larger community.

SENATE RESOLUTION 178—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION IN UNITED STATES V. KEVIN LEE OLSON

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

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony and

documents, and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony and documents in a criminal action pending in North Dakota federal district court. In this action, the defendant is charged with sending to Senator HEITKAMP an e-mail threatening to kill or injure her. A trial is scheduled for June 6, 2017.

The prosecution is seeking for introduction into evidence at trial documentary evidence from the Senator's office, including the e-mail at issue, as well as testimony from the Senator's correspondence manager. Senator HEITKAMP would like to cooperate by providing such relevant evidence. The enclosed resolution would authorize that staffer, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel.

S. RES. 178

Whereas, in the case of *United States v. Kevin Lee Olson*, Cr. No. 17-26, pending in the United States District Court for the District of North Dakota, the prosecution has requested the production of testimony and documents from Kobye Noel, an employee in the Washington, D.C. office of Senator Heidi Heitkamp;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

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

Resolved, That Kobye Noel, an employee in the Office of Senator Heidi Heitkamp, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, are authorized to testify and produce documents in the case of *United States v. Kevin Lee Olson*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former employees of Senator Heitkamp's office in connection with the production of evidence authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 217. Mr. SULLIVAN (for Mr. ROBERTS (for himself and Mrs. McCASKILL)) proposed an amendment to the bill H.R. 1238, to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department

of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

TEXT OF AMENDMENTS

SA 217. Mr. SULLIVAN (for Mr. ROBERTS (for himself and Mrs. McCASKILL)) proposed an amendment to the bill H.R. 1238, to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes; as follows:

On page 4, lines 1 and 2, strike "relating to food and agriculture" and insert "or the Secretary of Health and Human Services".

On page 4, strike line 3 and all that follows through the end of the matter following line 6 and insert the following:

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by striking the items relating to sections 523, 524, 525, 526, and 527; and

(2) by inserting after the item relating to section 522 the following:

"Sec. 523. Guidance and recommendations.

"Sec. 524. Voluntary private sector preparedness accreditation and certification program.

"Sec. 525. Acceptance of gifts.

"Sec. 526. Integrated public alert and warning system modernization.

"Sec. 527. National planning and education.

"Sec. 528. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism."

AUTHORITY FOR COMMITTEES TO MEET

Mr. GRASSLEY. Mr. President, I have 10 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

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

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on May 24, 2017, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations." The witness list is attached.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to

meet during the session of the Senate today, May 24, 2017, off the floor at the start of the first scheduled vote to conduct a business meeting on the following:

—The nomination of Althea H. Coetzee to be Deputy Administrator of the Small Business Administration.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, in SR-418 at 2:30 p.m. to consider S. 1094, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017.

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Wednesday, May 24, 2017 from 2:30 p.m.–4 p.m., in room SH-219 of the Senate Hart Office Building to hold a closed hearing.

SUBCOMMITTEE ON SEAPOW

The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 9:30 a.m., in open session.

SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m., in open and closed sessions.

COMMITTEE ON THE SUBCOMMITTEE JUDICIARY ON CRIME AND TERRORISM

The Committee on the Judiciary, Subcommittee on Crime and Terrorism, is authorized to meet during the session of the Senate, on May 24, 2017, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Law Enforcement Access to Data Stored Across Borders: Facilitating Cooperation and Protecting Rights."

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC AND INTERNATIONAL CYBERSECURITY POLICY

The Committee on Foreign Relations Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy is authorized to meet during the session of the Senate on Wednesday, May 24, 2017 at 2:15 p.m., to hold a hearing entitled "American Leadership in the Asia-Pacific, Part 2: Economic Issue."

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, May 24, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold Subcommittee Hearing on "Pool Safety: The Tenth Anniversary of the Virginia Graeme Baker Pool and Spa Safety Act."

Mr. MERKLEY. Mr. President, I ask unanimous consent that that my intern, Kelsey Sherman, be granted privileges of the floor for the balance of the day.

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

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Olivia Rockwell, Brian Larkin, Elizabeth Isbey, Benjamin Willis, and Elizabeth Jurinka, legislative fellows in my office, be given floor privileges for the remainder of this Congress.

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the vote on confirmation of Judge Thapar occur at 1:30 p.m. on Thursday, May 25; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

CONGRATULATING THE WEBSTER UNIVERSITY CHESS TEAM FOR WINNING A RECORD-BREAKING FIFTH CONSECUTIVE NATIONAL TITLE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 177) congratulating the Webster University chess team for winning a record-breaking fifth consecutive national title at the President's Cup collegiate chess championship in New York City.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

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

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 178, submitted earlier today.

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

The assistant bill clerk read as follows:

A resolution (S. Res. 178) to authorize testimony, document production, and representation in *United States v. Kevin Lee Olson*.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution 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. 178) was agreed to.

ORDERS FOR THURSDAY, MAY 25, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Thursday, May 25; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Thapar nomination; finally, that all time during morning business, recess, adjournment, and leader remarks count postclosure on the Thapar nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators MANCHIN, SULLIVAN, and MERKLEY.

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

The Senator from West Virginia.

HEALTHCARE LEGISLATION

Mr. MANCHIN. Mr. President, I rise today to talk about the concerns of the good people of my great State of West Virginia, about their healthcare and the needs they have. If the American Health Care Act is passed, which is the Republican plan that was passed over in the House, many West Virginians are going to lose their current insurance coverage.

Individuals on Medicaid expansion would not be guaranteed coverage after 2020. That means that for anybody that has gotten insurance for the first time, there is no guarantee they can keep it at all past 2020. The American Hospital Association estimates that 68,200 West

Virginians would lose their Medicaid coverage in 2018, and another 126,000 people who currently have it would be without Medicaid coverage by 2026.

The American Health Care Act, which is being sent by our friends in the House—our Republican friends in the House—increases the cost to our State. The bill cuts \$834 billion from Medicaid, meaning that the State would receive less Federal Medicaid funding, and it would not increase if costs rise in the case of health crises.

In fact, the American Hospital Association estimates that my State of West Virginia would lose a total of \$9.8 billion over the next 10 years—\$9.8 billion over the next 10 years alone in my great State. With all of the hard work they have done, to go without healthcare is unbelievable.

This bill would also increase costs for older, sicker, poorer, rural West Virginians. We have this type of a population in all of our States. Older Americans would face higher costs because insurance companies could charge them five times more than younger beneficiaries—five times more. So if a young beneficiary is paying \$2,500 a year, they can end up paying \$10,000, \$12,000 a year. That would increase the costs to older Americans nationally by anywhere from \$2,000 to \$8,400.

We did this little comparison here of what that would actually look like. Let's say there is a low-income senior, somebody who hasn't gotten to Medicare eligibility yet because of their age, and they are over the 138th percentile of the poverty guidelines, and they are paying about \$1,700 now for their insurance under the Affordable Care Act.

With this piece of legislation, they are going to pay upwards of \$13,000—\$13,000, which they don't have. The cost to purchase insurance for low-income seniors in West Virginia who buy insurance on the exchanges, as I just showed you, could go up to almost 800 percent—800 percent of the costs they are paying.

So today I am going to share the story of a West Virginian who is concerned about losing her healthcare. This West Virginia native is Stephanie Fredricksen. She told me her story at a townhall that we had in the Eastern Panhandle in March. She asked me to make sure I shared this story with all of you. This will be printed in the RECORD. So this is going to be Stephanie's story. This is one of many stories throughout my State of West Virginia:

My name is Stephanie Fredricksen and back in April 2016, I woke up one day unable to turn my head due to stiffness in my neck and terrible pain. At first I thought I had just slept on it wrong and it would go away. By early May, the pain had spread to every joint in my body.

Then, I began to experience painful spasms in my back, my shoulders, my neck, and even my jaw. I started having blurred vision and shooting pain in my eyes. I also began suffering from extreme exhaustion, on really bad days activities as simple as getting out

of bed, getting dressed, and brushing my hair can tire me out for hours. I could go on and on with a long list of other horrible symptoms.

My illness began to affect my job as a Property & Casualty Insurance Agent. I started missing more and more time from work, first due to doctor appointments and then due to the worsening of my symptoms. Eventually, I was forced to file a claim for long-term disability insurance. I had been undergoing multiple tests and examinations and I thought the physicians would soon determine what was wrong and prescribe the appropriate treatment so I could get back my life and get back to work.

That never happened. During this time I had physical therapy and after a couple of weeks of treatment I was able to move my neck again. But by August, I was diagnosed with Systemic Lupus, Systemic Sclerosis, Osteoarthritis and Severe Spinal Stenosis among other related conditions. Although my employer assured me they had my back, in October, I received a certified letter from an attorney advising me that my employment had been terminated.

As a result, I lost my healthcare coverage and was offered COBRA coverage for a period of only three months.

On February 1, 2017, I became one of millions who rely on the Affordable Care Act (ACA). I was already familiar with the ACA because my husband had been covered by it since 2012.

My husband works for a small business that doesn't offer health insurance. The ACA was about \$350 less than for him to be added to my former employer's plan. Some of you may be thinking after hearing about some of my conditions that they aren't life ending but you would be wrong.

I suffer from autoimmune diseases. My immune system attacks my own body instead of resisting hostile foreign invaders. So my immune system will not fight off but will actually help the bad things to spread and become even stronger.

In approximately 50 percent of people with Systemic Lupus a major organ or tissue in the body such as the heart, lungs, kidneys or brain will become affected.

Between 10 and 15 percent of Lupus patients will die prematurely. However, it is widely believed that number is substantially underreported. Many deaths are reported as a result of the complications such as kidney failure and not the Lupus itself.

1 in 3 patients with Lupus also have another autoimmune disease. I fall into that category having been diagnosed with Systemic Sclerosis as well. Systemic Sclerosis can also involve the heart, kidneys, lungs, liver and brain. Internal organ complications are common and are often not symptomatic until the late stages of disease, thus routine screening is essential. Lung involvement is the leading cause of death.

She shared her story and much more with me at a townhall in Martinsburg. She asked me to read this on the Senate floor. She asked me to share her story because she has tried to share it with all of the elected officials herself, not just for herself but also for the protected 24 million Americans who are at risk of losing their insurance if the Affordable Care Act is repealed and replaced with the American Health Care Act, the act that was just passed in the House which is being sent to the Senate.

So she is asking us: Please, do not pass this. Do not repeal the ACA but fix it. We all know it needs to be re-

paired. The private market needs to be fixed, not to mention those who will no longer be able to afford it with the premiums going up, especially for the older, poorer senior citizens.

I obviously have pre-existing conditions, no job, and my husband's job does not offer health insurance. In other words, without the ACA, I would not be able to get the insurance I need so badly. I also fear that based on numbers provided by the CBO, if insurance is still available to me, I won't be able to afford it and of course there is also my husband's insurance to worry about.

At the same time many young and healthy people chose to take a gamble believing like we all do when we're young that nothing bad is ever going to happen to us.

As a result, the ACA risk pool was not as diverse as it should have been. Robust participation is so critical to ensuring citizens have access to and a real choice in affordable coverage. Imagine if those that oppose the ACA actually got behind it for the good of the country.

The ACA even with all of its opposition helped millions and it appears that the American people realize this, even many that were originally fooled by the negative rhetoric have decided they want to keep it. Please do what is right for us the citizens that have chosen each of you to represent us.

As I pointed out earlier, many of those people have come around to a different way of thinking as of late and I wouldn't be so sure that they will be there for you the next time when they vote if you have taken away their health care or their parents, siblings, children, grandparents, aunts, uncles, nieces, nephews, neighbors, friends, church members, coworkers, classmates, and so on. Of course we can't forget that a lot of those people will die as a result of not being able to keep their health care as well.

Putting your politics, egos, agendas, and parties aside in this case will actually save human lives. I ask you all not to repeal and replace the ACA and instead to work together to fix it and make improvements.

Please don't allow the CEOs of insurance companies and the wealthiest Americans to make even more money at the expense of those Americans who are the most vulnerable, like the disabled, the sick, the elderly and those with lower incomes.

I beg of you, PLEASE oppose the repeal of the ACA and please oppose any plan that could leave me and millions like me without health insurance or that will increase our premiums or deductibles or reduce or eliminate any current coverage. Our lives are depending on it and we are depending on you.

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

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

We need to get more young people involved. We need the market forces to

work. We need for everyone who has insurance for the first time to use it in the most efficient, effective, and appropriate way. There is a lot that can be done, but not just by taking political votes and holding each other in harm's way.

I thank you for allowing me to tell Stephanie's story. I hope it helps. I can't wait to sit down and start working with all of our colleagues in this body.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the preamble to S. Res. 178 be agreed to.

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

The preamble was agreed to.

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

SECURING OUR AGRICULTURE AND FOOD ACT

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 1238 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1238) to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

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

Mr. SULLIVAN. I ask unanimous consent that the Roberts amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 217) was agreed to, as follows:

(Purpose: To preserve the authority of the Secretaries of Agriculture and Health and Human Services and make a technical correction)

On page 4, lines 1 and 2, strike "relating to food and agriculture" and insert "or the Secretary of Health and Human Services".

On page 4, strike line 3 and all that follows through the end of the matter following line 6 and insert the following:

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by striking the items relating to sections 523, 524, 525, 526, and 527; and

(2) by inserting after the item relating to section 522 the following:

“Sec. 523. Guidance and recommendations.

“Sec. 524. Voluntary private sector preparedness accreditation and certification program.

“Sec. 525. Acceptance of gifts.

“Sec. 526. Integrated public alert and warning system modernization.

“Sec. 527. National planning and education.

“Sec. 528. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.”.

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

The bill was read the third time.

The bill (H.R. 1238), as amended, was passed.

NORTH KOREA

Mr. SULLIVAN. Mr. President, I want to talk this evening about a very serious threat to the United States; that is, the threat from North Korea and what we in the Congress should be doing about it.

Now, over the weekend we saw another piece of news about how the North Korean regime is again testing missiles, testing for intercontinental ballistic missiles, more missile launches, literally two in the last 2 weeks.

I would say this is one of the most serious threats facing the United States of America right now because what has now become clear, it is no longer if Kim Jong Un and the North Korean regime will have the ability to range the United States of America with an intercontinental ballistic nuclear missile. It is no longer if. It is when.

This has been stated time and time again in open hearings we have had on the Armed Services Committee with generals and some of the top experts in the United States. It used to be, hey, maybe he would have this capability sometime down the road. Maybe he will never get it. They are not saying that any longer. Think about that. Every American should be thinking about that. It is no longer if but when one of the craziest dictators in the world will have the capability to launch an intercontinental ballistic nuclear missile. It is not just ranging my State, the great State of Alaska, which unfortunately for me and my constituents is in the line of fire earlier than other States or Hawaii, which faces similar risks to Alaska, but we are talking about the continental United States. We are talking about Chicago, New York City, Los Angeles. It is not if but when.

So yesterday in front of the Armed Services Committee, the Director of National Intelligence, our good friend,

former Senator Dan Coats, when I asked him and General Stewart, the top military officer for our intelligence agencies, when they thought this was going to happen—well, it is a classified number and it is a classified time. I actually think it should be unclassified, given their estimates, to let the American people know what is coming because it is probably a lot sooner, at least in the estimates, than most people think. So that is what we are facing right now, and people should be concerned about it.

Let me give you a little bit more on the facts of this. Kim Jong Un, the leader of North Korea, the unstable dictator of North Korea, has publicly stated it is his goal to develop a nuclear-capable intercontinental ballistic missile that can strike the continental United States. Now, let's just be clear. This is a man who starves his own citizens, sentences them by the tens of thousands to inhumane labor camps, and just a month ago allegedly assassinated his half-brother in a Malaysian airport with poison to kill him.

In fact, since assuming power just 5 years ago, as my next chart shows, Kim Jong Un has conducted more missile tests and twice as many nuclear tests as both his father and grandfather did in their 60 years of ruling over North Korea. Look at these numbers: That is the Kim Jong Un regime, Kim Jong Il, Kim Il Sung. So he is focused on this more than his father and grandfather were. As I mentioned, it seems almost daily there is another one of these missile tests or even nuclear tests.

Now, one of the things you see in the press sometimes is, well, some of these missile tests are failing. There have been failures, and there have been notable successes, such as the country's first intermediate range ballistic missile, its first submarine launch ballistic missile, its first solid fuel launch missile, and its ability to put satellites in space. This is actual progress. This is significant progress.

On the nuclear side, the country's fifth test—and Kim Jong Un's third—had an estimated yield in terms of its power of 15 to 20 kilotons, approximately the size of the nuclear bomb dropped on Hiroshima. While this yield was not as large as they were expecting, the test again on the nuclear side shows steady progress in their nuclear program and steady progress in their ballistic missile program.

So what does all this mean? Why is Kim Jong Un testing so often? Even though he fails, he is still learning. That is exactly what the commander of U.S. Strategic Command said last month during a Senate Armed Services hearing.

Gen. John Hyten stated: North Korea is going fast. Test, fail, test, fail, succeed. They are learning, and as you can see them learning, they are developing the capabilities for intercontinental ballistic missiles. That is how it works in the rocket business.

That is happening right now. That is happening right now. That is in the news right now.

Also in the news is what the United States has been doing to protect our allies from this and other threats. So let me give you an example. There has been a lot of news about the THAAD deployment, a missile defense system in South Korea deployed by the U.S. Army to protect our troops and South Korea's citizens, to protect our troops in Korea, protect our troops in Japan, and to protect our allies. Now, I am very supportive of this—very supportive of this.

The President is on his Middle East trip. He is going to Europe now. He mentioned just a few days ago maybe having a THAAD system in Saudi Arabia, an American system to help protect the Saudis from the Iranian missile threat. Again, I am very supportive.

As the Presiding Officer knows, in our last National Defense Authorization Act, we had significant authorization and funding to help Israel protect itself with a missile defense system, the Iron Dome system, where we have been working with the Israelis to help their citizens be protected against an Iranian missile threat.

Again, I support all of these. I applaud these efforts, I have supported them, I voted for them, but it does beg the question that some of my constituents back home in Alaska are beginning to ask, and I am sure other Americans are asking in every State in the country: What about us? What about the United States? What about the U.S. homeland? Isn't that where Kim Jong Un said he wants to launch intercontinental ballistic nuclear missiles? It is. It is exactly where he said he wants to do it.

The bottom line is, we need to do much more to protect ourselves. We need to do much more to protect the United States of America. Yes, we need to protect our allies, but we need to start focusing a little bit more on home, and we need to start focusing now.

In fact, if we know this threat is coming, which we do—there has been testimony after testimony—I think it would be the height of irresponsibility to not start working on increasing America's homeland missile defense. That is what we should be doing.

That is why I have introduced a very bipartisan bill called the Advancing America's Missile Defense Act of 2017. Again, Republicans and Democrats are already on the bill. I believe the Presiding Officer is now a cosponsor.

I would like to paint a scenario that we all know will happen unfortunately sometime in the future—again, on why this bill is so important, why what we need to be doing on missile defense is so important.

Just think through the headline. Let's assume a couple years down the road Kim Jong Un has this capability to launch an intercontinental nuclear

ballistic missile to hit a lower 48 city. Well, we know that is going to start leaking out. The headlines will be front page, banner headlines: Dictator of North Korea can range Chicago, New York. It will be all over the news. It will be the only thing we talk about.

There will be enormous pressure on the White House and others to do something about this. On that day when we see the banner headlines, a lot of Americans will be very nervous. The American people and the American media will look at the people in the Pentagon, will look at the people in Congress, will look at the leadership in the White House, and will ask three critical questions. Are we safe? Did we see this coming? Have we been doing anything about it and, if so, what? That is what they are going to ask.

We know that day is coming. We are not sure when, but we know that day is coming—again, not if, but when. People are going to ask those questions. If we know that, and we do, we need to be able to say to all three of those questions—whether it is the Secretary of Defense, the President of the United States, or whether it is all of us here, the Democrats and Republicans in the Senate, we need to be able to answer the American people and say: Yes, we are safe; yes, we saw this coming; and yes, we have the world's most robust, technologically advanced, capable missile defense system that will with near certainty shoot down any North Korean missile launch at the United States and give our President and the Congress the strategic time and space to make potentially world-altering decisions.

We know this is coming, and I think we should be doing everything we can in our power to focus on it, so we will be safe, and we will be able to say yes to all three of those questions if we begin to seriously focus on America's missile defense, which is what our legislation is all about.

Unfortunately, our Nation has not always been focused on funding our missile defense system, and in many ways the funding has been erratic. As the Center for Strategic and International Studies put it recently, such funding for America's missile defense has been marked by high ambition, followed by increasing modesty. I think the time for modesty on an issue of this importance is over.

From 2006 to 2016, homeland missile defense funding, adjusted for inflation, declined nearly 50 percent, and homeland missile defense testing declined more than 83 percent. The goal of our bill is to change that and change it significantly. Among its other elements, Advancing America's Missile Defense Act will grow our U.S. base missile interceptors from what we have now, which is about 44, to as many as 72 and will require our military to look at having up to 100 interceptors distributed across the United States.

The bill will also authorize the more rapid deployment of new and better

kill vehicles. These are the bullets, essentially, on top of the warheads. It will allow a layer of space-based sensors and radars to track missile threats from launch to intercept, a technological advancement that would improve all missile systems to make sure we have a layered missile defense, whether it is THAAD in Asia, Aegis Ashore and on ships, or our missile system here at home—all of it integrated. Right now we don't have that.

The bill also will increase the pace of missile defense testing to allow U.S. forces to learn from actual launches of our defense systems and increase the confidence we have in our system and its effectiveness. This is very important. The Department of Defense needs to change the culture around missile defense, testing regularly and conducting more flight tests. Unfortunately, every test is not always going to be a success. It is OK to fail because we learn from failure.

I don't like to admit on the floor of the U.S. Senate that we could learn something from the North Koreans, but that is the approach they are taking. That is why their missile and nuclear programs are advancing so rapidly. They are not afraid to fail.

What we need to do is enhance our testing, enhance our missile defense, enhance our capabilities because, as I mentioned at the outset, it is no longer if, but when. That day is coming, and we need to be ready for it, and the United States Senate can lead in addressing this very significant challenge to America's national security.

I am encouraged that our bill has already gotten strong bipartisan support from Democrats and Republicans because they know how important it is. I hope my colleagues on both sides of the aisle truly understand the significance and seriousness of this threat, and I hope they can continue to support our Advancing America's Missile Defense Act of 2017. There are very few foreign policy and national security issues that are more important than making sure we address this threat to America's security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TRUMPCARE

Mr. MERKLEY. Mr. President, our Nation and our government were founded on a principle that can be summed up in three words: "We the People," the first three words of our Constitution, the three words that our Founders wrote in supersized font so that no matter who you were you would remember that this is the guiding mission of our form of government. This is the guiding mission of the Constitution.

From across the room, you can't read the fine print of article I and article II and so forth, but you can see what the Constitution is all about: we the people.

Lincoln captured that notion when he spoke in his Gettysburg Address and said: "We are a nation of the people, by the people, and for the people." He didn't describe our system of government as of, by, and for the privileged. Our Founders didn't write "We, the powerful and privileged" at the start of our Constitution. That is what makes us different from the governments that dominated Europe, where the rich and powerful governed on behalf of the rich and powerful. America turned that on its head with our system of government. Our system of democratic republic governance.

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

We witnessed the House passing this horrific piece of legislation that will ensure that millions of low-income and middle-class Americans are worse off, will receive less care, and will have to pay more for their healthcare, assuming they can even get it. But, on the other hand, the bill delivers \$600 billion in platinum-plated tax benefits to the richest Americans.

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

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

But the Trump principle that was supported by 217 House Members 20 days ago is the opposite. The Trump principle is that the test of our progress is whether we add more to the abundance of those who have most, while taking away from those who do not have enough. That is what happened. That is the difference between Franklin Roosevelt and government of, by, and for the people, and President Trump and 217 House Members who passed a bill of, by, and for the powerful and the privileged.

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

So they went back to work. But in TrumpCare 2.0 they produced a bill that is even worse than TrumpCare 1.0. They took an already bad bill, they made it more painful and more damaging, and they jammed it through without a hearing on the House side. They jammed it through without a CBO estimate of how many people it would hurt or what it would cost. They jammed it through because they didn't want to listen to the American people who said: What you are doing is diabolical and wrong. They didn't want to listen to the experts who said the same thing.

The experts weighed in from every direction—nonpartisans and analysts, health policy experts, the associations that work in healthcare, the groups that represent doctors, nurses, and patients. The American Medical Association said: "We are deeply concerned that the AHCA," which I will simply call TrumpCare to keep away the confusion—"We are deeply concerned that TrumpCare would result in millions of Americans losing their current health insurance coverage," and that "nothing in the MacArthur amendment remedies the shortcomings of the underlying bill."

The AARP called the bill "a bad deal for older Americans ages 50–64," because it "would significantly increase premiums for all older adults and spike costs dramatically for lower- and moderate-income older adults."

The AARP went on to state that the amendment that converted TrumpCare 1.0 into TrumpCare 2.0 was making "a bad bill worse" because it "establishes state waivers that allow insurance companies to charge older Americans and people with preexisting health conditions higher premiums and weaken critical consumer protections."

The American Cancer Society Cancer Action Network weighed in; the American Diabetes Association weighed in; the American Academy of Pediatrics weighed in; the American Heart Association; the American Lung Association; the March of Dimes and many, many, many other groups that are familiar, household-known organizations. These groups that understand our healthcare system all came out and made it public that this plan, this TrumpCare 2.0, is a bad plan. It endangers Americans' health.

But 217 Members of the House didn't listen. The 217 Members voted for the Trump principle of crushing ordinary Americans to deliver \$600 billion in platinum-plated benefits to the richest Americans. If the House had listened and put that bill 6 feet under with a stake through its heart, I wouldn't be standing here today, but they sent that bill over to the Senate. It is here for the Senate to consider. There are 100 Senators who now have to decide: Are they behind the principle of "we the people," or have they decided that they want a different constitution—one that is about "we the privileged" and "we the powerful"?

I know that when I took my oath of office, I liked the Constitution the way it was written. I liked the principle behind this Constitution. So it is of major concern that the Senate might proceed to adopt TrumpCare 2.0 or modify it into TrumpCare 3.0.

Today, the Congressional Budget Office's score was released, which told us of and evaluated TrumpCare 2.0. It found that more than 20 million Americans—in its estimate, 23 million to be exact—will be uninsured under TrumpCare than under the Affordable Care Act. That would bring the total of uninsured to a much higher total of 51 million people under the age of 65 by the year 2026—nearly double the number of uninsured. That hurts real people. It hurts every single one of those individuals who lose their healthcare.

In my State of Oregon, just one piece, one provision of this bill, which crushes the expansion of Medicaid—in Oregon, it is the Oregon Health Plan—strips the healthcare of about 400,000 Oregonians. That is a lot of human carnage. It is enough people that, if they were standing hand to hand, they would stretch 400 miles from the Pacific Ocean to the border with Idaho. That is how many Oregonians would be impacted by this.

That is just the people who lose access to healthcare. There are many others who would go to their clinics or go to their hospitals and find that the clinics and hospitals have either limited their services or shut down because, you see, our clinics have gained tremendously from the investment under ObamaCare. In addition, they have gained tremendously from the fact that the people who came in the door had insurance to pay their bills. It is the reduction in uninsured individuals who come through the door—the ones who cannot pay for their care—that has dropped so much. With more people paying for their care, the finances of the clinics and the hospitals are stronger. So TrumpCare not only hurts the 23 million who will lose insurance, but it hurts everybody, every American, by degrading our clinics and degrading our hospitals.

Individuals share their stories and their concerns, people like Lauren Rizzo in Portland. She is a single mother and small business owner who is alive today thanks to the health insurance she received through ObamaCare.

About 2 years ago, Lauren was not feeling well, so she went to get checked out at a clinic. Lauren figured she would be given a prescription for antibiotics and sent on her way. Instead, she was told to head straight to the emergency room, where she received emergency surgery to remove a 7½-inch mass from her abdomen. If Lauren had not gotten insurance through the Affordable Care Act, ObamaCare, she would not have gotten checked out, and she certainly could not have afforded the \$40,000 surgery bill and the nearly \$60,000 in followup care without

going bankrupt. Very likely, without insurance, she would have had this mass continue to grow in her abdomen and maybe threaten her life. This may have been a life-and-death issue for her.

Here is what Lauren has to say in her own words:

I am a healthy and contributing member of society who is able to contribute and pay my way and continue to grow and succeed rather than someone who is slipping through the cracks and needing assistance to get by. It seems to me that turning people who are getting by into people who are falling behind is good for no one. Even if there is no compassion in our leadership's healthcare plan, I would have hoped someone would have injected a note of common sense.

Her point, made very poetically and poignantly, is that if you cannot get healthcare, you cannot remain a productive member of society. It is not just about your quality of life, and it is not just about the fact that you might suffer and that you might die, it is also about whether you can be healed and contribute. That is an important piece of why healthcare is so important.

Paul Bright of Sweet Home wrote to my office to share his story about finally having healthcare thanks to the Medicaid expansion. Paul wrote:

I'm one of those hardworking Americans the Republicans praise mightily—an entrepreneur, self-employed, buying American—and I'm on Medicaid thanks to the ACA.

Without the ACA—that is ObamaCare—I'd have no insurance at all to cover my prescriptions that keep me healthy so I can continue to work.

Do I want to be making so little income that I qualify for Medicaid? No. I want to be making a good income.

The only way I can continue working 60 hours a week to increase my household income is if I can keep my prescriptions and doctor appointments.

Without the medicine I need, I will become permanently dependent on government services, not just health insurance, but I will start requiring food stamps, housing assistance, utilities assistance.

He concludes:

The smart economic decision is to keep me healthy so I can grow our economy.

Paul is right. Keeping him healthy isn't just the moral thing to do, it is a smart economic decision. Yet, under TrumpCare 2.0, Paul probably would not stay healthy because he would not be able to afford the appointments and he would not be able to afford the prescriptions. He would fall through the cracks.

Then there is a grandmother in Lake Oswego, OR, who wrote to me about her 12-year-old grandson who is living with a neurological disorder and who has been hospitalized three times over the past 5 years. The first time this woman's grandson was hospitalized at the age of 8, his father's insurance covered a 3-week hospital stay. At the time, that was enough to get the care he needed. But then we fast-forward to last year. Her grandson, now 12, needed to be hospitalized for several weeks, followed by residential treatment, followed by a brief period in a transitional school—a 10-month period in

total. Those 10 months were covered because of ObamaCare, because of the ACA. For the past several months, this young boy has been home and recovering successfully. The ACA made that possible.

Carol Nelson of Turner, OR, writes to me and shares her words. She does not know how she will manage if her husband is kicked out of his nursing home because of TrumpCare 2.0. She writes:

My husband lives in a nursing home. He does not remember me after 33 years of marriage. I worry now. Will the new healthcare laws and Medicare, which I will get in 2018, cover us? Will he have to come home for me to take care of him even though I cannot stand for more than a few minutes due to congestive heart failure?

Carol continued:

I think there should be incentives to do what's best for your health written into the law but not to take it away. Without the ACA, I surely will die.

So here is a woman who has been married to her husband for 33 years, but he has dementia so badly that he does not recognize his wife. She would love to care for him at home, but she cannot. She has congestive heart failure, and his condition is extremely severe.

Medicaid funds more than half of the nursing home admissions in the United States of America. It is not simply about assisting struggling families or hard-working or low-income families; it is also about taking care of our seniors. She has a double challenge—her own care and her husband's care. "Without the ACA," she said, "I surely will die."

Should that be the healthcare system we have in the United States and because of which people are at the point of losing their access to healthcare and putting their own lives at stake?

I think back to that issue of peace of mind. In a good healthcare system, all have the peace of mind that their loved ones will get the care when they are sick and that their loved ones will not go bankrupt when they get sick. We have made big strides in that direction. In Oregon, the 400,000 folks who are covered by the expansion of Medicaid alone represent a big stride in that direction, the tens of thousands who have gained access to care on the exchange because they can now get community pricing and not be fended off by a preexisting condition or blocked by a preexisting condition. They have more peace of mind.

We can do better. We could have a much simpler system, and we could have a much more efficient system, but let's not go backward and throw millions and millions of Americans off of healthcare.

Last night, I had the pleasure of speaking with Carol on the phone and talking to her a little more about her life. She told me about the cataract surgery she needed in order to be able to continue to see. She said that without that, she would have lost her license, and if she had not had a license,

she could not have gone to the grocery store to feed herself and her son, because they live out in the country—an hour's drive from everything. She told me about the various preexisting conditions she has had to manage—conditions that would certainly prevent her from getting healthcare without her having the ACA, conditions that, without medical appointments and prescriptions, would cause her health to deteriorate rapidly without the ACA. That is what she means when she says: "I surely will die."

It is a powerful story, but it is certainly not unique. Every day, I am receiving stories like Carol's—story after story of folks who just want the peace of mind of having access to healthcare—as well as stories from constituents who are angry at President Trump and who are, quite frankly, angry at the 217 Republicans who voted for a government by and for the powerful and privileged over in the House 20 days ago.

They are also upset about the breaking of promises to the American people. They heard the promises over the past campaign year. The President made promise after promise on healthcare, and his healthcare bill breaks promise after promise.

President Trump promised his plan would provide healthcare for all, but it does not. According to the analysis we received just today, 14 million Americans would lose healthcare almost immediately. Within another 10 years, that would grow to about 23 million Americans. That is not healthcare for all; that is healthcare for 23 million fewer. Promise broken.

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

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

But TrumpCare throws out the requirement to have essential care bene-

fits. It means a State could choose to let insurers sell barebones plans that cover virtually nothing.

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

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

The President said he would make sure we kept the protections for preexisting conditions. He promised it. He repromised it. He triple promised it. He continued to promise it. But the amendment that he accepted for TrumpCare 2.0—passed 20 days ago by 217 Members of the House, in favor of government of, by, and for the powerful and the privileged—broke that promise and said States could allow the elimination of community pricing.

What that means is that you have preexisting conditions, but you can get the policy at the same price as everyone else. If you destroy community pricing, it means that when you file for your policy, the insurance company says: Well, let's see just what your problems are. Oh, we see you have asthma. We are going to charge you more. Oh, we see you have diabetes, we are going to charge you a lot more. We see you have delivered a child, which can create health problems. We are going to charge you more because you are a mother. We see that you had an episode of cancer. It is in remission—good news—but the odds of your getting it are higher than someone else; so we are going to charge you more.

That is because their goal is to make sure those people who have preexisting conditions are not in their insurance pool, because they will make more money. That is an assault on the premise that everyone will be able to have affordable healthcare because those folks are told: Because you have this condition or that condition, we are going to charge you more. The charges will be so high—and will be intended to be so high—that they will not be able to buy insurance. So they won't be covered.

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

So when the President promised not once or twice or thrice but multiple times to make sure that we keep the protection for people with preexisting conditions, that was a promise broken.

The President promised not to cut Medicaid. As I was waiting to speak last night, I was watching a local television channel, and they were playing tapes of one rally after another where

President Trump went out there and said: I am different; we will not touch Medicaid or Medicare or Social Security. He was emphatic. He was passionate. He was convincing.

He broke that promise under TrumpCare. It cuts \$880 billion out of Medicaid. On top of that, the budget he released yesterday calls for \$600 billion more on top of the \$880 billion. If you cut \$1.5 trillion from Medicaid, that is the promise broken. It is not broken by a little. When the President said he wouldn't touch Medicaid, he didn't proceed to break that promise in a tiny little way. No, he smashed it with a sledge hammer. He demolished it. He turned it into dust because he cuts \$1.5 trillion out of Medicaid.

Medicaid doesn't just help provide healthcare to hard-working, struggling families. It pays for nearly half of all births in America. It provides coverage for one out of three children—healthcare for one out of three children in America. It pays for nursing home care for more than half of the American seniors who need nursing home care. Medicaid is the single largest payer for mental health and substance abuse disorders.

A lot of folks here have come down to this floor—from both parties—to talk about taking on the opioid epidemic, a substance abuse epidemic, a highly addictive drug doing great damage across America. Medicaid is the largest payer for substance abuse disorders in America, and TrumpCare cuts it by \$1.5 trillion.

Two out of three school districts rely on Medicaid funds to provide services to children with disabilities.

So there we have it—one broken promise after another.

Now we turn to the Senate because it is time for this Chamber to respond. The only appropriate response is for us all to get together, dig a deep hole here on the floor of the Chamber, throw that House bill—TrumpCare 2.0—into it, light it on fire, drive a stake through it, and make sure it never sees the light of day. That is the only reaction that honors our “we the people” government. That is the only action that would honor the promises that President Trump made to the Nation while campaigning.

Now, a group of my colleagues are holding secret meetings far from the public to work out a new version of TrumpCare—TrumpCare 3.0. There is no bipartisan dialogue on this, and I am certainly not invited to listen in. So I can't tell you what they are coming up with, but I can tell you this: It is a process completely different than when we had a bipartisan, over a year-long process to debate and examine the question of the Affordable Care Act—ObamaCare. The Finance Committee held 53 hearings. They spent 8 days marking up the bill. That was the committee's longest markup in over two decades. They considered 135 amendments. That was one of the two major committees that worked on

ObamaCare. The other was the Health, Education, Labor, and Pensions Committee, known as the HELP Committee. They held 47 hearings—not secret meetings in some room but public and bipartisan meetings with all committee members welcome and the press welcome, hearings, roundtables, and walkthroughs. Then, they had a month-long markup—a month long. I was there. I was on the committee. We had a square table—two sides with my Republican colleagues and two sides with my Democratic colleagues. During that markup, amendment after amendment was considered. Three hundred amendments were considered—bipartisan amendments, amendments from Democrats, amendments from Republicans—and 160 amendments were adopted from my Republican colleagues—160 amendments from across the aisle. That is the type of bipartisan work that was done.

Let's compare that to TrumpCare: no hearings in the House, no public display of the bill for a lengthy period for it to be publicly analyzed. There was virtually no chance for the public to see the actual text and weigh in. It passed under a process of rapid transit through the floor of the House, and then it came over here to the Senate.

Is the Finance Committee now holding hearings similar to what we did years ago on ObamaCare? We had 53 hearings. How many hearings has the Finance Committee had on TrumpCare 3.0? None, not one. The HELP Committee—the Health, Education, Labor, and Pensions Committee—held 47 hearings, roundtables, and walkthroughs. How many hearings has the HELP Committee had here in the Senate on TrumpCare 3.0? Not a single one.

Secrecy is the guiding principle of the day—secrecy that might produce another version of TrumpCare that will be devastating to millions and millions and millions of Americans. So, of course, they don't want the public to watch that process. Of course, they don't want to have weeks of hearings and markups that enable people to have hundreds of bipartisan amendments. If you are trying to push through something to destroy healthcare in America, you want to do it as secretly as possible. That is what is happening in the Senate at this very moment.

That is not the kind of process you should have in a democratic republic. That is the kind of process you have when you are about to do something diabolical and destructive that will hurt we the people.

ObamaCare, or the Affordable Care Act, isn't perfect. We could work together to make it much better. We could say no to all of the strategies that the Trump administration is doing right now to undermine the success of the marketplace.

Remember, the marketplace was the Republican idea. That was the Republican plan: Have a marketplace where private healthcare insurance compa-

nies could compete. That is what came from across the aisle. But now the Trump administration is doing everything it can to undermine that particular strategy. They are hesitating about whether to provide the cost-savings funds that allow the companies to provide lower premiums and lower deductibles. That hesitation means the insurance companies can't price out their policies for next year. So they either have to exit the exchange or they have to raise the price of their policies a lot higher.

The Trump administration is deliberately sabotaging the marketplace.

Then there is the fact that the whole point of the markets was to make it simple for an insurance company to go from one State to another State, to reach all of the customers at the same time of year—all making decisions—and you can reach out and talk to them. You can sell your policy easily. But the point is, a new company coming into the marketplace is concerned they will get a disproportionate share of those who are very ill, so there is an adjustment that takes place to say: No. You can come into this marketplace, and we will guarantee that you will get an adjustment if your patients end up being sicker than the average patients.

That is intended to make multiple insurers come in and compete with each other. But my Republican colleagues destroyed that provision. It is called risk corridors. They destroyed that provision. They are destroying the ability of companies to competently, responsibly come into the insurance marketplace and participate in the exchanges.

So not only do we have the diabolical TrumpCare 2.0 and the secret 13 proceeding to develop TrumpCare 3.0, we also have the administration destroying the ObamaCare exchanges, the marketplaces, which were the Republican idea brought into that bill.

I will do all I can to make sure we don't throw out healthcare for 23 million Americans. I hope every single Senator here, having come to this body and I know holding dearly this Constitution, will fight for “we the people” and not “we the powerful and privileged” and will fight against a bill that not only hurts healthcare for those 23 million people but also destroys healthcare institutions for everybody else because it undermines the financing of both the clinics and the hospitals.

In our own States, we are all hearing our Lauras and our Pauls and our Carols and our grandmothers talking about their 12-year-old grandsons. We are hearing them all say: Just say no. Do your job. Make our healthcare system work better. Live up to your commitment to “we the people,” a democratic republic, to fight for a nation of, by, and for the people.

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

The PRESIDING OFFICER. Will the Senator withhold his request?

May 24, 2017

CONGRESSIONAL RECORD—SENATE

S3157

Mr. MERKLEY. I withhold my request.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 7:17 p.m., adjourned until Thursday, May 25, 2017, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 24, 2017:

DEPARTMENT OF STATE

JOHN J. SULLIVAN, OF MARYLAND, TO BE DEPUTY SECRETARY OF STATE.