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No. 16

## House of Representatives

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

## Senate

TUESDAY, JANUARY 23, 2018

The Senate met at 12:02 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Almighty God, the fountain of wisdom, thank You for hearing and answering our prayers.

Lord, You have given us so much, blessing us in immeasurable ways. You have exceeded our own expectations. For that, God, we are grateful. We thank You for this great country, for our leadership, and for the women and men who serve in this body. Help them to remember, God, that this is Your country and they are Your stewards but for a moment in time. We pray that You will help us move forward with faith in tomorrow, knowing You will transform our thoughts, words, and actions according to Your divine will.

We pray in Your heavenly Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

### RECOGNITION OF THE MAJORITY LEADER

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

### MARSHALL COUNTY HIGH SCHOOL SHOOTING

Mr. MCCONNELL. Mr. President, first, this morning began with reports of the tragedy at Marshall County High School in Benton, KY. State officials have reported at least one confirmed death and several injuries. My staff in Western Kentucky is at the high school and is in close contact with local officials. They are monitoring the situation and will be providing me with updates throughout the day.

I know I speak for communities across my home State in sending prayers of comfort and healing to students, faculty, and everyone affected by this violence. Our hearts are with the entire community in Marshall County, and our gratitude is with the first responders who rushed into harm's way.

### A FRESH START

Mr. MCCONNELL. Mr. President, we might call today the "first day of the rest of the 115th Congress." Yesterday, an overwhelming bipartisan majority of Senators voted to end a filibuster of government funding and conclude a short-lived shutdown of the Federal Government. This regrettable episode reminded all of us that, in the Senate, brinksmanship and hostage-taking simply do not work. The only path to

meaningful progress is the hard work of crafting legislation and persuading colleagues on both sides to support it.

Yesterday evening our agreement to reopen the government, secure funding for our men and women in uniform, extend health insurance for vulnerable children, and further delay three ObamaCare taxes was signed into law. Now serious negotiations can resume on key issues such as immigration and border security, disaster relief, healthcare, and providing adequate levels of defense spending to support the new national defense strategy—just to name a few. Because common sense and bipartisanship won out yesterday, we have a fresh start today. I challenge every one of us to make the most of it. The American people are watching.

Once again, I want to thank the bipartisan group of Senators—spearheaded by Senator GRAHAM, Senator COLLINS, Senator FLAKE, and several of our Democratic colleagues—who helped bring an end to this regrettable incident. I particularly wish to thank Senate Finance Committee Chairman ORRIN HATCH for his powerful advocacy for the 9 million children and low-income families who rely on the State Children's Health Insurance Program.

Senator HATCH co-created SCHIP with Senator Ted Kennedy on a bipartisan basis more than 20 years ago. I know he counts this program among his proudest legislative accomplishments, and with a career like Senator HATCH's, that is really saying something.

I understand the 6-year SCHIP extension the Senate passed yesterday will

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



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be the longest extension in the program's history. Its passage offers just one more testament, as if we needed one, to Senator HATCH's moral conviction, political skill, and care for the most vulnerable in our society. It reminds us how much we will miss his work when he retires at the end of this Congress.

#### NOMINATIONS

Mr. MCCONNELL. Mr. President, on another matter, we have a long list of legislative priorities to tackle in the coming weeks, but legislation is not the only bipartisan business that the Senate needs to handle. Yesterday afternoon I filed cloture on three nominees to fill important positions in the administration: Alex Azar, to serve as Secretary of Health and Human Services; Sam Brownback, to serve as Ambassador at Large for International Religious Freedom; and Jerome Powell, to serve as Chairman of the Federal Reserve.

Today the Senate is considering the nomination of Mr. Powell, who brings with him degrees from Princeton and Georgetown and a record of high achievement in both the public and private sectors. Since his nomination to the Board of Governors of the Federal Reserve System in 2011, which received strong, bipartisan support, he has served as a steady voice and a thoughtful leader. I very much look forward to supporting his confirmation as Chairman.

#### TAX REFORM

Mr. MCCONNELL. Mr. President, on one final matter, while the press was focused on the unfortunate lapse in government funding, the good news about last month's historic tax reform law continued to pile up. The number of Americans preparing to receive pay raises, special bonuses, and other benefits, thanks to the historic tax cuts passed last month, continues to grow. These are just the first fruits of a law that also lays a long-term foundation for better job opportunities, higher wages, and more investment.

On this subject, here is something that not many have realized yet. Even the Democrats' government shutdown couldn't keep this Congress from finding new ways to cut taxes and let the American people keep more of their hard-earned money. Included in yesterday's bipartisan bill was an additional \$31 billion in tax cuts. Specifically, we delayed three onerous taxes that were created as part of ObamaCare.

Last year, as part of comprehensive tax reform, we repealed the unfair individual mandate tax at the heart of ObamaCare. Now we have taken care of three more. One was ObamaCare's deeply unpopular tax on medical devices. Another was the so-called "Cadillac tax," which Senator HELLER of Nevada has worked hard to delay. That tax penalizes employers who offer gen-

erous benefits. The third, simply called the "health insurance tax," makes plans more expensive.

All three of these taxes are unpopular. All are key pieces of the failing ObamaCare health law. Now, because this Congress is so intent on saving the American people money, all three of them will be delayed.

Personally, I liked the way the New York Times put it. Their headline read: "There's a Surprise in the Government Funding Bill: More Tax Cuts."

Here is the story's first line: "Congress is apparently not done cutting taxes, even after passing a \$1.5 trillion tax overhaul last year." I couldn't say it better than the New York Times.

The Senate is never done looking for new ways to take money out of Washington's pocket and to put it back in the pockets of the American people.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### DACA, CHIP, AND OTHER ISSUES BEFORE THE SENATE

Mr. SCHUMER. Mr. President, yesterday the Senate passed a continuing resolution to reopen the government and provide for a 6-year reauthorization of the Children's Health Insurance Program. The majority leader and I were also able to agree on a path forward for the DACA legislation. The continuing resolution extends government funding until February 8.

If an agreement on DACA isn't reached by February 8, the Senate will immediately proceed to immigration under a neutral process that is fair to all sides. This is the first guarantee that the Republican majority will give the DACA bill a fair consideration and an up-or-down vote on the floor, and it means we can hopefully resolve the fate of the Dreamers much sooner than the March 5 deadline.

The Republican majority now has 16 days to work with us to write a bill

that can get 60 votes and prevent the Dreamers from being deported. The clock is ticking. Sixteen days—that is not much time. They have to get moving. Leader MCCONNELL, his Republican colleagues, and all of us should hear the countdown clock ticking to protect the 800,000 Dreamers from deportation. We can get it done. Every Democrat—all 49 of us—supports DACA. Now the pressure is on Leader MCCONNELL and the Republican moderate caucus to help find us a solution that protects the 800,000 Dreamers and can pass the Senate.

Over the weekend, a bipartisan group of Senate moderates came together and helped renew the urgency of the immigration debate. After talking with Senator DURBIN, it is my understanding that this bipartisan group, which includes several Republican moderates, expressed a sincere desire to protect the Dreamers in the upcoming legislation—more so than before the weekend. Leader MCCONNELL's promise to consider DACA legislation was made just as much to this bipartisan group as it was made to me. If he does not honor our agreement, it will be a breach of trust with not only the Democratic Senators but with several Members of his own party as well.

Democrats will continue to fight as hard as ever for the Dreamers, but I am more hopeful today than last week that we can assemble 60 votes for a DACA bill in the Senate, and we now have a real pathway to get such a bill through the Senate.

I am also very glad that a 6-year reauthorization of CHIP passed alongside yesterday's bill to reopen the government. It was a long time coming. Despite bipartisan majorities that support CHIP in both Houses, the Republican majority allowed CHIP to expire, leaving 9 million sick children in the lurch. That shameful wrong has been made right, but we should extend CHIP for an even longer period of time. The CBO projected that 10 years of CHIP or a permanent authorization would actually save the government \$6 billion. How could that be? Because fewer children will go into the exchange and fewer will need subsidies because CHIP is an efficient, well-run, and successful program. So it is a no-brainer. We should make it happen.

Still, the Senate has 3 weeks in which to conclude a lot of work. A consensus has not yet been found on the budget, on healthcare legislation, on disaster aid, and, as I mentioned, on immigration. On each of these issues, the President has been either impossible to pin down or completely absent. This hokey that President Trump was involved in the negotiations—he was pretty invisible to me. President Trump's inability to negotiate with Congress is what caused the 3-day government shutdown from which we have just emerged. If we are going to get all of these things done, the Senate—the Senate—will have to work its will.

On the budget, we must lift the spending caps for defense and urgent

domestic priorities. Just as our military needs the resources it requires to do the tough job we ask of them, we have critical issues here at home.

It is equally crucial to us—not more, not less—that we deal with the opioid crisis, where so many men and women, young men and young women in the flower of their lives, are passing on because of addiction. There is not enough enforcement at the borders, particularly preventing the evil fentanyl from coming in, and not enough treatment, so that when a young person, whether it is a veteran or anybody else, has this horrible addiction, they get the treatment to overcome it.

Veterans. They have to wait so long in line, many of them with PTSD, for opioid treatment and treatment for other ailments. They shouldn't have to. They weren't waiting in line when they were in Afghanistan or Iraq fighting for us.

Pensions. The heartland of America for decades has been our industrial complexes, our industrial might in our States, our Central States. Every week, every month these men and women put money into their pension plans, and now, because of the vicissitudes of the stock market and management, that money ain't there. It is our job through the PBGC to give them the pensions they deserve. No one is going to get rich on a pension, but at least they can retire in a life with some dignity.

On top of that, we must get a healthcare package done. The bill as proposed by BILL NELSON and SUSAN COLLINS on reinsurance, the bill as proposed by PATTY MURRAY and LAMAR ALEXANDER on CSRs, as well as community health centers, the extenders that help so many of our rural hospitals, and other healthcare issues have to get done.

We must pass a disaster relief package. Many of our States need help, just as New York needed help several years ago when we didn't get all the support we wanted from the very States that are now asking us for money.

And, of course, we must finally pass a bill to protect the Dreamers.

The American people are clamoring for our two parties to work together to get things done. After a year of partisanship and strife, during which the governing majority hardly attempted to compromise, we now must move forward in a bipartisan way if we are going to finish the task at hand on the budget, on healthcare, on disaster aid, and on DACA.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I ask to be recognized to speak in opposition to Governor Powell's nomination to serve as Chair of the Federal Reserve Bank.

The PRESIDING OFFICER. The Senator is recognized.

Ms. WARREN. Mr. President, I am concerned that as Chair of the Fed, Governor Powell will roll back critical rules that help guard against another financial crisis, and that is simply a risk we cannot afford.

While big banks have bounced back from the 2008 financial crisis and are posting record profits, many American families are still trying to rebuild their lives 10 years later. Yet Governor Powell seems to think that the No. 1 problem with our current financial system is that we are too hard on the banks. In his confirmation hearing, he said that he would "continue to consider appropriate ways to ease regulatory burdens." When I asked him if there were a single financial rule he thought should be stronger—just a single provision in one of the Fed's dozens of rules where there might be an unintended loophole or where an innovative product has introduced a new risk into the system—he couldn't name a single one. Not one.

In my questions for the record, I also asked Governor Powell about a report that the Treasury Department put out last June. This report was really just a cut-and-paste job of the banking lobbyists' wish lists for rule rollbacks. Governor Powell could not identify any recommendations in that report that he disagreed with. Again, not a single one.

That is not all. At Governor Powell's confirmation hearing, when my Republican colleague Senator KENNEDY asked him about whether there are any institutions today that are too big to fail, Governor Powell said: "I would say no to that." Governor Powell expanded on that statement in his answers to my written questions, saying that "we have made enough progress that the failure of one of our most systemically important financial institutions, while undoubtedly posing a severe shock to the economy, could more likely than not be resolved without critically undermining the financial stability of the United States."

First of all, that is an incredibly narrow definition of what too big to fail means. But second of all, and more importantly, Governor Powell's view is out of step with the mainstream of serious experts. Giant institutions still have the ability to blow up our economy, and that is the biggest problem facing the Fed and other regulators.

I am deeply concerned that as soon as Governor Powell unpacks his boxes in the Chairman's office, he will begin weakening the new rules that Congress and the Fed had put in place after the 2008 financial crisis, and he will have help. Right down the hall will be his

close friend, Randal Quarles, the Fed's new Vice Chair for Supervision. Governor Powell told me when we met that he intended to rely a lot on Vice Chair Quarles on regulatory issues. That is a really dangerous prospect.

Before coming to the Fed, Vice Chair Quarles spent more than a decade in private equity, where he made his mark arguing for weaker rules on big banks—and he has gotten a running start now that he is in the Fed. In a speech a few weeks ago at his old private equity firm, Quarles announced that he was working on reducing capital standards for Wall Street banks, weakening the Volcker rule, and making stress tests easier for big banks to pass. In other words, he has already set up his to-do list to gut measures put in place after the financial crisis that are there to try to keep our economy safer.

So Governor Powell says that he will take his cues from a guy who wants to get rid of as many rules as he can and take the teeth out of the rules that he can't. No thank you. That will make American families less safe. It will make the American economy less safe.

To make matters worse, Powell's gifts to the giant banks will come at a time when banks of all sizes made gigantic profits last year and got giant tax giveaways in the bill that was passed in December. Good grief, when will enough be enough for these guys? But even with the banks rolling in money, the army of lobbyists and executives have come back, storming Capitol Hill and the halls of the Fed, spinning a story that financial rules are throttling them and need to be cut back.

We need a Fed Chair who can stand up to Wall Street and think about the needs of working families in this country. We need someone who believes in the toughest rules for banks, not in weaker rules for banks. That person is not Governor Powell.

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. THUNE. 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. THUNE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate vote on the motion to invoke cloture on the Powell nomination.

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

## CLOTURE MOTION

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

The assistant 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 Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

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

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

The question is, Is it the sense of the Senate that debate on the nomination of Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

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

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 18 Ex.]

#### YEAS—84

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

#### NAYS—12

Blumenthal	Gillibrand	Merkley
Booker	Harris	Paul
Cruz	Lee	Sanders
Feinstein	Markey	Warren

#### NOT VOTING—4

Corker	Scott
McCain	Tillis

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 12.

The motion is agreed to.

The senior Senator from the State of South Dakota.

#### ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that notwith-

standing rule XXII, at 5 p.m., all postcloture time be considered expired and the Senate vote on confirmation of the Powell nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then vote on the motion to invoke cloture on the Azar nomination.

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

#### FUNDING THE GOVERNMENT AND TAX REFORM

Mr. THUNE. Mr. President, I am glad that Democrats decided that they needed to reopen the government. The political theater they engaged in over the weekend endangered funding for our military, threatened the future of the Children's Health Insurance Program, and created uncertainty about important government services, from programs for veterans, to worker and product safety, to public health. And for what? For politics. Democrats were feeling pressure from certain interest groups within their party, and so they decided to use the government funding bill to take a stand on an unrelated illegal immigration issue. It didn't matter that Republicans had already expressed an interest in working on an immigration bill with Democrats or that the deadline for such a bill was not imminent. No, Democrats weren't getting the bill that they and their interest groups wanted, when they wanted it, so they decided to jeopardize the operation of the entire government.

Unfortunately, obstructing for political reasons has been the Democrats' modus operandi so far this Congress. Democrats were supposedly fervent advocates of extending the Children's Health Insurance Program, but they chose to obstruct the substantial 6-year extension of CHIP included in the government funding bill because they wanted to make a political point. On Presidential nominees, they have obstructed and obstructed again, even when they planned to eventually support the nominee. And of course I don't need to remind anyone of Democrats' refusal to accept Republicans' offer to work together on tax reform—this, of course, despite the fact that Democrats had previously called for tax reform and supported many of the proposals that were included in the law.

Obviously, there are going to be disagreements in politics, sometimes very serious ones. Sometimes opposing legislation is absolutely the right thing to do, but opposing legislation because you have a serious disagreement with it and opposing legislation for political reasons are two very different things. But unfortunately, since their defeat in the 2016 elections, Democrats have spent a lot of time doing the latter. That is irresponsible, it is short-sighted, and it is a disservice to their constituents. Democrats are missing the chance to help deliver major benefits for the American people.

That tax reform legislation Democrats fiercely decried despite their pre-

vious support for many of the included proposals, well, that legislation, which has been the law of the land for barely a month, is already delivering big benefits for the American people. More than 200 companies have announced wage hikes, 401(k) increases, and/or bonuses.

The Nation's largest private employer, Walmart, announced an increase in its starting wage for hourly employees and bonuses for eligible employees. It also announced expanded maternity and parental leave benefits and the creation of a new adoption benefit for their employees. More than 1 million Walmart employees will benefit from the changes.

Tech giant Apple announced last week that thanks to tax reform, it will bring home almost \$250 billion in cash that it has been keeping overseas and invest it here in the United States. It also announced that it will create 20,000 new jobs and provide \$2,500 stock bonuses to employees.

The list goes on—better retirement benefits at Aflac; increased capital investment and bonuses at AT&T; bonuses at PNC; increased investment in infrastructure and facilities at Boeing; a hike in starting wages at Capital One; new jobs, bonuses, and investment from Fiat Chrysler; bonuses at Southwest, JetBlue, and American Airlines; better retirement benefits at Visa; and the list goes on and on. There are the utility companies that are seeking approval from the regulators to pass savings on to consumers. These benefits are going to make a real difference in families' lives this year and, in some cases, well into the future.

The main benefits of tax reform are still to come. The IRS has released the new withholding tables for the tax law, and Americans should start seeing the results in February. Thanks to lower income tax rates and the near doubling of the standard deduction, 90 percent of American workers should see bigger paychecks starting next month. On top of that, the doubling of the child tax credit will mean even greater tax relief for hard-working parents, and that is just the beginning.

One major goal of tax reform was to provide immediate, direct relief to hard-working Americans, and that is happening right now. But our other goal was to create the kind of robust, long-term economic growth that would provide long-term security for American families. That is already starting with the wave of wage increases and bonuses, but there is a lot more to come. As businesses large and small experience the benefits of tax reform, American workers will see increased access to the kinds of jobs, wages, and opportunities that will secure their American dream for the long term.

I am proud that we passed tax reform, and I am very excited about the benefits that it is already delivering for American families and American

workers. We have a lot more to accomplish this year, from improving our Nation's infrastructure to strengthening our military, to border security.

I hope yesterday's vote to end the shutdown is a sign that the Democrats are ready to stop obstructing. We can get a lot more done for the American people when we are working together.

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. BROWN. 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. BROWN. Mr. President, today, we consider the nomination of Federal Reserve Board Governor Jerome Powell to be Chair of the Board of Governors of the Federal Reserve System, one of the most important jobs in our government. The Federal Reserve System is the central bank of the United States. It is responsible for monetary policy, ensuring the stability of the financial system and the safety and soundness of our banks.

The Federal Reserve in Washington, DC, also has 12 regions or districts around the country. One of them is located in my hometown of Cleveland. Governor Powell has been a member of the Federal Reserve Board since 2012. He supported important principles of monetary policy and critical elements of financial regulation. His track record over the past 6 years shows that he is a thoughtful policymaker.

As the Chair of the Board of Governors, he would lead the Federal Open Market Committee within the Federal Reserve. Governor Powell supports the statutory dual monetary policy goals of maximum employment and price stability—the cornerstones of a well-functioning economy.

Senator CRAPO, who is joining me today, is chairman of the committee. We listened to testimony today about the nomination of another Fed Governor—not the highest position, as the Chairman of the Federal Reserve, but a Federal Reserve Governor—Mr. Goodfriend. The answers he elicited from him seemed to be, from my interpretation, that it was not clear that he has the same belief and respect for the dual mandate. The dual mandate, unlike what the Europeans do, is especially important for workers in this country. In Europe, the only charge of the central bank is to keep inflation down. In our country, the Federal Reserve, what we call our central bank, has two jobs equally balanced—the dual policy—and that is to keep inflation down and to keep employment up. They are maximum employment and price stability, the cornerstones of a well-functioning economy.

To advance those policy goals, Governor Powell supports the Federal Reserve's current path of gradual in-

creases in interest rates. He believes they should continue. At the same time, Governor Powell recognizes the importance of an independent Federal Reserve. That is very important. I don't want Members of Congress—with our prejudices, biases, and political ideologies—to influence or to compromise the independence of the Federal Reserve. Governor Powell recognizes that independence. He is committed to following an example of prior Federal Reserve Chairs by doing the job without a view to political outcomes.

Governor Powell played a significant role in implementing crucial reforms under Dodd-Frank. He understands the importance of the rules for stress tests, capital standards, and resolution planning. We need the Federal Reserve to make sure that those rules are applied thoroughly and consistently so that gaps or failures don't create larger risks through the financial system.

We know that too many people in this body seem to have a collective amnesia about what happened 10 years ago. It is up to us to remind Governor Powell, and it is up to him to remember what happened 10 years ago and to learn from it. As Chair, Governor Powell is responsible for making sure the Fed fulfills its consumer protection role.

Americans work hard to make ends meet. They shouldn't have to struggle with unfair and abusive practices by financial institutions.

The Trump administration is engaged in an effort to undermine important financial system protections and reforms put in place in the wake of the great recession.

Governor Powell has seen the developments in the safety and stability of our banks during his time at the Fed. I expect him to maintain and to improve those standards. Ohioans, still recovering from the last financial crisis, can't afford the consequences of another financial crisis. I know Governor Powell wants the Fed to play a part in the success of the economy and American families. I call on him to continue the Federal Reserve's measured path for monetary policy and to support the strong regulations he helped put in place.

For some people, it is easy to forget how much damage was done by this lack of strong oversight of our financial system, especially during the last 4 years of the Bush administration, where millions lost their homes. I know Chairman CRAPO and I have talked about this. The 44105 ZIP Code that my wife Connie and I live in, in Cleveland, in the first half of 2007, we had more foreclosures in that ZIP Code than any ZIP Code in the United States. Think of what it does to people's lives. Think of what it does to our families. Millions of people lost homes, millions lost jobs, millions lost much of their life savings.

For the wealthiest Americans, the nearly 9 years of gains in the stock

market makes the crash of a decade ago a distant memory, but for the vast majority of Americans who have little in direct holdings in the stock market and not too much in other areas either, their wages have been flat, and many still have not recovered from the crisis.

The Fed's latest survey of household wealth indicates—get this—44 percent of Americans can't cover an emergency expense of \$400. Forty-four percent of Americans can't cover an emergency expense of \$400 without selling something or borrowing. For some, if their car breaks down, and they need \$400 to fix their car to get to work, they have to go to a payday lender, and then their trouble starts. Then they have to go get a second payday loan and then a third payday loan.

Income inequality is the worst since the 1920s. The racial wealth gap is enormous. The median Black household has only \$11,000 to its name, one-twelfth of its White counterpart.

The Fed can't solve all of our problems, but it can make them worse. Right now, the Fed seems puzzled by why low unemployment is not producing more inflation. Perhaps it is because more Americans are struggling paycheck to paycheck. They can't bid up the price of goods until they get out of debt. Yet even in the face of continued low inflation, there are those pushing for rate increases to give bondholders better returns. Others want to go back to some of the same banking practices that brought about the financial crisis.

The independence of the Fed is critical but only if it is used to make decisions based on data and experience, not ideology. That is exactly what Ben Bernanke and Janet Yellen did over the past decade in helping to guide the Nation to one of the longest lasting recoveries in our history.

Go back to the year 2010. We know when President Obama took office, we were losing 800,000 jobs per month in this country—700,000 the second month—hundreds of thousands, millions of jobs at the beginning of his administration.

Starting in 2010, in large part because of the auto rescue and other things, our economy began to turn around. Since 2010, we have had job growth in every single quarter—every single quarter—since the auto rescue. President Trump loves to take credit for the job growth month after month. The fact is, it was launched early in the Obama years, and we have been able to sustain it—not economic growth to the level we want, not job growth to the level we want, certainly not pay increases to the level we want but something.

I hope Governor Powell will uphold that tradition that Chairman Bernanke and Chairwoman Yellen began.

I plan to support Governor Powell's nomination. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I, too, rise in support of the nomination of the

Honorable Jerome, or “Jay,” Powell to be the Chairman of the Board of Governors of the Federal Reserve System.

I appreciate this opportunity to immediately follow my colleague Senator BROWN, as he and I serve together in leading the Banking Committee on critical issues like this. Senator BROWN has very well described a number of the critical aspects of what this nomination means to America. I don't think there is any overstating the importance of this nomination—one of the very few most important nominations any President gets to make.

The Federal Reserve Chairman plays a critical role in shaping the U.S. and global economic landscape as well as the regulations affecting financial institutions and markets.

If confirmed to this position, Governor Powell would be central to ensuring a safe and sound financial system while also supporting a vibrant, growing economy. He will play a key role in right-sizing Federal regulations and alleviating unnecessary burdens, a stated goal of the Federal Reserve. He would also Chair the Federal Open Market Committee, the body charged with making key decisions for the Nation's monetary policy.

Governor Powell has a unique background, which will help him lead the Federal Reserve. He has demonstrated his understanding of the markets and regulations during his tenure over the past 5 years at the Federal Reserve.

Most recently, he has served as Chairman of the Fed's Committee on Supervision and Regulation, a highly important and impactful position.

Governor Powell previously served as Assistant Secretary and Under Secretary of the Treasury under President George H.W. Bush, where he was responsible for policy affecting financial institutions, the Treasury market, and other critical areas of our economy. He also has firsthand experience in investment banking and was a partner in the Carlyle Group before being appointed to the Board of Governors.

Governor Powell was reported out of the Banking Committee with overwhelming bipartisan support last year and was recently approved again this year with near-unanimous support. If confirmed to this new role, I look forward to continuing our work together with Governor Powell on a host of important issues before the Banking Committee.

I support this nomination today and urge all of my colleagues to do the same.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to engage in a colloquy with Mr. FLAKE, the Senator from Arizona.

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

#### EARMARKS

Mr. LEE. Mr. President, if you have been following the circus in this town

long enough, you probably remember earmarks, the infamous special interest spending provision that party leaders used to sprinkle over unpopular legislation, sort of like heavily subsidized sugar.

Even if you aren't familiar with this concept, you may be familiar with specific wasteful earmarks, such as the infamous \$223 billion “bridge to nowhere” in Alaska or the \$3.4 million turtle tunnel in Florida, which was precisely what it sounds like, a 13-foot-long underground tunnel that was intended not for people, not for automobiles, not for train traffic but for turtles, or the so-called “monuments to me,” buildings that politicians named after themselves.

Earmarks were everything Americans couldn't stand about Washington, DC. They enabled corruption, and they facilitated waste. They wreaked of entitlement. They were the swamp, and then they went away for 7 wonderful years and counting. They went away because Republicans banned them after the 2010 election cycle, when the tea party wave rolled through Washington, lifted by an anti-cronyism message. Now some politicians in the House of Representatives are trying to bring earmarks back. Now, I have heard some bad ideas in my time in the Senate, but this one takes the cake.

Just like in a horror movie, the swamp thing is coming back to life—or at least it is trying to—even after we hit it in the face with a shovel.

Earmark fans never left Washington, of course. They have just been lying low, waiting for memories of their waste and abuse to somehow fade from our public consciousness, from our awareness, and our discussions about Washington.

Now, 7 years later, these politicians and their special interest pals think they have found a nifty argument to rehabilitate pork-barrel spending. They point to the dysfunction in Congress and say earmarks would somehow make all of that better. It is a little bit like saying: There is a fire over here, let's pour some gasoline on it and see what happens.

Sure, these offenders admit earmarks are frequently unseemly. They have to acknowledge that. There is no getting around that point, but they claim earmarks are a kind of industrial lubricant for the sausage-making factory that is Congress.

According to them, bringing earmarks back will get the machine churning out sausage again, just like before. Like many terrible political arguments, this one has some acknowledgeable, superficial appeal.

Congress is, indeed, dysfunctional, and earmarks probably would make it easier for some people in Congress, some party leaders and others, to buy votes for their bills, but why should we believe our problems would be solved if we just hand more power over to the already powerful few in Congress, if we make it easier for them to pass un-

popular bills like ObamaCare or massive amnesty?

It was the elites from both parties who reduced Congress to its present lowly state. The public despises Congress, and it certainly is not because we killed earmarks. It is because the public distrusts the elites who rule them and the awful unrepresentative laws they passed with the help of earmarks, no less, prior to the 2010 election cycle, when the American people said: Enough is enough when it comes to earmarks.

Now, the fight over earmarks is really a fight over two very different, competing visions of how Congress should govern. The Washington establishment likes the current system, where just a few lawmakers negotiate and write bills behind closed doors.

This system, itself, works great for the swamp. If you like the swamp, then you probably love earmarks. It keeps cash flowing through certain offices and their alumni's lobbying shops on K Street. There are tough decisions made in secret without any accountability or fidelity to the public, to the people we represent.

This corrupt system excludes all but a handful of well-positioned Representatives and Senators. So it effectively disenfranchises hundreds of millions of Americans whose representatives have little say over what actually passes into law. Bringing back earmarks would only make that situation worse.

An alternative system would be one of transparency, of decentralization, of legislative accountability. Representatives and Senators would write legislation collaboratively in the open for all to see, forcing popular compromises and, yes, from time to time, taking tough votes.

The reason Congress doesn't work like this right now is because the establishment is afraid of what the public might see and how they might vote in response to what they see. Governing out in the open would require Members to do the hard work of learning about issues before forming coherent positions.

The present broken system is much easier, at least in this critical respect: It lets a small handful of lawmakers do all the thinking and the scheming, and it rewards docile lawmakers with the occasional earmark to tout to their constituents back home, to tout to them as if to ask: Aren't I wonderful?

Earmarks would make life better for politicians, in other words, but it would make life worse for the country, much worse. That we are even considering such a bargain; that it is even being discussed as a serious matter in the House of Representatives is an insult to logic and is exactly why Congress is held in such widespread public disdain.

Eventually, I believe, Congress will reform itself. As the old adage goes: “If something cannot go on forever, it won't,” but it will take a lot of painful decisions before we get to that point.

We will have to struggle hard to extricate ourselves from the mess.

Bringing back earmarks would represent a step backward in this struggle—back to cronyism, back to waste, and, yes, back to the swamp. This is something we cannot allow. This is something that cuts against our very interests as Americans and as Members of an institution that has called itself the world's greatest deliberative legislative body.

So I would ask my friend from Arizona, Senator FLAKE, for his thoughts on the matter and what he thinks about the wisdom, or lack thereof, in bringing back this horrible tradition.

Mr. FLAKE. Mr. President, I thank the Senator from Utah. Let me just say that during a televised, bipartisan meeting recently at the White House, the President suggested that we might be more collegial around here, more efficient in Congress, if we would just bring back earmarks. The reaction from the lawmakers present was decidedly mixed. Some cheered that declaration, but most of us, I have to say, recoiled at the thought.

As someone who served in Congress during the gluttonous earmarking era, when pork was used regularly to buy and sell Congressmen's votes, I can tell you firsthand this is an idea that nobody ought to be laughing at or embracing. Amidst public corruption investigations and a constant stream of embarrassing headlines about sweetheart deals for family and friends, Congress was forced to place a moratorium on earmarks about 7 or 8 years ago.

Earmarking does not improve the legislative process. In fact, it compromises Members into ignoring unethical behavior and voting for bad bills that they would otherwise oppose. Remember, ObamaCare was approved with just a single vote being secured with an earmark—the one that was derided as the “Cornhusker kickback.” Likewise, when Senators receive earmarks, they are agreeing to support hundreds of other earmarks stuffed into an appropriations bill.

When people say the appropriations process would be a lot smoother, would work a lot better with earmarks, I would respond by saying that there was a period of about 10 years when earmarks really hit the high point, in 1994 or 1995 through 2006. I served in the House from 2001 to 2012, and during that time we had earmarks for part of the time and went without earmarks part of the time. And 2005, I think everybody recognizes, was the high point—or the low point, if you want to put it that way. There were a total of 16,000 earmarks spread across 12 appropriations bills and 1 authorization bill, worth about \$30 billion.

One would think that if we had that much to grease the skids in Washington, we should have been able to pass all appropriations measures and move through the process. We would have a more collegial, compliant body. During that time, in 2005—I just

checked—we passed only five appropriations bills in the House—only five. We ended up with an omnibus bill, and that was when Republicans controlled the House, the Senate, and the White House.

So this notion that we have to have earmarks, and if we just get back to earmarks then this place will run smoothly and we will get through the appropriations bills—with 16,000 earmarks, worth about \$30 billion, only five appropriations bills were approved.

We all remember too well the indoor rain forest in Iowa, the teapot museum in North Carolina, and, of course, the bridge to nowhere in Alaska. When a challenge was made to that infamous bridge and other pork projects, not-so-veiled threats were leveled at Senators and Members of Congress who dared question their colleagues' projects.

We simply cannot go back to that time.

I remember well during that time one particular episode when we were all in HC-5 of the House basement. It was during the appropriations season, and all of a sudden one Member ran into the room just breathless. He had the list—the list from the Appropriations Committee—as to who was getting the earmarks and who wasn't. It was largely a staff-driven process. But then everybody would—the thing was, we have to get these earmarks; we have to go announce them quickly in the House before the Senators take credit for them. That was the atmosphere at that time. That was not a high point. That is not something we want to return to.

I was looking at some of what I said in the House at that time and some of what I quoted when we were trying to get rid of them in 2009. At that time, The Hill newspaper had reported that a prominent lobbying firm was the subject of a Federal investigation into potentially corrupt political contributions. It had given \$3.4 million in political contributions to no less than 284 Members of Congress.

There were lobbying shops that were set up for that purpose—simply to be at the intersection of earmarks and policy.

The Hill also reported on February 10, 2009, that this firm, which specialized in obtaining earmarks in the defense budget for a long list of clients was “recently raided by the FBI.”

The New York Times noted that the same lobbyist for that firm “set up shop at the busy intersection between political fundraising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmark contracts back to his clients.”

This is a process that simply is too tough to police when it gets this way.

During my time in the House, over a series of a number of years, I went to the House floor literally hundreds of times to challenge individual earmarks in these spending projects. For those who think that you can go and chal-

lenge these earmarks and have somebody say “Yes, all right, I didn't want to spend money on that teapot museum anyway; that is a bad idea,” that rarely happened. In the hundreds of times I went to the floor to challenge earmark spending, there was only one vote that I won—only one in hundreds of times. That is because the process of log-rolling takes over, where one Member will say: I will protect your earmark if you protect mine. It was more likely that I would get 30, 40, 50 votes, and if I was challenging a popular appropriator, I would get even fewer because nobody wanted to challenge them because their own earmarks would be threatened.

This is not a process that we want to go back to. This is not something that we should be proud of in our history. Several of our colleagues ended up in jail. One of them actually had an earmark bribe menu printed, in hand, on his congressional letterhead which read: If you want an earmark for this much, here is what it will cost you, under the table. He ended up doing time in prison. Not every Member did that, obviously, but it is a process that is too difficult to control.

Here is the worst part about earmarks generally. Some will say that it is just a fraction of spending; it is just a couple of percentage points off the Federal budget, which is true. But the problem is, once you get back into earmarking, the Appropriations Committee spends an inordinate amount of time—the majority of its time—focusing on that 1 or 2 percentage points of the funding and gives up its oversight responsibilities on the other 98 percent of the budget.

We simply don't do the oversight that we should be doing on the Federal agencies and how they spend this money. That is the worst part of earmarking—that we simply give up oversight. Yes, we pay a lot of attention to that 1 or 2 percent of funding, but we give up oversight on the rest, effectively.

So I hope we don't go there. That is why I am introducing bipartisan legislation, joined by my colleague from Utah, to permanently ban all congressional earmarking. Senators McCASKILL, TOOMEY, MCCAIN, LEE, PORTMAN, JOHNSON, RUBIO, ERNST, FISCHER, and SASSE are all on as cosponsors. I hope that when this is brought to the floor, it passes, and we don't go back to this practice of earmarking.

I turn back to my colleague from Utah to hear what other thoughts he has on the subject.

Mr. LEE. Mr. President, I am grateful for the work that has been done by the Senator from Arizona on this topic.

One of the first times I remember seeing the Senator from Arizona on TV, many years before I was elected to the Senate, was while he was serving in the House of Representatives. I saw him interviewed on national television, talking about this issue—talking about the corruption that inevitably flows



from a system that allows for favors like these to be handed out. I remember the immense respect I had for this man whom I did not yet know and wouldn't come to know for another decade or so, but who was willing to call out something that he believed was contrary to public policy, contrary to any system that would result in a good consequence, a good outcome for the American people.

I also appreciate the comment he made a moment ago about a familiar refrain by defenders of earmarks. Senator FLAKE mentioned that over time people would point out that earmarks were, even during their heyday, maybe representing a couple of percentage points of total Federal spending. Well, that may be true, if you want to put it that way, in those terms, as they inevitably did at the time, quite persistently. But it overlooks a few things. It is a much larger percentage, of course, of discretionary spending, and of domestic nondefense discretionary spending could even be a larger percentage. But more to the point, something that is only 2 percent doesn't necessarily mean that it is having a favorable impact and that it is not having an impact that is itself very significant.

When you look at a mile-long train, the engine car might represent only about 2 percent of the total length of the train, but it is what is driving the train. It is what is determining where the train goes, and if that train is going in a wrong direction, that can be very bad. So I have always found unpersuasive the initially persuasive argument that this is just a tiny segment of Federal spending.

At the end of the day, earmarks represent everything that we are uncomfortable with about Washington. Moving back to them would represent a departure from a very favorable reform that we had in this body 7 years ago.

So I would ask Senator FLAKE, who has served in Congress longer than I have and who has seen this, to tell us what he fears most about bringing back earmarks.

Mr. FLAKE. Well, I thank the Senator from Utah. One of the things I fear most is that we are having a tough enough time controlling spending.

Dr. Coburn, who served in the House—I admired his time there. He went after earmarks and after a lot of these appropriations, and he did the same thing when he came to the Senate until the last day he was here. He had a saying. He said: “Earmarks are the gateway drug to . . . spending addiction.”

What he meant by that is if you give an earmark in an appropriations bill, some people will say “Well, it is just an earmark for a couple of million dollars for a Rock and Roll Hall of Fame”—that was actually one. The problem is, once you get your earmark there, you are obligated to support that entire bill, no matter how ballooned it becomes.

During the period, particularly in 2001 to 2006, boy, we bloated up a lot of

appropriations bills. We were running basically at almost a surplus in 2001, and by the time we got to 2006, it was anything but, and nondefense discretionary spending and defense spending related to earmarks increased significantly. It just was not a good trend.

So what I fear most is that we have been able to have some control on non-defense discretionary spending, and the growth of that has been slower than other things, but once you start getting earmarks in these bills, then you will be obligated to support them no matter what. Then you support bloated appropriations bills just to protect your earmark. The process of log-rolling takes effect—I protect yours if you protect mine.

That is one thing I fear.

I turn it back to the Senator from Utah.

Mr. LEE. Mr. President, Senator Coburn said this is the “gateway drug” for big government. That is such an appropriate analogy. It reminds me of a news clip that I saw a couple of years before I ran for the U.S. Senate, when there was coverage of a very large spending bill that came up short—and those on the news commented at the time: Well, it is well understood in Washington that what is now going to have to happen is they are going to have to add probably tens of billions of dollars to this bill, which they will do, and they will end up getting it passed by adding these “sweeteners” as they call them—earmarks, essentially—in order to get people to vote for them for the same reason that Senator FLAKE just mentioned.

The dangers of bringing back earmarks are numerous, and it is my strong view that we should not do that. We should avoid this like the plague.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SENATE REFORM

Mr. WICKER. Mr. President, the Senate voted yesterday to reopen the government. I am glad that cooler heads and bipartisan good will prevailed before too much damage was done, but where do we go from here?

The leadership of both Houses needs to negotiate appropriations caps for the rest of this year and all of next year. We all need to do our part to make sure this is done immediately. As a matter of fact, half of that job is practically done. Our colleagues in the House have a promise from the Speaker of the House to consider a Defense appropriations bill at the spending level set by the most recent National Defense Authorization Act. That amount is \$700 billion and represents an increase of \$88.6 billion over last year's enacted spending level—a welcome development. It would seem to make

sense for this body to adopt that figure in the Senate bill, and the job would be halfway done. I hope our leaders will not wait until the week after next to get us an agreement on domestic spending.

Let's not approach the next few days as if the battle lines are again drawn. Rather than using the coming days to suit up for the next showdown, perhaps we can work to strengthen the Senate so that it does the governing that our Founders envisioned, the governing that the statesmen who preceded us have protected. Americans do their jobs day in and day out, and they expect the same hard work from their elected representatives in Washington.

In this regard, I would like to call attention to an op-ed by radio host Hugh Hewitt that was published online yesterday by the Washington Post. It is titled “How to end the Senate's astonishing dysfunction”—a pretty graphic title for an op-ed. Mr. Hewitt warns that the institution of the Senate is “careening toward widespread contempt, as happened to its Roman predecessor even before the emperors turned it into a fancy advisory council.” One might be inclined to agree given the events of the past few days. Indeed, we have reached an embarrassing low point where a government shutdown is wrongly used as a bargaining chip for merely political gain. Mr. Hewitt concludes, “It would be best for both parties to head off change imposed from pressure from the outside with change organically orchestrated from within by those with care for the body and its original design.”

There are plenty of experts with ideas on how to create a more efficient and more effective Senate. Those ideas should be welcomed now. But those of us who took an oath in this Chamber and serve with the great legacy of this institution cannot stay on the sidelines. We occupy a unique position to drive reforms and to make the Senate better, ensuring its existence and its success for the next generation.

There is real hope that these reforms have already begun. For example, there has been support by both Democrats and Republicans to change the procedural rules on executive and judicial nominations, shortening postcloture debate from 30 hours to 8 hours. The Democratic-led Senate passed this rule on a temporary basis in 2013, with bipartisan support. Our colleague from Oklahoma, Senator LANKFORD, has a thoughtful proposal. He suggests that we permanently shorten postcloture debate on executive and judicial nominations. I agree with this proposal. The practice of confirming noncontroversial nominees is a courtesy historically given without needless delay to whoever occupies the Oval Office, to whom ever the public has installed as President, Democrat and Republican alike.

Delays are not only inconvenient as the new administration tries to put its team in place, but more importantly,



delays keep highly qualified individuals from serving the American people—sometimes in positions affecting our national security or delivering disaster response.

Like Mr. Hewitt, I believe we can do more to make the Senate work for the American people with “an overhaul of its rules” that “preserves the rights of the minority in some cases . . . while also reflecting the speed at which the world moves today.”

Mr. President, I ask unanimous consent that the op-ed by Mr. Hewitt be printed in the RECORD.

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

[From the Washington Post, Jan. 22, 2018]

HOW TO END THE SENATE'S ASTONISHING  
DYSFUNCTION

(By Hugh Hewitt)

Remember Roscoe Conkling? Few people do even though for many years the New Yorker was the “first man” in the Senate and king of patronage.

How about Henry Cabot Lodge? “Something about the League of Nations?” you ask, if you are going off your college days or AP history prep. “No, wait, Nixon’s running mate!” you say, and head to Wikipedia to discover both fragments of memory are right. The Lodges were a father-and-son team of senators.

How about Robert Taft and Mike Mansfield? Lyndon Johnson was preceded as Senate majority leader by the man known as “Mr. Republican” and followed by the good and decent Mansfield, who went on to be a good and decent ambassador to Japan under Presidents Jimmy Carter and Ronald Reagan. (When was the last time anyone thought of a senator as such a statesman that he or she could serve as ambassador to a key ally for more than a decade under presidents from both parties?)

The point is that the Senate as an institution is—or was—quite the work of genius, but its individual members, no matter how famous in their day, fade into background characters in presidential biographies. (And most presidential biographies don’t really get read all that much.) Now the Senate itself is careening toward widespread contempt, as happened to its Roman predecessor even before the emperors turned it into a fancy advisory council.

Whether the decline began with the sliming of Robert Bork or the segregationist filibusters of civil rights legislation, the modern Senate has been on a downward spiral for some time, and even current Senate majority leader Mitch McConnell (R-Ky.), the Senate’s most able leader of my lifetime, isn’t shrewd enough to reverse the trajectory in the public’s eyes. After another government shutdown, President Trump and others are pushing hard to make the apparently dysfunctional upper chamber a purely majoritarian place. McConnell resists this, knowing that the rights of the minority party are (or at least used to be) key impediments on the country rushing into dangerous waters.

What the Senate needs is an overhaul of its rules, one that preserves the rights of the minority in some cases—key legislation, for example, and perhaps appointments to the Supreme Court—while also reflecting the speed at which the world moves today. Simple majorities on appropriations and time limits on debate over minor nominees are two obvious reforms. They could be traded for agreement on the high court vacancies,

formalizing the modern precedent established by McConnell of no nominations in an election year but consideration and votes on nominees from the year prior such as Anthony M. Kennedy. The same deal could also include changes to the “Byrd Rule,” which gives the Senate parliamentarian broad sway over what is allowed under budget reconciliation—an extraconstitutional expansion of the parliamentarian’s powers that makes sense only under a Cubist understanding of how the Senate is supposed to operate.

Now, with the shock of the shutdown very palpable, McConnell and his minority counterpart, Charles E. Schumer (D-N.Y.), should empower a small group of widely liked and respected members to fashion a package of reforms with the only guarantee being that their work product receive an up-or-down vote made effective by a simple majority.

The Senate’s dysfunction is astonishing to Americans who have to make things actually run and who have to do their jobs to keep their jobs. Trump has shrewdly taken aim at the Senate’s vulnerability as an issue. It would be best for both parties to head off change imposed from pressure from the outside with change organically orchestrated from within by those with care for the body and its original design.

Mr. WICKER. Mr. President, we can do more to streamline nominations, and we can do more to prevent the next budget stand-off.

I want to remind my colleagues of the bipartisan work that has been done by Senate Appropriations members—Republican and Democratic—in just the past year. Eight of the twelve annual appropriations bills passed out of committee last year. Most passed unanimously, with unanimous votes from Republicans and Democrats in the full Appropriations Committee. The remaining four were released as chairman’s marks.

Let me recount the work that was done last year.

On July 13, 2017, the full Appropriations Committee, on a bipartisan basis, unanimously approved the fiscal year 2018 Military Construction and Veterans Affairs and Related Agencies appropriations bill. The vote was 31 to 0.

On July 20, 2017, the committee unanimously—again by a vote of 31 to 0—approved the fiscal year 2018 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

Also on July 20, the committee approved the fiscal year 2018 Energy and Water Development appropriations bill by a vote of 30 to 1—still an overwhelming bipartisan vote on the part of the Appropriations Committee.

On July 27, 2017, the Appropriations Committee unanimously, by a vote of 31 to 0, approved the fiscal year 2018 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Also on July 27, the Appropriations Committee approved the fiscal year 2018 Commerce, Justice, Science, and Related Agencies Appropriations Act. That was by a vote of 30 to 1—overwhelmingly bipartisan.

On the same day, July 27, the committee unanimously approved the fiscal year 2018 Legislative Branch appropriations bill.

I could go on and on. Two more:

In 2017, the full Appropriations Committee approved the Labor, Health and Human Services, Education, and Related Agencies appropriations Bill. The vote then was a little closer—29 to 2—but still overwhelmingly bipartisan by a pretty evenly divided Appropriations Committee.

On September 7—well before the end of the fiscal year—the Senate Appropriations Committee unanimously approved the 2018 Department of State, Foreign Operations, and Related Programs appropriations bill.

All of these bills and then four chairman’s marks have been available to this Senate for consideration, and not a single one of them has been brought to the floor. What would be the reason for that? I think Members of the majority would say it is because we couldn’t get 60 votes for cloture on a motion to proceed, and realizing that we couldn’t get the 60 votes, we decided not to burn the time that we needed for other considerations, such as nominations or tax reform or other legislation that had a chance. Members of the minority party would probably say we couldn’t get to a realistic caps agreement for domestic spending and for defense spending, and so there was no point in doing that, so we wouldn’t agree to the 60 votes. But for whatever reason, citizens should know and Members should know that the Appropriations Committee did its work, and they had bills within the caps available to them, that were available for consideration. Yet, for whatever reason, they were not allowed to come to the floor for a vote.

Shouldn’t we make a commitment to at least bring one bill or at least a minibus, combining three bills, to the floor and see if Members can work their will during this calendar year of 2018?

Annual appropriations bills should be passed in committee and then should come to the floor for a vote. This is how the spending process ought to work. We can do that more easily with a budget deal. We can do it with a bipartisan agreement on spending caps, which is the next big item to be negotiated. We need to eliminate sequestration, and we need to agree to defense and domestic spending levels. As I say, the work is already halfway done for us. A parade of weeks- or months-long continuing resolutions is not how we should be funding the government, and we have a resounding agreement to that statement from Members on both sides of the aisle.

The government shutdown this week was unfortunate, but it does not mean we have to continue the Senate’s “downward spiral,” as Mr. Hewitt describes. We now have an opportunity for reform and for reflection about how we want to shape the future of this institution. I hope my colleagues, with the support of majority and minority Members, will seize this opportunity to enact positive change.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Oklahoma.

PRESIDENT PAUL KAGAME

Mr. INHOFE. Mr. President, I am going to talk about something different than anyone else has talked about here, and there is a very good reason for it.

First of all, to try to establish some credibility here, I have had occasion to spend quite a bit of time working on issues in Africa. In fact, I have had occasion over the last 23 years to make 156 African country visits. That is a lot of African country visits. We have friends there. I personally have friends there, intimate friends. We have worked on a lot of the military concerns they have, but this is an area where we have very close friends. So I am going to be singling out one close friend—but not to the detriment of the rest of them because we have many close friends, certainly as many as 32 country Presidents and Prime Ministers to whom we have been very close. But there is a reason for singling out one particular individual, who is Paul Kagame, President of Rwanda—two reasons. First, he is going to be coming in as the Chairman or President of the African Union in the next few months. He has already been elected. Second, he survived the Rwanda genocide, which arguably could be the greatest genocide of all time. On January 28, he will become the President or Chairman of the African Union. This is really nothing short of a miracle. Rwanda is a miracle, and we have Paul Kagame and the people of Rwanda to thank for it.

In 1994, one of the most atrocious genocides ever perpetrated occurred in this small East African country. In a period of about 100 days, nearly 1 million Rwandans were slaughtered. As is always the case, the seeds of genocide were planted many decades before, but when it finally started in April of 1994, many thousands of Hutus used machetes and clubs to slaughter Tutsis. Those are two tribes people are very familiar with. In most cases, it was neighbors killing neighbors, even some family members.

The horror was unimaginable. Fathers and mothers were forced to watch their children being hacked to death. One man was forced to beat his wife to death in order to spare their seven children from being tortured to death.

Many Rwandans were lucky to survive and remember watching their parents and siblings being murdered. One individual whose name is Immaculee wrote a book, "Left to Tell," which gives you an idea of what happened, the fact that there were people in her own community trying to kill her. They killed 70 percent—70 percent—of the entire tribe at that time.

The world just watched as this slaughter took place. They did nothing. The United Nations had peacekeepers stationed in Rwanda, and they were ordered to withdraw and leave all the genocide to take place.

The President of the United States was Bill Clinton. He did nothing. The world just stood by and watched. The horror was stopped only because of one man. That one man was Paul Kagame. In October 1990, Paul Kagame led a group of young Rwandan refugees from Uganda whose parents had fled the country's mass violence three decades before.

You have to keep in mind that the President of Uganda is President Museveni. President Museveni and President Paul Kagame, both, came from the bush. They were good friends. He went there to try to save Rwandans at that time because he saw the genocide coming.

What is even more amazing about Rwanda is their leader and what happened after that. Rwanda had two very different paths it could have taken. They could have taken revenge. Paul Kagame could have taken the strength he had—the new power that he had—and he could have gone after the other tribe that was there, the Hutus, and he could have started another genocide of his own. That could have happened. The other thing he could have done was the path of forgiveness and reconciliation. This is the path of hard work, where the Tutsis who survived the genocide would have to learn how to forgive and live alongside the same Hutus who killed their family members. This is the path of rebuilding a nation from the ground up so that together they could have a common future.

We now know which path Rwanda chose. President Kagame led them down the path of reconciliation. There are a lot of people who helped to make this happen. One of the individuals, who I happen to be personally fond of, who is deceased now, was Chuck Colson. Do you remember him? He spent time in prison. He started a fellowship and was very actively involved in the reconciliation process. In many cases, the Hutus who committed genocide against the Tutsi families would seek forgiveness from that family and then achieve reconciliation by building a home together for the Tutsi survivors who lived through this. It may seem like a small gesture, but it allowed the healing and forgiveness process to work. Together, the Hutus and the Tutsis are rebuilding their nation as Rwandans working together.

I had one experience that I watched after this happened. My wife called this to my attention. In Rwanda, they build a certain kind of basket that is different from that in any other country. After the reconciliation, there they were—the Hutu and the Tutsi young women—making these baskets. Then, Paul Kagame worked out a deal with several department store marketing areas in the United States. Macy's was one of them. They started selling the baskets. It was a great boon for them. But, anyway, Paul Kagame should be credited for this amazing transformation of the nation to a thriving,

successful country. This is paying great dividends.

I was in Rwanda most recently in October. I have been there eight times. Each time I go, I am surprised by what I see. Let me mention five things that are unique to Rwanda. First, there is not a piece of litter anywhere in Rwanda. There is nothing. You can't find any litter. In fact, the last Saturday of every month, they have a program where everybody joins together and they pick up every bit of trash and everything else. That doesn't sound like very much, but you notice the difference when you are there.

The second thing that is different about them is their infrastructure. Rwanda is known as the Land of a Thousand Hills. They don't have any level areas in Rwanda. Not long ago, I remember going for an hour and a half, between the hill area and the mountain area, on a road that was perfectly paved. That is one thing you would expect to see in the United States. There are no potholes—nothing. It was a highway that you would expect to find anywhere except in Africa. They are known for this.

Third, the people are hard workers. I mentioned that there aren't any flat areas there. Every square foot in Rwanda is used to grow something, from the bottom of the peaks. Everything is there. They are hard workers. They grow tea, coffee, potatoes, and other crops. They are all being cultivated across the entire country, and it is all hilly country. There is no place else where that is actually taking place. It is hard work. You do it mostly by hand. They are able to feed themselves and export more valuable crops abroad.

Fourth, it is safe. You wouldn't expect a country that has gone through the most devastating genocide—maybe in history—to be a safe place to walk around. Yet it is. You can walk there at nighttime. It is safer than Washington, DC.

The fifth thing that is unusual about this is that the economy is booming. Everywhere you look in Rwanda, construction is happening. In just the last few years, they built new hotels and a convention center, and they are now working on a new airport to facilitate all the growth and tourism that is coming there.

These are my observations, but President Kagame's leadership is not just resulting in visible changes. Numbers back up what I have seen. Since he became President in 2000, Rwanda has experienced a GDP growth of 8 percent.

This is interesting because we are, through our tax bill, going to be increasing our GDP in this country. There is a formula that no one disagrees with, and that is that for each 1 percent increase in growth in the GDP, that develops into \$1 trillion over a period of 10 years of increased revenue. That is some of the revenue we are going to be using as a result of that.

This is not the United States. This is in Africa. It is an 8-percent GDP

growth. It is geared toward the poor people. That is why the population has lifted people out of poverty.

Rwanda has dramatically improved its ease of doing business. The World Bank recently ranked Rwanda No. 1 for doing business in East Africa, No. 2 for doing business in Sub-Saharan Africa, and No. 41 in the world. That is remarkable when you consider that just a matter of 8 years before, they were ranked 150th in the world for doing business. Now they are No. 41. Today you can start a business and get all the necessary permits to operate in just a few days.

Rwanda has become a model for gender empowerment. Maybe this is going a little further than a lot of the people in this country are comfortable with, but Rwanda's constitution requires that 30 percent of decision-making positions be awarded to women. Today, it is now 60 percent. So 60 percent of Rwanda's parliamentarians and 40 percent of its Cabinets are filled by women, including my good friend the Foreign Minister, Louise Mushikiwabo, and also the Ambassador that many of us know here because she is in the United States, Ambassador Mathilde Mukantabana.

Rwanda has facilitated the development of a technology that no one would expect in Africa. Rwanda enjoys a nationwide fiberoptic infrastructure that will ensure that 95 percent of its citizens have access to high-speed 4G internet. Furthermore, it is integrating drone technology into its healthcare system to ensure that vital supplies, like blood, can reach patients all over the country.

Rwanda has transformed its healthcare system. Life expectancy is now 64.5 years. In 2000, it was 49 years. That has all taken place in the last few years. Child mortality rates are down more than two-thirds. Maternal mortality is down 80 percent. In 2000, there was only 1 doctor for every 66,000 people. Today there is 1 doctor for every 10,000 people. Between those years, since the genocide has taken place, the malaria-related deaths plummeted by 85 percent.

When you ask how these things were possible, the World Health Organization's country director said—and this is a quote, not a quote by me or someone in this country or by the President:

The main ingredient is visionary leadership. It's about having a target, saying we want to be there in the future and understanding obstacles in the way.

That visionary leader is Paul Kagame, and he gets results.

That is the World Health Organization.

Rwanda has established a highly capable and professional military. President Kagame actually studied in Fort Leavenworth in Kansas as part of the IMET Program in early 1990s. The IMET Program is a program where we train people from different countries to be leaders, and, of course, they develop an allegiance to our country. It is very

successful. That is how this guy got started. He started in the IMET Program. His military background is very professional. As President, he has required the same of his forces. In the Rwanda Defence Forces, all military orders and instructions are issued through a chain of command. Rwanda's plan is to have a small, well-equipped army of 20,000 soldiers and a reserve component of 100,000. Their defense strategy is to sustain a combat-ready force capable of rapidly deploying to meet varying contingencies both at home and abroad still.

They are delivering. Rwanda is the fifth largest contributor to the U.N. peacekeeping operations in the world. They currently have close to 5,000 troops deployed in different missions, widely acknowledged as some of the best performing and most trusted peacekeepers in the world.

Rwanda is also a major participant in the Eastern Africa Standby Force. That is a battalion of 850 troops and a police contingency of 140 officers who are on standby for contingencies in East Africa. The countries that have gone together are Tanzania, Uganda, Burundi, Kenya, and Rwanda. These are the kinds of things that are exactly in line with what we should be helping them with and participating in and doing ourselves in the United States in terms of policy goals for Africa. We set up a way to help Africans help Africans, to train and assist regional partners so they will be capable of handling security threats before they become global crises. With the emergence of their peacekeeping mission, the regional cooperation—what we hope would happen—is happening. Paul Kagame is the reason Rwanda is leading the way. Rwanda is a clear example of what a strong, strategic partner should look like to the United States.

It is not just me saying this. Rwanda is recognized around the world for its professional force. In fact, Rwanda's Defense Minister was among the few leaders who spoke at the United Nations Peacekeeping Defence Ministerial in November in Vancouver. Because of these amazing accomplishments, President Kagame is widely viewed as one of the most influential heads of state in the continent of Africa. Many leaders and observers praise him and his record. Benedict Oramah, President of the African Export-Import Bank, said:

[Rwanda] is a country that was all but written off some two decades ago. But just like the phoenix that died and arose from its ashes, it emerges to become the shiniest star on the continent. The shiniest in terms of governance, in terms of the can-do spirit, doing those things that nobody ever thought was possible.

Again, that is the African Export-Import Bank talking about Paul Kagame.

The head of the World Health Organization's Africa department said:

I want to recognize [Rwanda's] remarkable leadership—its creativity, tenacity and resolve—which have delivered significant progress in advancing health and development for the benefit of all your people. Your

achievements in such a short space of time are truly remarkable.

That is the World Health Organization. He is talking about Rwanda, and he is talking specifically about the President.

Some of you may remember former Nigerian President Olusegun Obasanjo, who came in after the person who was considered one of the great terrorists of all time, at that time, Sani Abacha. He came in to reform the leadership in Nigeria. His statement was: "Rwanda has made difficult trade-offs, but as an African leader, I tell you that I would make the same trade-offs."

Yet his influence is recognized more clearly not by what people have said about him but by what his peers have asked him to do.

In July of 2016, Kagame was selected by his peers to lead the effort to reform the African Union to make it more effective. He did not take this opportunity to raise his own profile, as most people would do; rather, he used it to build consensus and cast a vision for a future Africa that is no longer reliant on aid from the outside world. This is very significant because when you talk to people in the street about Africa and the things we do with Africa, the first thing they say is that Africa is always having to be supported by us, that we are pouring money into Africa and they are not able to do things on their own.

This was the first time he had made this statement—that Africa should no longer be reliant on aid from outside nations. Within months, he developed a reform package that was focused on four categories. This is significant.

The first one is that the African Union has to be focused on key priorities with a continental scope as opposed to a regional. This is something that has been happening for a long time, but they are moving from regional to starting to look after their entire continent. He wants the AU to focus on fewer but bigger issues that affect everyone on the continent.

The second thing is that the AU must be connected with its citizens. Paul Kagame envisions doing this by establishing women and youth quotas, which I just mentioned a minute ago, across the institutions and by identifying appropriate ways and means to ensure that the private sector, Parliament, civil society, and citizens are participating in the process. He also wants to make the Africa passport available to all citizens so as to allow the free flow of people among the nation-states.

The third thing is that the business of the AU must be managed effectively and efficiently with accountability, called the "Rwanda way."

The fourth thing is to charge the member-states with providing all of the necessary funding to operate the African Union without having assistance from outside donors.

Have you ever heard that before from anybody, let alone Africa? Yet that is what he said. He envisions doing this

by each African country's imposing a 0.2-percent tariff on eligible imports. While not all observers agree, I admire this vision for each seeking its way to ungrip itself from the assistance of other nations to fund its governmental activities. That was his plan.

What cemented his status as an influential power broker in Africa was that at the AU's next meeting, which was January of 2017, his peers at the AU—the African Union—affirmed the recommendations and charged him with actually implementing them. Once again, African leaders unanimously decided to trust Kagame. They chose him as the best leader to put reforms into action. So far, a number of the proposals have already been implemented.

About half of the nation-states have already implemented the most difficult part, which is passing upon themselves a 0.2-percent import tariff and forwarding the proceeds to the African Union. They were paying for all of these things that were happening—that were proposed by Kagame—in the African Union. They actually have what we call real skin in the game. More and more nations are getting on board, and Rwanda is leading the way.

To further cement his standing and influence, in July of 2017, Kagame was selected by his peers to chair the African Union in 2018, and here it is in 2018. So it is going to be happening. With genocide, Rwanda has a dark history, but because they chose the path of forgiveness and reconciliation instead of revenge, President Kagame has had and has used his national platform to be a nation of friendship and reconciliation between nations—nations that normally don't like each other, nations that normally are fighting against each other. Let's take a look at what he has actually done.

First, he and the State of Israel have had a similar past as both having victims of genocide. We all know that. Many African nations—about half of them—are Muslim-majority countries.

President Kagame has used his influence in the region to facilitate Israel's desire to reengage in Africa. Prime Minister Netanyahu of Israel referred to Rwanda as the indispensable bridge on which Israel marched to return to Africa. In just the last 2 years, Prime Minister Netanyahu has been welcomed in several of the African capitals. I was with Prime Minister Netanyahu, and I can tell you that he was one who was so impressed with the work that has been done by Paul Kagame that he is able to invest himself in that continent of Africa, which he was never able to do before.

At the United Nations, Rwanda has put itself at risk of widespread criticism in order to stand up for what is right. In 2014, Rwanda rotated onto the U.N. Security Council. While there, Rwanda abstained from an anti-Israel resolution so typical of the United Nations. It is always against Israel. When he did this, Rwanda blocked it from moving forward and prevented the

United States from having to veto it. In this Chamber, we remember that. I remember the fact that we didn't want to be in a position to veto it, but what they were doing was totally unfair. We had one guy who was courageous enough to do it; he was Paul Kagame from Rwanda.

More recently, Rwanda has been one of the few nations not to vote against the United States or condemn our decision to move our Israeli Embassy from Tel Aviv to Jerusalem.

Rwanda is willing to take a stand for what is right. It keeps its word. It does not shake with fear at the possibility of intimidation.

Kagame has also brought about the restoration of broken relationships with Africa. In 2016, he led the push to invite Morocco back into the African Union. This is an issue that a lot of people are concerned with. All the way back to the Bush administration, our Secretary of State at that time, Jim Baker, was trying his best to undo the damage that was done by Morocco to Western Sahara. Three decades ago, Western Sahara was taken from its homeland and put out in the middle of nowhere in the desert. I have been there several times. I wonder how a person can live out there.

The problem was that Morocco was very rich, and Western Sahara was very poor. I testified before a House committee not too long ago, and I commented that Morocco has hired the most expensive lobbyists who are in Washington. Obviously, he gets his way on things that other people don't.

Anyway, one of the problems was, because of the advantage that it has had, it has not been willing to come to the table. One of the reasons is that Morocco has been the only country to be considered an African country that is not part of the African Union. So what did Paul Kagame do? He brought them into the African Union. He was able to convince both the African Union and Morocco to allow Morocco to join so that they could get together and get something done. Hopefully, he is on the road to trying to end three decades of trauma that has taken place out in the desert.

Has this effort soured our relations with Kagame? No. In fact, the impact has been just the opposite. Earlier this month, former German President Horst Kohler, the U.N. envoy for resolving the Western Sahara-Morocco dispute, traveled to Kigali to appeal for Kagame's help to resolve the situation. The U.N. recognizes Kagame's bringing Morocco into the African Union as an important step in resolving the problem of the Western Sahara.

It is not just in Morocco that Kagame has made a difference. Let's look at others.

South Sudan is another problem. The Sudan and South Sudan were the same country. South Sudan had been trying to gain its independence. It finally did gain its independence, and we thought everything would be fine when that

happened. Unfortunately, that started a civil war in South Sudan. This is something that has been going on now for 3 years, and Paul Kagame is neck deep in helping resolve that conflict as well. Rwanda has peacekeeping troops in both countries, and the Sudanese and the South Sudanese forces do not target but they protect Rwanda. So we have two countries that are warring against each other, and we have Rwanda going in to try to resolve it. They both welcome Rwanda, and they trust Rwanda's military because they trust Kagame.

It is tempting to think that Rwanda is a small country in the middle of nowhere that does not have a lot of influence, but that would be a mistake. Because of the results Kagame has been able to secure for his people and because of the personal relationships he has developed, Rwanda is among one of the most influential countries in Africa, considering the fact that when Kagame was inaugurated to his third term, no fewer than 22 heads of state from across Africa attended the festivities. That has never been done before—22 countries participating in the inauguration of a President. They came for Paul Kagame. The leaders of African nations that normally fight with each other were actually seen embracing one another live on TV. That just doesn't happen for no reason; that happens because they all trust and admire Paul Kagame.

With all of this, it is no wonder that African leaders are increasingly looking to Rwanda and Kagame for a vision of how to move forward into the future. According to one reporter, the "Rwanda model" is becoming a hallmark phrase in Africa.

Simon Allison writes: "In Africa's . . . corridors of power—in the boardrooms of its banks, in closed-door Cabinet meetings, in donor discussions and interminable governance conferences—it is repeated like a mantra: 'The Rwanda model. The Rwanda model. The Rwanda model.'"

Kagame is advancing a vision of African leadership that is no longer reliant on the aid of outsiders—a total reversal. He wants to move his country and the whole continent away from dependence on foreign aid to bustling free market economies that enable the people to take care of themselves. In fact, he recently complained to his fellow peers at an African security summit meeting that they have relied too much on the international community to deal with their problems.

This is a quote from him: "A major pillar of institutional reform of the AU is a more focused and assertive Africa" that is focused on solving its own problems. He said, "We must take responsibility for ourselves, which doesn't exclude partners but they add to our efforts." He has clearly done that. That is the main thing in all the reforms we have talked about, is to get Africa out of that dependency mode, and he is actually doing it.

Last March, while speaking in London at the Wall Street Journal's Investing in Africa Conference, Kagame said, "I want to see Africa get its act together" so it is not reliant on Western intervention in its affairs. It is the same thing over and over again. He sees a future Africa that is more autonomous and capable of taking care of itself and taking care of its problems. It is kind of a vision that his peers are gathering around.

We shouldn't misunderstand. Kagame is not saying that Africa should have no involvement with the United States or the West—far from it. What he wants is to have a peer-to-peer relationship instead of a donor-based relationship. He wants legitimate business relations between customers and suppliers, to join together African businesses and other international companies, including those in the United States.

In Kagame's vision for a new Africa, African nations will have cooperation on security and on terrorism and on trade agreements with their friends, partners, and allies. He wants to end the days of reliance upon foreign governments to solve their problems. See, there it is again.

Many leaders in Africa have desired this kind of a change, but few have had the position, the influence, or the clarity of focus to articulate with the kind of passion that is persuasive. It is only had by Paul Kagame. There are far fewer who have this kind of record of improving the lives of their own people in the way he has.

This is exactly the kind of partnership that the United States should have with our friends and allies in Africa—should have but that we don't have at the present time. For too long, the United States has had the wrong policy toward Africa and African nations, and most Americans still think there is only 1 country on the continent of Africa rather than 54 independent states that make it up.

U.S. policy toward Africa should be different. U.S. policy should be a partnership that focuses on helping Africans help Africans with three key components: security, trade, and diplomacy.

The security goals of the United States in Africa should be focused on training and equipping key partners to be capable of addressing regional and continental terrorist threats that could ultimately affect the United States and to be capable of addressing regional security threats that develop in regions so that the U.S. military does not have to engage, so that it can do it instead of needing our involvement.

This is AFRICOM's goal. AFRICOM is something that is fairly new. We once were a part of three different commands—the Central Command, the Pacific Command, and the European Command. Now we have AFRICOM as its own command, which was designed for that express purpose. We are in-

creasingly meeting these goals and objectives.

The second thing is that our trade focus in Africa should be on developing free trade agreements with African nations so that they have a reciprocal, peer relationship with our African trading partners. Fortunately, this is already the statutory policy of the United States, but it is not working that way. In 2015, a 10-year extension of the African Growth and Opportunity Act was signed into law. This is an appropriate policy for the near term, but long term it is not because we need to have the same kind of access to African nations as we provide to them. In this law, it explicitly states that the policy of the United States is to pursue free-trade agreements with African nations, but it doesn't back it up with anything.

In my travels to Africa, I have seen many countries are ready for free-trade agreements, but the bureaucracies over here in the United States don't agree. They don't think they are ready. So I introduced the African Free Trade Initiative Act, which does two things.

First, it requires a U.S. Trade Representative to articulate what African countries need to do to get ready for trade agreements with the United States. It is one thing for people over here or people who are desiring trade and not desiring trade to say: Well, Africa is not ready. What we are doing with this legislation is saying: We need to know from our Trade Representative what they need to do so they could be a part—they can get skin in their own game.

Second, it requires the U.S. Trade Representative to coordinate with the Millennium Challenge Corporation and USAID so their aid dollars are focused on projects that will help prepare them for free-trade agreements with us. Now these provisions have passed and are signed into law so we are making that headway.

The bureaucracies have all the tools they need, but they aren't willing to use them because they don't take Africa seriously, they don't view them as peers, and they look down on them because they are small, but this is a shame because the economies in Africa are growing faster than any other region in the world.

Then there is diplomacy. Our diplomatic focus in Africa should be focused on building relationships and alignments with countries we can trust, that share our values and help us influence the rest of the continent and the world to be favorable to the United States. For too long, we have ridden on a high horse through Africa. We have been quick to chide them for mistakes they have made, and we have been slow or completely negligent in recognizing their accomplishments.

Take Rwanda as an example. I have already articulated the miracle they have experienced, but when the people of Rwanda decided to amend their Constitution to allow President Kagame to run for an additional term, the Obama

administration condemned them. They publicly shamed Kagame for the country's actions and doubled down when he ran for reelection. That administration did not have a category for the democratic process that was different from ours. They just didn't have the category for a new nation needing help, and so they were not helpful to them. That administration also failed to recognize the amazing progress Rwanda has made to improve their country and the health and education of their people, nor did they recognize the superb security assistance Rwanda provides in the region, and our relationship with Rwanda was negatively impacted by the Obama administration. We have become known as a condescending and unreliable partner in Africa. If we do not catch up and change our approach, our friends will find new partners, and we will be left alone.

It is no secret how engaged China is on the continent. I think we all know that. Every time you travel through Africa, they say: Well, the United States tells you what you need, but we build what you need. Now, they don't do it with African labor and all that, but they have a reason for doing this. They understand how important Africa is going to be in the coming decades so they are treating African nations accordingly, as peers, as we should be doing.

China has surpassed the United States as Africa's largest trading partner. We have been their largest trading partner for many years, but now that has changed and China has taken over. China funded the construction of the African Union's headquarters in Ethiopia. Their aid dollars go toward projects that are actually needed, and the projects happen much faster than compared to ours. The United States is falling behind and at great risk.

Between now and 2030, the economies of African nations are expected to grow by an average of 5 percent a year, meaning the total size of their economies will nearly double in that time. By 2025, the continent will have a combined GDP of over \$2.5 trillion and \$1.4 trillion of that—that is more than half of that—will be consumer spending.

Increasingly, Africa's growing middle class will continue to become highly attractive in the business world. By 2034, Africa is expected to have the world's largest working age population of 1.1 billion people, which could lead to a low-cost labor economic boom similar to what was experienced in East Asia after World War II. Our National Security Council has noted that these demographic and economic shifts will have enormous political consequences and that Africa's role in rural politics will dramatically change because of them.

Implementing this policy will benefit our people, give us greater security, give us a stronger economy, and it will add to our influence in the world in the long run. These things we need to do, and we are not doing them now. So I

am encouraging our administration to do it. We need to get these things. To implement this policy effectively, we must cultivate critical relations of influence with our like-minded friends in Africa. In the Middle East, we have Israel. In Europe, we have Great Britain. In Africa, we have Rwanda and Paul Kagame.

So it is time to catch up. President Paul Kagame will soon be sworn in as the Chairman of the African Union. In him, we have a visionary leader who has accomplished great things for his country. He has also established himself as a highly influential figure among African heads of State because he has set a bold vision for the future of Africa that is autonomous, self-sufficient, and open for business. This vision is 100 percent complimentary to what the U.S. policy should be in Africa.

In recognizing this, it is my hope the Trump administration will embrace him and Rwanda as the American friends they are. We need to bring Rwanda close so we can work cooperatively with them to accomplish our shared goal. Rwanda and America are like-minded friends, and we should treat them accordingly.

Let me conclude with a personal story that expands a little bit on this. I had an experience in 2000. In 2000, I was called by a friend in Rwanda, and his name is Charles Murigande. He called up and he said—there is a program I have been involved in and others have been involved in, where we encourage them to have like we have in the U.S. Senate. We have weekly Prayer Breakfasts every Wednesday, and we encourage them to do the same thing. He called me up, and he said: We would like to have our first National Prayer Breakfast in Rwanda. Will you come over and speak? So I did.

Well, 14 years later—this is quite a coincidence—in 2014, we were on another trip and planned to land in Burundi before going to Ethiopia, but then, for security reasons, we weren't able to land in Burundi so we stopped in Rwanda instead. Without any warning—now, keep in mind, Rwanda didn't know we were going to be there. We didn't know we were going to be there. There was no warning whatsoever, but when we got there, as a coincidence, the next day they were having their 14th annual Prayer Breakfast. They assumed, since I was their speaker at their first Prayer Breakfast 14 years before, I was there to give a speech, and so I did. I say this because Paul Kagame, 14 years before that happened and every year since then and then every year since this took place, was then leading both Prayer Breakfasts. So in addition to all of the virtues of Paul Kagame that I have been talking about—perhaps too long—he is a strong man of faith, and it doesn't get any better than that.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

#### NOMINATION OF ALEX AZAR

Mr. WYDEN. Mr. President, very shortly, the Senate is going to take two votes on the President's nominees. The first is to confirm Jerome Powell as the next Fed Chair. Once that vote wraps up, the Senate will vote on whether to begin debate on the nomination of Alex Azar to be Secretary of Health and Human Services.

This is one of the key roles in our entire Federal Government in caring for America's sick and vulnerable. Let me begin by saying that Mr. Azar does not come with the staggering ethical challenges of his predecessor, the first Trump HHS nominee, Tom Price.

Here is my concern: Mr. Azar's nomination is a clear symbol of the President's broken promises on prescription drugs and pledge to secure better and more affordable healthcare for all Americans. At the outset of my remarks, I am going to start with the issue of skyrocketing prescription drug prices that now clobber millions of Americans at pharmacy windows across America. It is one thing for a Presidential candidate to have claimed he would just be too busy working to have time to golf and then spend almost 1 out of 3 days in office golfing. It is another thing altogether to promise cheaper prescription drugs to sick and vulnerable Americans who empty their pockets to pay for their medications only to abandon them completely once you are in office.

Now, it was barely a year ago that Donald Trump stood before our country and said prescription-hiking drug companies were getting "away with murder." Those were his words, not mine, not somebody in the news media. The President said the drug companies were "getting away with murder."

Now he has nominated Alex Azar, a drug company executive with a documented history of raising drug prices, to lead the Department of Health and Human Services. From 2012 until last year, Mr. Azar—who is the head of Eli Lilly's American subsidiary; that is, Lilly USA—chaired the U.S. pricing reimbursement and access steering committee, which gave him a major role over drug price increases for every product Lilly marketed across the country.

On Mr. Azar's watch, the price of Forteo, a Lilly drug used to treat osteoporosis, more than doubled. The price of Effient, a Lilly drug used to treat heart disease, more than doubled. The price of Strattera, a Lilly drug used to treat ADHD, more than doubled. The price of Humalog, a Lilly drug used to treat diabetes, more than doubled, and these are only a few of the drugs that were under Mr. Azar's purview.

Mr. Azar told the Senate Finance Committee that he had never—not

even one time—signed off on a decrease in the price of a medicine, and when asked about that statement in his confirmation hearing, Mr. Azar was quick to say: That is just the way the system works, but he didn't give us any concrete examples of how he would buck that system if he became the head of the Department of Health and Human Services. It seems to me, given the fact that he was asked questions about what concrete ideas he had for reforming the system and carrying out the President's promises to hold down prescription drug prices, he came up empty. I guess that says he would fit right in with the Trump administration on prescription drug practices.

In its first year, the Trump administration has made exactly no progress when it comes to tackling these skyrocketing pharmaceutical prices. They don't have any Executive orders that have any teeth in them. There don't seem to be any new initiatives at all. No new legislation has come from the Department or the White House. Perhaps, in my view, that is because the administration seems to be busy on other fronts, like taking healthcare away from those who need it, people who can least afford to have their bills climbing upward because of a decision made by a bureaucracy here in the Nation's Capital.

This nomination, as you are going to hear Senators discuss tomorrow, is about more than just the administration's failure on prescription drugs. It is, in effect, a proxy on an entire healthcare agenda. This is really a referendum on a healthcare policy from this administration that I think is an abject failure.

It is a year in now, and the administration's track record on healthcare is pretty clear. New data came out a few days ago showing that the number of Americans with health insurance dropped by more than 3 million people. That means 3 million Americans are a sudden illness or injury away from the nightmare of personal bankruptcy, having to sell their home or their car or empty a retirement account to escape from under that mountain of medical bills.

A very substantial part of that problem stems from the administration's sabotage on the Affordable Care Act. The administration cut the open enrollment period in half. That meant anybody who clicked on the internet, hoping to sign up this month, has found out that they are just too late. They slashed advertising budgets that helped reach the younger and healthier customers that make the private health insurance market affordable. And they made it harder for those having difficulty signing up for coverage to get a little bit of help in person.

This sabotage agenda, in my view, is an attack on the kind of health insurance this administration says it is for. They say they are for a private health insurance market, but the fact is, what they have been doing is undermining



the private health insurance market as part of their effort to undermine the Affordable Care Act. So this policy, perpetrated by a party and the President who professed to want to run this country like a business, certainly doesn't reflect the kinds of sound business practices we see from business leaders in my home State of Oregon.

If that wasn't harmful enough, the administration also is allowing fraudsters to, once again, sell junk coverage insurance policies that aren't worth the paper they are printed on.

A major part of the Affordable Care Act was laying down basic consumer protections for the private market. It was all about saying that Americans would no longer get stuck with junk insurance that turned out to be worthless when they actually suffered an injury or came down with an illness. I can't tell you what a step backward it is to see the sale of these junk insurance policies.

Years ago, when I was director of the Gray Panthers, it was common to see older people buy 15 or 20 private health insurance policies to supplement their Medicare, and they weren't worth the paper they were written on. They were junk. Finally, we got that changed. We passed a law with teeth to change it.

But now the Trump administration has, with respect to the private market and the Affordable Care Act, decided to turn back the clock and bring back junk insurance in the private insurance marketplace. So instead of working on a bipartisan basis to make the private health insurance market more affordable and competitive, the Trump administration has sabotaged those markets, hiking the number of Americans without coverage and sticking a whole lot of Americans with junk coverage that, in my view, is virtually guaranteed to fail them when they are most in need. The biggest threat their strategy poses on a basic level is that it wipes out the ironclad guarantee of protection for Americans with pre-existing conditions. Guarantee of access to healthcare isn't worth much if you can't afford it, and the Trump administration is doing a bangup job of making healthcare unaffordable for those with preexisting conditions.

The Trump administration has also undermined years of progress with respect to women's health. They attack the rule that says women have to be guaranteed no-cost access to contraception—one of the most popular healthcare rules in recent memory. Fortunately, the administration's action on that issue has been held up in the courts, but that is only one part of the anti-women's health agenda that plays out now.

Just last week, the Trump administration overturned longstanding protections dealing with States and family planning providers. This, in my view, is an attack both on a woman's right to see the provider of their choosing and Planned Parenthood. The administration is also broadening the exceptions

that give employers and universities say over what kinds of healthcare women can access.

Here is how Mr. Azar described his perspective on that issue when he went before the HELP Committee. He said: "We have to balance, of course, a woman's choice of insurance that she would want with the conscience of the employers and others."

We don't have to that. A woman's choice of healthcare is her choice—her choice and nobody else's. The care she has access to and receives is not up to her employer and not up to her university. It is up to that woman and her physician. And now the administration is even going after protections for LGBTQ Americans.

The bottom line is, the administration is doing a lot more to protect the perpetrators of discrimination than the victims. Healthcare is a right in America, but discrimination is not.

The way Mr. Azar describes the position he is nominated to fill, it sounds as if he understands it. He said in his confirmation hearing: If I get this job, my job is to "enhance and protect the health and wellbeing of all Americans." But he is not committed to reversing these kinds of anti-discriminatory practices I just described.

When I heard Mr. Azar say it would be his job to "enhance and protect the health and wellbeing of all Americans," I couldn't help but think back to the first nomination hearing the Finance Committee had for a Trump HHS nominee. Back then, Tom Price told the committee it would be his job at the Department just to administer the laws passed by Congress. He would be out of the legislative business. Once he got the job, he broke his word, and that has been the norm for the Department over the year. Congress has every reason to believe that is going to continue, regardless of the talking points Mr. Azar and administration officials use.

Finally, I want to discuss Medicaid. Just in the last few weeks, the administration has begun giving States a green light to slap new and punitive requirements and other limits on Americans covered by State Medicaid Programs. My bottom line is, Medicaid is a healthcare program. The vast majority of those who count on Medicaid either already have a job or are unable to work due to old age and infirmity. We shouldn't be trying to make life harder for those folks. The action by the Centers for Medicare and Medicaid Services goes after people who are just trying to get by. It is a decision by bureaucrats in Washington, going after Americans who walk an economic tightrope, who might just be trying to take care of kids or elderly parents or struggling with a chronic condition. This looks, on Medicaid, like yet another ideologically motivated attack on a program that covers vulnerable Americans—all generations, from newborn infants to two out of three seniors. The Trump administration is giving States permission to attack it.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. WYDEN. Mr. President, in a short while, the Senate will have a cloture vote on Mr. Azar's nomination to run the Department of Health and Human Services. The debate will be about a lot more than that. It is a question of whether the Trump administration should be allowed to take this country backward on health and to discriminate against Americans. It is a question of whether the attacks on Medicaid should continue and whether this administration will be held accountable for its broken promises on lower drug prices, insurance for all, no cuts to Medicare or Medicaid.

I regret to say to the Senate today that I have no confidence that Mr. Azar will change course at the Department of Health and Human Services. I do not support his nomination, and I urge a "no" vote today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

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

Mr. WYDEN. 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 legislative clerk called the roll.

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

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

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—84

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



## NAYS—13

Blumenthal	Harris	Rubio
Booker	Lee	Sanders
Cruz	Markey	Warren
Feinstein	Merkley	
Gillibrand	Paul	

## NOT VOTING—3

Corker	McCain	Scott
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The nomination was confirmed.

The PRESIDING OFFICER. The Senator from California.

## CHANGE OF VOTE

Mrs. FEINSTEIN. Mr. President, on rollcall No. 19, I voted yea. It was my intention to vote nay. I, therefore, ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

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 legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

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

The PRESIDING OFFICER. 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 Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services, 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.

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

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

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 20 Ex.]

## YEAS—54

Alexander	Boozman	Carper
Barrasso	Burr	Cassidy
Blunt	Capito	Cochran

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

## NAYS—43

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

## NOT VOTING—3

Corker	McCain	Scott
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The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to urge my colleagues to vote against the confirmation of Alex Azar to serve as Secretary of the Department of Health and Human Services, or HHS. When Congress confirms somebody to be HHS Secretary, they are putting that person in charge of some of the most important decisions made by the Federal Government—decisions that touch the lives of every family in America. The safety of the food inside our refrigerators, the quality of our nursing homes where our grandmothers live, the price of our health insurance policy, the government's response to a flu outbreak—on these issues and many, many more, the HHS Secretary calls the shots.

When Congress debated Tom Price's nomination to be Secretary of Health and Human Services 1 year ago, I said that we should not hand over the keys to this agency unless we were absolutely sure that he would put the American people first every minute of every day. And let's be honest: Tom Price did not clear that bar; he didn't even come close. No. When he was nominated, Tom Price already had a track record of using his position in government to help exactly one person: Tom Price. But Senate Republicans were so excited to get started gutting the Affordable Care Act and ripping up Medicaid that they jammed his nomination

through without a single Democratic vote.

It turns out we are looking at someone whose record is a pretty good way to judge how they are going to fight for the American people. Tom Price didn't spend his time as HHS Secretary working for American families; he spent it burning taxpayer dollars as he flew around on private jets and military aircraft. During the 8 months Tom Price was on the job, he put his own interests before those of the American people—again and again.

Now President Trump has nominated Alex Azar to be Tom Price's replacement as Secretary of HHS. Republicans have been trying to spin Mr. Azar as a breath of fresh air—someone who can be trusted to stay off private jets while he helps them carry out their plans to gut the Affordable Care Act and Medicaid without attracting quite so much unwanted attention.

The American people aren't fooled by the spin because in the ways that matter most, Alex Azar is like Tom Price. Mr. Azar's resume reads like a how-to manual for profiting off government service. About a decade ago, he worked in government, helping regulate the Nation's most profitable drug companies. When he left, he shot straight through the revolving door and became an executive at Eli Lilly drug company. Last year, they paid him more than \$3.5 million. Not bad. Now he wants to swing right back through the revolving door again and once again regulate those same drug companies—regulate them at least until he decides to spin through the revolving door again and make more money from drug companies.

I don't think private sector experience should disqualify anyone from serving. I am rooting as hard as anyone for an HHS Secretary who actually cares about the job. But the American people deserve to know that the person running HHS is looking out for them and not for his own bank accounts or for the profits of his former employer or what makes him more marketable to his next employer.

That is why Mr. Azar faced some very tough questions in his confirmation hearing before the HELP Committee about whether he would be willing to hold giant drug companies accountable when they break the law. After all, he worked for Eli Lilly while they were cleaning up the mess after being forced to pay the largest criminal fine of its kind in U.S. history—a punishment for lying about one of its drugs and peddling that drug to nursing homes as a treatment for dementia and Alzheimer's with no proof that it worked. The word for that, by the way, is "fraud." Eli Lilly's scheme cost the government, and taxpayers, billions of dollars.

Mr. Azar started out by saying the right thing about this. He said:

Oh, that sort of behavior is unacceptable. Of course, anyone who breaks the law should be held accountable.

Sounds great. But then I scratched the surface just a little. When I pressed just a little bit harder and asked him to give the American people something more than a polished talking point, he started dancing around in his chair, bobbing, weaving, doing everything he could to avoid answering the question. Mr. Azar said he believed lawbreakers should be held accountable. I asked him five separate times during his confirmation hearing whether he thought Eli Lilly's settlement represented adequate accountability for the company's illegal behavior—five times in a row. He dodged, he danced, and he refused to give a straight answer. I asked him twice whether CEOs should be held personally accountable when drug companies like Eli Lilly break the law. Both times, he squirmed away from the question like it was some kind of snake that would bite him.

The American people deserve better than an HHS Secretary who struggles to answer the question of whether giant drug companies and their CEOs should face the music when they cheat taxpayers and lie about drugs.

On the topic of the Affordable Care Act, it is the same story all over again. Mr. Azar spent his whole confirmation hearing before the HELP Committee pretending that the Trump administration hasn't been trying to rip up healthcare coverage for tens of millions of Americans. He sat before the committee, like butter wouldn't melt in his mouth, saying things like "Oh, I don't think the Administration wanted fewer people to enroll in health insurance coverage. I'm sure they just cut the enrollment period in half because they thought it would improve access to insurance." He actually said that.

When I heard that, I wondered if he thought we were stupid. His answer was so ridiculous that I even asked him a followup question in writing to make sure I had it right, and he responded—think about this—that when the Trump administration cut the period of time that people could enroll for health insurance, he said, "I do not agree with the characterization that the Administration or the Department has made an effort to undercut open enrollment." You can't make this stuff up.

Republicans want to pretend that Alex Azar is totally different from Tom Price because Tom Price was a terrible HHS Secretary who didn't put the American people first. I don't see the difference. I see someone who doesn't want to say it out loud but who intends to behave exactly like Tom Price when he sits down behind Tom Price's old desk. He will support efforts to repeal the Affordable Care Act, gut efforts to enroll people in health insurance, and take Medicaid away from people who need it the most.

No one here should be fooled. This week is the 1-year anniversary of Tom Price's confirmation hearing before the Senate, and we know how that ended.

The American people deserve better. They deserve an HHS Secretary who

will put them first. I will be voting against Alex Azar because I don't believe he meets that standard.

Mr. President, I yield.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to speak about why I, too, will be opposing Alex Azar to be the Secretary of Health and Human Services.

I appreciate, as always, my great friend from Massachusetts and her advocacy for the people of her State and all of the country.

Perhaps more than any other agency, the Department of Health and Human Services touches the lives of people in Michigan and across the country every single day. It provides families access to Head Start and other early childhood education programs that help our youngest learners get off to a strong start. It helps ensure that families have health insurance, whether through Medicare, Medicaid, children's health insurance, or private insurance. It administers the Food and Drug Administration, which makes sure that medications are safe and effective. It works to ensure that health insurance and prescription drugs are affordable because the best medication and health coverage in the world will not help anyone if they can't afford them.

In short, this position is all about people. I expect our next Secretary of Health and Human Services to, above all, put people before politics or profits. Unfortunately, I do not have confidence that Mr. Azar will do that.

Some of my biggest concerns come in the area of prescription drugs prices—an issue that is extremely important in Michigan. I have spent a tremendous amount of time focused on that over the years, on what needs to happen. Bringing down costs for families is a very, very critical issue for so many, if not every family in Michigan. Far too many of our families are struggling to keep up with the rising cost of prescription drugs.

Take Patricia, who is 73 years old and a retired nurse. Patricia's doctor prescribed Humira for her severe rheumatoid arthritis. When she called the pharmacy, she learned the prescription would cost \$1,405. Patricia told me:

There is absolutely no way I can afford this amount on a monthly basis. Someone somewhere is getting extremely wealthy off of seniors. These companies should be called to task for their greed.

I agree with Patricia.

We know that Patricia is not alone in her struggling to afford her medication. Between 2008 and 2016, prices on the most popular brand name drugs rose over 208 percent—more than double in the United States.

I can tell you that the average Michigan family's income didn't double during that same time. These outrageous price increases force people in Michigan and across the country to do things we have heard so much about—split pills in half, skip doses, and even go

bankrupt—just to stay on the medications they need to stay healthy or to even stay alive. These folks are spending money on prescriptions that they could be using to save for their retirements or to pay for college for their kids. That is wrong, and it needs to change.

I don't believe that Mr. Azar—a longtime pharmaceutical company executive with a track record of dramatically increasing drug prices—is the person who can make that change.

Here is an example: insulin. People who have diabetes, as we know, need it to stay alive—children, adults, seniors. Yet staying alive has become increasingly unaffordable, in part, thanks to Mr. Azar, the former president of Eli Lilly USA. The price of one vial of Eli Lilly's Humalog increased from \$21 in 1996 to \$123, when Mr. Azar became its President, to \$255 in 2017, when Mr. Azar left. As we know, people need more than one vial.

Mr. Azar says he agrees that prices are too high, but he does not seem ready or willing to do much about it. I want to know, if he thought they were too high, why he didn't lower them rather than raise them when he was in his position as president of Eli Lilly USA. I told him that the National Academies of Sciences, Engineering, and Medicine at our Finance hearing recommended allowing HHS to negotiate prices. He said they were wrong, that the Federal Government shouldn't negotiate prices for people to get the best deal. Common sense tells us that that is what should be happening and should have been happening for years.

Mr. Azar also opposes the importation of safe and affordable prescription drugs from Canada. That is despite the fact that his former company, Eli Lilly, sells the identical insulin product in Canada and around the world for less than it sells it for here.

Now, let's get this picture. One can go across a bridge from Detroit, into Windsor, which is 5 minutes, 10 minutes across the bridge, and dramatically drop the cost of one's insulin from the same company. Eli Lilly and other drug companies argue that the problem is it is not safe. So are they saying that Eli Lilly's insulin on one side of the bridge, in Windsor, is not safe to take across to the other side of the bridge? We open our bridges, and we export and import every single day most everything but prescription drugs. Why does Mr. Azar think people in Michigan should pay more for a decades-old drug than the people who are just a few miles away in Canada?

By the way, insulin has been around for—what?—I don't know—100 years or something. I mean, at some point, you recoup your costs, but this particular brand of insulin is sold on one side of the bridge in one country, in Canada, for less than it sells it on the other side. People in Michigan need to know why they think that makes any sense. It sure doesn't make any sense to me, and it sure doesn't make any sense to Steven from Michigan.

Steven is a 47-year-old veteran from Swartz Creek, who has type 2 diabetes. His doctor prescribed an Eli Lilly medication called Glyxambi, which has worked really well to control his blood sugar, but he cannot afford it. The medication costs more than \$2,000 for a 90-day supply, and there is no generic equivalent. Hmm. I wonder what it costs in Canada.

In Steven's words:

The drug companies are holding us hostage! I now see why some seniors cut their meds in half. Something has to be done.

I couldn't agree more. Something has to be done, as Steven has said. Unfortunately, I don't believe that Mr. Azar will do it.

Drug prices aren't the only issue that concern me about this nomination. Last week, we learned that 3.2 million more Americans were uninsured at the end of last year, in December, than at the end of the year before. There were 3.2 million more people who didn't have insurance. It was the largest single year drop in the number of people who have insurance. It was the highest increase since 2008 of those who don't have insurance. This was a huge step backward from just a year earlier when the United States hit an all-time low of 10.9 percent of the number of people who didn't have insurance. Recently, we saw the passage of a tax bill that, among other things, will leave 13 million more Americans uninsured and will drive up the premiums—even higher—by double digits.

They are not done yet.

Right now, the HHS and the Trump administration are considering rules that would expand the availability of insurance plans that don't cover essential health benefits. At another time, they were called junk plans. I can remember before we put in place the requirement for basic health benefits to be covered that someone would call me and say: I have had insurance for years and have never needed it. I got sick and discovered—oh, my gosh—it would only cover 1 day in the hospital. I didn't know. Those are called junk plans. You think you are OK until you actually need medical care, until you actually need coverage. Then you find out you were paying for something that was just a bunch of junk.

We now have in place consumer protections. We have in place consumer requirements that are called essential benefits. Why? Because they are essential. Emergency room coverage is pretty essential as well as hospitalization. Everybody assumes, if one has insurance, one is covered in the hospital for the amount of time one needs to be in the hospital. Mental health and substance abuse treatment, prescription drugs, and maternity care are basic things that every person may need in one's lifetime as it relates to one's health.

When I asked Mr. Azar if he believed plans should have to cover essential health benefits, he avoided really answering the question. He said that he

would “work to ensure the least disruptive approach to implementing these policies and to appropriately consider the concerns expressed by stakeholders”—called people who need healthcare—“during the rulemaking process.” We don't need the least disruptive approach to implement bad rules. Instead, we need an approach that doesn't disrupt people's healthcare. This is a matter of life and death every day for someone in Michigan and across the country.

I also asked Mr. Azar whether he believes that all health plans should be required to cover maternity care and newborn care at no additional cost. It is pretty basic. If you are a woman, it is pretty basic in terms of coverage. Once again, he ducked, saying, “It is critical that every woman have access to high-quality prenatal care.” We know what that means because, before the Affordable Care Act, only 12 percent of the plans in the individual market covered maternity and newborn care.

You find yourself in a situation as a young woman—a very common situation that will happen—where you are newly married and struggling to get started. You don't plan to get sick, and you are not planning to have a baby, so you get the skimpiest health plan that you can have that you think will kind of cover you. Then something happens. Fifty percent of the time, we know that in young couples, there are unexpected pregnancies. Then whoops. It is prior to the Affordable Care Act. Oh, now you have a preexisting condition. You are going to have to pay more if you can get coverage at all.

I cannot tell you how many times I have heard that from women I know, from people I represent in Michigan. It is pretty basic for women that maternity care and newborn care should be covered, and it is now without extra cost because it is basic care for women. Yet we have an HHS nominee who is not willing to say: Yes, maternity care is basic for women, and women shouldn't have to pay more to get basic healthcare, like maternity care and newborn care.

Let me speak about another issue. If confirmed, Mr. Azar would also be in charge of Medicare and Medicaid, which raises additional concerns for me about the people whom I represent.

Thanks to Michigan's Medicaid expansion—a bipartisan effort in Michigan—660,000 more people have insurance, and uncompensated care has been cut by 50 percent—cut in half—which means 50 percent more of the people who walk into the emergency room can actually pay for the care they are getting. It is not rolled over onto everybody else. It used to be, if somebody could not pay, everybody else would see his insurance rate go up, and taxpayers would pay more. Those costs have gone down 50 percent, and 30,000 jobs have been created as part of that process. Projections show that last year, the State of Michigan ended up

saving money for the taxpayers; \$432 million was saved because more people had insurance and could pay for the medical care they were getting. I thought that was what we wanted—for people to be able to pay for their medical care.

Despite the President's promise not to cut Medicaid, every Republican health proposal that came before Congress last year had one thing in common—huge cuts to Medicaid. Then-Secretary Price pushed for the passage of these bills, and during that time, Mr. Azar said he supported those bills to gut Medicaid. In fact, the current budget resolution that we are under, which was passed by this Senate, has \$1 trillion in Medicaid cuts, as well as almost one-half trillion dollars in Medicare cuts. It has not yet taken effect because they have to take another step to actually pass the bills in the Senate, but it is ready to go. It is in the budget resolution.

Mr. Azar said he supported the bills, and it would put Medicaid on a more sustainable footing. Three out of five seniors in Michigan who are in nursing homes get their nursing home care through Medicaid health insurance—three out of five seniors. A more sustainable footing? Not for them and not for their families. I will tell you what is not sustainable—Michigan families trying to survive without health coverage, the medical care that they need.

In conclusion, the people in Michigan know what the next Secretary of Health and Human Services needs to do. It is a pretty big job that affects part of everyone's life in some way.

That person needs to, among other things, bring down the cost of prescription drugs immediately through the power of negotiation. He needs to take the shackles off in terms of exporting and importing prescription drugs. Just like any other product, we ought to have safe importation and competition across the border to bring down prices. We ought to have increased transparency, not the nominee's history of raising prices over and over. That person needs to protect and strengthen Medicaid and Medicare, not cut benefits, and that person needs to enforce patient protections, like the essential health benefits, like the ability for a woman to know that her basic healthcare—and, if she has a baby, prenatal care or postnatal care—will be covered without her having to pay more because she is a woman. That is what should be happening—patient protections. We do not need someone who thinks it is OK to go backward and erode them.

That is why I am voting no on Mr. Azar's confirmation. I hope my colleagues will take a serious look and do the same. The health of the people of Michigan and the people of this country depends on it.

I thank the Presiding Officer.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, all postcloture time on the Azar nomination expire at 2:15 p.m. tomorrow, January 24, and the Senate vote on confirmation of the Azar nomination with no intervening action or debate; finally, 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.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE  
CALENDAR

Mr. DAINES. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, following the cloture vote on the Brownback nomination, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 552. I ask consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD, and the Senate resume consideration of the Brownback nomination.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING GLENN CALEBS,  
SR.

Mr. MCCONNELL. Mr. President, on November 16, 2017, Laurel County lost a beloved presence in their community with the passing of Glenn Calebs, Sr. He was 92 and dedicated his life to serving this country and those around him.

A Navy veteran of the Second World War and a member of the Greatest Generation, Glenn had a strong sense of patriotism. Those who knew him said he made it a priority to participate in the annual Veterans Day celebrations in Laurel County whenever possible. The judge-executive of Laurel County recalled that he knew he could count on Glenn to be at his side during the parade every year.

Members of the community knew how deeply Glenn cherished his family and his church. One of his friends said it best when he recalled to a local newspaper, "He was a true gentlemen

of Laurel County. . . . He was a pillar of the community and the community will miss him."

We are forever grateful for Glenn's service to our country at a time when we needed it most. I ask my colleagues to join Elaine and me as we send our condolences to his three children and four grandchildren. We hope that their fond memories of his selfless spirit will help them heal from their loss.

Mr. President, the Sentinel Echo recently published an article on Glenn's life and service. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From the Sentinel Echo, Nov. 17, 2017]

CALEBS REMEMBERED

(By Nita Johnson)

Although his hair became a silvery white as the years went by, the smile and love for others that marked Glenn Calebs Sr. never did.

The 92-year-old World War II Navy veteran passed away on Wednesday at the University of Kentucky Medical Center, where he had been a patient for the past several weeks.

Calebs spent his life as a farmer after serving his country during the war. He was dedicated to his family, his church, and his community.

He was extremely proud of his military service. It was seldom that Calebs was not present for the annual Veterans Day activities at various locations in the area. In fact, his recent illness that kept him in Lexington during this year's Veterans Day celebrations was a source of worry for the elderly man.

Laurel County Judge Executive David Westerfield got emotional during this year's program, telling that since the ceremonies began six years ago there had been three people who rode in Westerfield's vehicle in the initial parades.

"I've always had Warren Scoville, my brother Johnny and Glenn Calebs ride with me," Westerfield said. "This year none of them are here."

Westerfield paid tribute to Calebs after hearing of his passing.

"Glenn Calebs was a very well respected individual in our community," he said. "He was a very close friend of mine that I enjoyed spending time with. He always went out of his way to help anyone. He proudly served his country and was always involved in our Veterans' parade each year."

"Ironically, my last conversation with Glenn was a phone call he made to me a little over two weeks ago, letting me know that he wouldn't be able to attend the Veterans Parade this year. He was so disappointed that he wouldn't be able to be there."

"I will always treasure his friendship and he will be greatly missed," Westerfield said.

That sentiment was seconded by Charlie Pennington, who served as a U.S. Marshal, board member of the London Laurel County Industrial Development Authority and its eventual director.

"He was a true gentleman of Laurel County," Pennington said. "They don't make them like that every day."

Pennington said he was more familiar with Calebs from his farming ventures.

"He made his presence known at Farmers Markets. He always raised a garden and had a big crop of tomatoes," he said.

"He had a daughter and two sons and all are fine people," Pennington added. "He was

a pillar of the community and the community will miss him."

REMEMBERING BUD HAYS

Mr. MCCONNELL. Mr. President, today I wish to remember the life of Bud Hays of Knott County, KY, who passed away on November 21, 2017, at the age of 98. A veteran of the U.S. Army, Bud received multiple awards for his military service during World War II.

Born in Quicksand, KY, Bud was the youngest of a dozen children. The family moved to Hindman, KY, where Bud grew up in a small log cabin. He later enlisted in the Army at the age of 16. Serving on the front lines during the Second World War, Bud traveled around the world to Germany, Africa, and Australia in service to his Nation. Under the command of General Patton as an Army infantry medic, Bud risked his own life in order to save the lives of other soldiers. Bud was shot in the hand and, after being discharged, received the Purple Heart, Military Heart, and Bronze Star.

After World War II, Bud returned to Knott County, where he ran a grocery store, drove a school bus, and raised a family. Bud and his wife, Elouise, had four children: his son Doug, as well as his three daughters Kathy, Linda, and Marlene. Elaine and I send our condolences to their children, their family, and friends.

TRIBUTE TO STAN STEIDEL

Mr. MCCONNELL. Mr. President, I would like to recognize a legend in Kentucky's high school athletics, Coach Stan Steidel. This month, Dayton High School in Campbell County is marking Stan's decades of service to the school and its students by renaming the basketball court in his honor. I would like to join the community in thanking Stan for his support of Kentucky's student-athletes.

Stan, who graduated from Dayton High School in 1959, has spent more than 50 years in education, helping guide the next generation of Kentuckians to a bright future. Throughout his career, he has earned a long list of accolades as a coach, a teacher, an athletic director, and as an administrator.

In 1979, along with a group of coaches, Stan established Kentucky's "All A" Classic, a tournament for smaller schools. The first basketball tournament in 1980 hosted eight schools, all from northern Kentucky. Through the persistence of many individuals like Stan, the classic continued to grow. In 1990, the founders' dream became reality with a statewide tournament with the winning teams from 16 regions.

The classic has continued to develop, adding more sports, arts, academic team competition, and Junior ROTC tournaments. It has also grown as a program to help student-athletes compete at a collegiate level, giving more

than \$500,000 in scholarships to attend Kentucky schools. Because of Stan's passionate leadership, countless Kentucky students are able to hone their skills and compete across the Commonwealth.

I would like to congratulate Stan for this impressive honor and thank him for a career of dedicated service to young people throughout Kentucky. I am proud to join with the Kentucky athletic community in celebrating Stan's accomplishments.

#### TRIBUTE TO GILBERT "GIL" VANOVER

Mr. McCONNELL. Mr. President, today I wish to recognize Gilbert "Gil" Vanover, who has committed his life to serving the people of McCreary County, KY, and the country.

A Korean war veteran, Gil joined the U.S. Air Force in 1950 after he graduated from McCreary County High School. During a mission in a B-26 Bomber, Gil's plane was shot down, forcing him and his team to evacuate. Gil parachuted out of the plane and was later rescued by Allied Forces.

During his landing, Gil suffered several injuries, causing him to be discharged from the Air Force. However, that did not dissuade him from serving his country again, and he reenlisted. After 28 years of service to his Nation, he retired as a first sergeant at the Wright-Patterson Air Force Base in Ohio. Among his many well-earned recognitions, Gil was awarded the Bronze Star and the Cross of Gallantry Air Medal for his selfless military service to our country.

After his career in the Armed Forces, Gil returned back to his hometown to serve his community in a new way: as a teacher. He taught history for 15 years at McCreary County High School, the same school he had attended years before.

I would like to urge my colleagues to join me in thanking Gil for his bravery and perseverance in his service to our country, as well as his commitment to the next generation of his community in McCreary County. He is an inspiration to his students, neighbors, and all who seek to help others.

#### RECOGNIZING SOUTHEASTERN KENTUCKY REHABILITATION INDUSTRIES

Mr. McCONNELL. Mr. President, today I wish to recognize the work of the Southeastern Kentucky Rehabilitation Industries, SEKRI, a nonprofit organization in Corbin, KY, which helps provide employment opportunities for individuals with disabilities.

Before its founding in 1971, men and women with mental or physical disabilities in southeastern Kentucky often struggled to find real opportunities for employment. Since SEKRI was established, it has helped many men and women find work. Seventy-five percent of SEKRI's workforce is comprised of

individuals with disabilities who produce garments such as caps and protective gear for the Armed Forces. Today SEKRI has five plants, four of which are in Kentucky, and employs over 550 individuals throughout the region. SEKRI plans to open its sixth plant in Pineville, KY, this year.

For more than 45 years, SEKRI has helped hundreds of workers with disabilities in eastern Kentucky participate in the workforce. I would like to commend SEKRI for its many contributions to the Commonwealth of Kentucky.

#### TRIBUTE TO WALTER MONDALE

Ms. SMITH. Mr. President, I would like to celebrate Vice President Walter Mondale, who recently marked his 90th birthday. When Vice President Mondale was asked about the legacy of the Carter administration, he responded this way: "We told the truth, we obeyed the law and we kept the peace—and that's not bad." Not only was that description apt and characteristically humble, I submit that it captures Walter Mondale's values and virtues.

First, Walter Mondale tells the truth. And aren't we so sorely in need of this today? Sometimes, when Mr. Mondale told the truth, it was painful. And sometimes, when he told the truth, he paid a political price. But truth in public service is a luminous thing, and Walter Mondale has always shone brightly.

Honesty was taught early by his parents, Theodore, a Methodist minister, and Claribel, a music teacher. An old friend of Mondale's once observed that he would often ask, "I wonder what my mother's going to think about that?" Well, his mother did not see her son become Vice President and ambassador, and Reverend Mondale did not see him become attorney general and Senator, but I suspect, he thinks about them still.

Second, Walter Mondale respects the rule of law and lives the rule of law. And aren't we so sorely in need of this today?

Not surprisingly, one of Fritz and Joan Mondale's favorite movies was "A Man for All Seasons," in which Sir Thomas More famously observes that, when the last law is down and the Devil turns on you, there is no place to hide. In other words, the rule of law protects all of us.

You might say, well, respect for the law is just the baseline we might expect of the most famous graduate of the University of Minnesota's law school—now Mondale Hall—who went on to become the State's chief lawyer; yet we have seen that even prominent public officials, trained in the law, can cut corners when tempted by money or power.

Walter Mondale has never cut corners. In both his private life and his public life, this is a man who has always turned square corners.

Finally, Walter Mondale works for peace. And aren't we so sorely in need of this today?

We know of the Vice President's important role in the Camp David Peace Accords and the Egypt-Israel Peace Treaty. We know of his role as ambassador to one of our most important allies. But when we think of Walter Mondale and peace, we must think also of his goal of community reconciliation through civil rights. As the lead author of the Fair Housing Act, for more than half a century, he has fought for equity and fairness.

Yes, Walter Mondale tells the truth, obeys the law, and works for peace. That, I would suggest, is not just "not bad"; it is wonderful and extraordinary.

As I recognize Vice President Mondale and his contributions to this country, I wish him a happy birthday.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MARGARET SOONG MEOW LEE

• Mr. BLUMENTHAL. Mr. President, I rise today with a heavy heart to pay tribute to Margaret Soong Meow Lee, a remarkable educator, researcher, and family woman. Sadly, Mrs. Lee passed away on August 1, 2017. She will be remembered for her dedication to helping others as well as for her invaluable contributions to the field of forensic science.

Mrs. Lee was born in Sarawak, Malaysia, and went on to earn her bachelor's degree in education from Taiwan Normal University. Subsequently, she received a master's degree in education from Long Island University and a postgraduate certificate from Seton Hall University in bilingual and multilingual education.

Mrs. Lee became a teacher and ultimately an assistant high school principal in Sarawak and served as the commissioner of women's affairs. She brought her love for educating others to the United States and continued teaching in New York. Her impressive career in the New York City public school system lasted nearly a decade.

After moving to Connecticut, Mrs. Lee worked at the Veterans Administration Hospital in West Haven as a computer programming analyst for 20 years. Her exemplary work at the VA hospital still benefits that facility.

Mrs. Lee's extraordinary life's work includes her husband's career as well. As the wife of Dr. Henry C. Lee, the founder of the University of New Haven's Institute of Forensic Science and internationally renowned forensic scientist, Mrs. Lee accompanied her husband to hundreds, if not thousands, of his lectures. Throughout the course of his distinguished criminal justice career, Dr. Lee received unfailing support and assistance from his wife. They traveled the world together, with Mrs. Lee serving as a trusted sounding

board, expert aide de camp, and vital source of insight and perspective. Her remarkable intelligence and wisdom greatly assisted Dr. Lee and the many professionals and criminal justice experts who worked with him. I have valued my personal relationship of many years with these two uniquely talented, insightful, and public-spirited friends and professionals.

Known as a caring mother, excellent educator, and strong advocate for the University of New Haven's international students, Mrs. Lee received many awards including a "Mother of the Year" award by the Chinese American Parent-Student Council of New York City and an honorary doctor of humane letters degree in 2012 from the University of New Haven. To honor her ongoing memory and strong support for the university, the Margaret Lee Scholarship Fund was established upon her passing.

My wife, Cynthia, and I extend our deepest sympathies to Mrs. Lee's family during this difficult time, particularly to her husband—a dear friend and role model of public service—their two children, and their four grandchildren. May their many wonderful memories of Mrs. Lee provide them solace and comfort in the days ahead.●

#### REMEMBERING REVEREND MARION BASCOM AND KONSTANTINE PREVAS

● Mr. VAN HOLLEN. Mr. President, today I wish to recognize the 50th anniversary of the appointment of Rev. Marion Bascom and Konstantine Prevas, Esq., to the Baltimore City Board of Fire Commissioners. These two men made significant contributions to the city of Baltimore and the Baltimore City Fire Department.

On January 23, 1968, Reverend Bascom was sworn in by Mayor Thomas D'Alessandro III as Baltimore City's first African-American member of the Board of Fire Commissioners. Mr. Konstantine Prevas was also sworn in that day. Reverend Bascom was a minister and fighter for social and economic equity. Mr. Prevas was an attorney, WWII veteran, and a leader of the Greek community with a long family history in the Baltimore business community. These two men may not have known about the great task that lay ahead of them, yet they both undertook each challenge and opportunity with vigor and commitment. The Baltimore City Fire Department is the beneficiary of their outstanding and tireless efforts.

Although Baltimore's fire department was desegregated in 1953 under the administration of Mayor Thomas D'Alessandro, Jr., in 1968, it still had vestiges of Jim Crow. Segregation inside the firehouses and unfairness in the areas of discipline and promotions were among the issues that needed to be addressed. Commissioners Bascom and Prevas were well-suited to lead the fight against these inequalities.

Commissioner Bascom did not think that being the first African-American in leadership of Baltimore's fire department was the key to change in an institution that had a legacy of nepotism. He always credited Commissioner Prevas for being the deciding vote on a three-vote panel to move the department forward. Reverend Bascom would often say, "Never forget the name of Konstantine Prevas. 'Gus' Prevas was my friend. He voted with me on every issue that was of interest to Black people. If it was not for him, you still would be sitting on the Black toilet, sleeping in the Black bed, eating off the Black plate, drinking coffee out of the Black cup and washing up in the Black sink."

Thanks to the outstanding leadership of these two commissioners, the difficult challenges long facing the department were met with increased scrutiny and examination. The "good old boy" system, discrimination in assignments and promotions, bias in meting out discipline, and inequality in working and living conditions, all were finally being taken seriously. The African-American members of the department were invited to share their views of the issues that needed correction directly with the fire board. After a series of meetings, the following statement was released from an executive session of the fire board: "The Board wishes to clearly state that it is unalterably opposed to the unwritten rule that seems to prevail in a few isolated fire houses with respect to the use of beds, toilets and other facilities. All such facilities are provided by the City for use by all members and are not to be assigned on the basis of race. In short, if there are any 'unwritten' rules that cause discrimination in any form whatsoever, they will be eliminated immediately."

Commissioners Bascom and Prevas were not afraid to make waves to correct the injustices they observed. For example, they agreed to be witnesses in one of our Nation's first lawsuits to address discrimination in public safety. In addition, they helped the Baltimore business community acquire property to build a new "super station" in downtown Baltimore. While negative newspaper editorials endangered the project's funding and historic architectural considerations complicated its design and construction, the commissioners' support for the project was unwavering. Defending their plan, they asked who would question replacing obsolete firehouses that were 60 to 100 years old. As the records of the board of fire Commissioners state, "In addition to the aesthetic benefits to the area involved, there will be but one new building to maintain as opposed to three old and costly buildings—and most important to all citizens—the fire house complex will afford an improved efficiency of response for the fire fighting units and ambulance units stationed therein." These consolidations created a more efficient and effective

delivery of service to the hub of the city. The concept was so successful that it inspired construction of another large station on the east side of the city, which is home to eight fire service units and four specialty units. Firehouse Magazine has reported that Steadman Station was "the Busiest Station in the Nation," having 3,000 more runs than the next busiest station in the country.

The experience of the April 1968 riots exposed the inadequacy of the department's personal protective equipment. Observations during firefighting operations indicated a need for two-way hand-held radios, and several pieces of the second line apparatus did not conform with the Maryland Motor Vehicle Code. Once exposed, these matters became the priority of the members of the fire board until the funding was obtained and the equipment put into service.

The fire board also created the emergency medical system of the Baltimore City Fire Department, whose mark on the city is apparent today. One example is the approval of a request from Dr. Gustav C. Voigt, director of the coronary care unit of Baltimore City Hospitals. Dr. Voigt presented a proposal for a pilot project for a specially equipped and staffed ambulance for heart attack patients. Many believe that early support for this project lay the foundation for today's basic and advanced life support service. The board also worked with fraternal organizations, firefighters and the community to promote the idea of Dr. Thomas J. Krisek, chief of plastic surgery, to establish a burn unit in city hospitals. That unit has become part of the Johns Hopkins Health System, known as Maryland's Regional Burn Center. The offer by the Bell System of a universal emergency number 911, education of the community concerning the pulling of false alarms, and enhancement of community outreach to improve relations between the public and members of the fire department were also significant initiatives undertaken by the board.

The Baltimore City Fire Department is one of the most diverse and accomplished fire departments in our Nation. I am delighted to recognize its achievements and the lasting contributions of Rev. Marion Bascom and Konstantine Prevas.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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



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

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2017, the Secretary of the Senate, on January 22, 2018, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 195) to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 33. Concurrent resolution providing for a correction in the enrollment of H.R. 195.

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2017, the Secretary of the Senate, on January 22, 2018, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 195. An act making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes.

Under the authority of the order of the Senate of January 3, 2017, the enrolled bill was signed on January 22, 2018, during the adjournment of the Senate, by the Acting President pro tempore (Mr. PORTMAN).

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4130. A communication from the President of the United States, transmitting, pursuant to law, a proclamation relative to imports of large residential washers and certain crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products); to the Committee on Finance.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-163. A joint resolution adopted by the Legislative Assembly of the Commonwealth of Puerto Rico requesting the President of the United States and the United States Congress take any and all actions to immediately transfer the operations of the Puerto Rico Air National Guard from its current location at the Muniz Air National Guard Base

in the Luis Munoz-Marin International Airport (LMMIA) to the Jose Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba; to the Committee on Armed Services.

#### JOINT RESOLUTION 73 STATEMENT OF MOTIVES

Public Law 114-187 (2016), known as the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), establishes a process to identify as "critical" certain projects directed at addressing fiscal and infrastructure emergencies in Puerto Rico, and whose approval, consideration, permitting, and implementation shall be expedited and streamlined. Among the "critical" projects are those that are deteriorating and that affect the development of Puerto Rico such as, construction or capital improvement projects in abandoned sectors. Thus, pursuant to PROMESA, the Governor of Puerto Rico, Ricardo A. Rosselló-Nevarez signed Executive Order 2017-003 of January 2, 2017, whereby he declared a state of emergency in Puerto Rico with regard to the infrastructure for the rendering of services, directing all government agencies to adhere to the expedited process provided in PROMESA when issuing permits, consultations, endorsements, comments, recommendations, and certifications for infrastructure projects.

Furthermore, as part of the public policy established by this administration and included in the Plan for Puerto Rico, the redevelopment of Roosevelt Roads constitutes one of the projects identified as emblematic, critical, urgent, and necessary for the economic recovery and the sustainable economic development of Puerto Rico. In order to implement said public policy, the Governor of Puerto Rico established, through Executive Order 2017-004 of January 2, 2017, the "21st Century Critical Infrastructure Project Interagency Group" attached to the Office of the Governor, charged with coordinating the efforts and works of government entities in the evaluation and issuance of permits and other necessary transactions for the development of critical, strategic, and emblematic infrastructure projects presented pursuant to PROMESA. It is, therefore, the duty of said Interagency Group to coordinate the efforts to render the Roosevelt Roads' emblematic and critical redevelopment project feasible.

Over fifteen (15) years have transpired since the Naval Station Roosevelt Roads in Ceiba was closed. The continuous operation of said military installation injected approximately \$300 million annually to Puerto Rico's economy. As a result of the closure of the Base, Puerto Rico's economy has suffered losses that exceed \$4.5 billion in conservative estimates. Despite the great potential of those lands for the redevelopment and economic revitalization of the region as well as of Puerto Rico, and despite the citizens' constant demands, said facilities are still abandoned and deteriorating. This is the result of the inability to promote private investment in the area to turn it into an economic development center for the benefit of Puerto Rico. In a report submitted to the United States Congress by the Congressional Task Force on Economic Growth on December 20, 2016, the Task Force expressed its concern about the slow pace of the effort to redevelop Roosevelt Roads for the economic benefit of the People of Puerto Rico and that it believes that a well-planned and well-executed redevelopment strategy has the potential to transform eastern Puerto Rico. Therefore, the Task Force recommends that the Government of Puerto Rico, working in conjunction with the Revitalization Coordinator established under PROMESA, elected leaders of the surrounding communities,

Federal Government agencies with jurisdiction over the matter, and the private sector, prioritize the efficient and effective redevelopment of Roosevelt Roads.

According to an analysis published by the specialized magazine *Urban Affairs Review* (Amanda Johnson Ashely and Michael Touchton; *Reconceiving Military Base Redevelopment Land Use on Mothballed U.S. Bases*; *Urban Affairs Review*, 2016 Vol. 52(3) 391-420. <http://journals.sagepub.com/doi/pdf/10.1177/1078087414568028>) local market conditions and the level of economic productivity in a former military community are likely to influence the variety of land uses that appear on former bases. More economically productive communities are likely to have more redevelopment options at their disposal than less productive, potentially less affluent communities. The analysis suggests that commercial interests are more willing to invest in more affluent rather than less affluent areas or communities.

Evidently, Puerto Rico's economic situation as well as the decreased productivity and growth of our economy prevent us from creating favorable conditions to successfully promote private investment in Roosevelt Roads and severely limit the available options for the redevelopment thereof. The Roosevelt Roads Naval Station Lands and Facilities Redevelopment Authority issued several requests for proposals (RFP's) in past years; however, it has failed to achieve the redevelopment and conservation of the Naval Station's installations and existing infrastructure. That being the case, the immediate creation in the area of more favorable conditions that promote and attract private investment shall reactivate the area's economy and broaden the uses to be given to the different areas that are part of or surround the former naval station, in the José Aponte-de la Torre Airport.

Consistent with the foregoing, this Legislative Assembly deems it convenient to transfer the operations of the Puerto Rico Air National Guard, currently located at the Luis Muñoz-Marin International Airport, in Carolina, Puerto Rico, to the airstrips of the José Aponte-De la Torre Airport in the former Naval Station Roosevelt Roads.

For the past decade, the National Guard has undergone a notable transformation, from being nothing more than a strategic reserve of limited use to the United States Armed Forces, to becoming an operational reserve that must be available and ready to provide support to the military operations of the Armed Forces at all times. At present, the installations of the Muñoz Air National Guard Base, located in the municipality of Carolina and which occupy approximately 96 cuerdas of the lands of the Luis Muñoz-Marin International Airport, do not allow our Air National Guard to expand its operations, much less to adapt to their changing role and the future missions that may be assigned thereto in support of the Armed Forces. The air facilities of the José Aponte-De la Torre Airport in the former Naval Station Roosevelt Roads are available and would provide additional space that is optimal, functional, operational, and necessary for the strengthening and growth of our Air National Guard.

In the judgment of this Legislative Assembly, the proposed transfer would be the most viable option to stimulate and create the conditions, in a very short term, for the redevelopment of the former Naval Station Roosevelt Roads which would, in turn, generate economic activity as in the past. This alternative would greatly benefit all of Puerto Rico because it would enable the immediate creation of an economic activity center in the area, as a result of the Puerto Rico Air National Guard starting operations in the José Aponte-De la Torre Airport.



The transfer of Puerto Rico Air National Guard units, equipment, and personnel would populate and generate substantial activity in a currently abandoned area bringing the necessary security elements to protect the integrity of the existing infrastructure and installations, as well as of those that may be developed therein in the future. Furthermore, this would free up, for the short- and long-term development, valuable properties located in other places that are underutilized at present or that, due to their location, could be better used by the people of Puerto Rico than they are now if they were not occupied by the Puerto Rico Air National Guard components.

Likewise, the proposed transfer would enable the opening of a passenger terminal in the José Aponte-De la Torre Airport in the former Naval Station Roosevelt Roads, under the command of the Puerto Rico Air National Guard, similar to those currently operated by the National Guards of other states, to wit: the Jackson Air National Guard Passenger Terminal (Mississippi); Memphis Air National Guard Passenger Terminal (Tennessee); Birmingham Air National Guard Passenger Terminal (Alabama); Great Falls Air National Guard Passenger Terminal (Montana); Stewart Air National Guard Base Passenger Terminal (New York). The establishment of this type of air passenger terminal in Roosevelt Roads would allow active, reserve or retired military personnel and their dependents to travel to and from Puerto Rico as passengers on military planes. This type of air passenger terminal exists in more than 53 military bases around the world. Fourteen (14) of these terminals are located on the east coast of the United States, five (5) of which are in Florida. Through this proposal, the Puerto Rican military community residing in Florida (whether in active duty or retired and their family members) would have the opportunity to travel to Puerto Rico more frequently and free of charge. Moreover, this initiative would pave the way for current and former military personnel worldwide to choose Puerto Rico as one of their tourist destinations by using the military air transportation that would operate to and from the new installations of the Air National Guard in Roosevelt Roads.

It is worth noting that, at present, the operations of the Puerto Rico National Guard, the 1st Mission Support Command of the U.S. Army Reserve and other Reserve units from the different components of the Armed Forces, including the Air National Guard, generate approximately \$440 million for Puerto Rico's economy. The proposed transfer of air operations to Roosevelt Roads, would guarantee a capital injection for our economy by ensuring the importance of our Air National Guard as a fundamental support component of the United States Armed Forces that is always ready.

On the other hand, new expansion projects for the air facilities of the Luis Muñoz-Marín International Airport, which are so necessary to increase national and international air traffic to and from Puerto Rico, could be developed within the grounds thereof.

With the proposed transfer, the Government of Puerto Rico would immediately stimulate economic activity within the Roosevelt Roads area; enable the Puerto Rico National Guard to strengthen and diversify its operational capacity; ensure its permanence as well as the continuity of its operations on the Island, and relevance thereof at the national level; open the necessary conditions to halt the deterioration of Roosevelt Roads' installations; open new ways to boost the economic development of Carolina, San Juan, Ceiba, and surrounding municipalities; and create, almost immediately, the

economic conditions necessary to stimulate private investments in such areas.

The financial costs entailed by the proposed transfer would be defrayed with the federal funds appropriated to support the military operations in Puerto Rico and through the sale or lease of the unused lands and installations in the Luis Muñoz-Marín International Airport to aviation companies.

It is worth noting that the transfer of the Air National Guard from the LMMIA would only occupy a portion of the Naval Station Roosevelt Roads in the José Aponte-De la Torre Airport; therefore, the remaining facilities would be available for development without any problems, just as they are now.

For all of the foregoing, this Legislative Assembly requests to the President of the United States and the United States Congress, as well as to the Government of Puerto Rico, to take any and all executive, administrative, and legislative actions as are necessary, including the appropriation of funds, to immediately transfer the operations of the Puerto Rico Air National Guard from its current location at the Muñiz Air National Guard Base in the Luis Muñoz-Marín International Airport (LMMIA) to the José Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba. The Legislative Assembly of Puerto Rico further requests to the Governor of Puerto Rico, as Commander-in-Chief of the Puerto Rico Military Forces, to direct the Puerto Rico National Guard Adjutant General to initiate the process before the National Guard Bureau in Washington DC to authorize the immediate transfer of said operations to the José Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba.

*Be it Resolved by the Legislative Assembly of Puerto Rico:*

Section 1.—To request to the President and the Congress of the United States of America, as well as to the Government of Puerto Rico, to take any and all executive and administrative actions as are necessary, including the appropriation of funds or the allocation of human resources, to immediately transfer the operations of the Puerto Rico Air National Guard from its current location at the Muñiz Air National Guard Base in the Luis Muñoz-Marín International Airport (LMMIA) to the José Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba.

Section 2.—Furthermore, to request, further, to the Governor of Puerto Rico, as Commander-in-Chief of the Puerto Rico Military Forces, to instruct the Puerto Rico National Guard Adjutant General to begin the process before the National Guard Bureau in Washington, DC to make feasible the immediate transfer of said operations to the José Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba.

Section 3.—Furthermore, to request to the Governor of Puerto Rico to instruct the "21st Century Critical Infrastructure Project Interagency Group" created by virtue of Executive Order Number 2017-004, to include in its critical projects agenda the immediate transfer of the operations of the Puerto Rico Air National Guard from its current location at the Muñiz Air National Guard Base in the Luis Muñoz-Marín International Airport to the José Aponte-De la Torre Airport in the grounds of the former Naval Station Roosevelt Roads in Ceiba.

Section 4.—It is hereby directed that a copy of this Joint Resolution, translated into the English language, be delivered to the Resident Commissioner of Puerto Rico in Washington, as well as to all members of the United States Congress, to the United States President, the Governor of Puerto Rico, the

members of the Board created by virtue of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), the Puerto Rico National Guard Adjutant General, the Chief of the National Guard Bureau of the United States Department of Defense, the members of the 21st Century Critical Infrastructure Project Interagency Group created by virtue of Executive Order Number 2017-004, and to the Mayors of Ceiba, Fajardo, Naguabo, Río Grande, Vieques, and Culebra.

Section 5.—This Joint Resolution shall take effect upon its approval.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services.

\*John Henderson, of South Dakota, to be an Assistant Secretary of the Air Force.

\*Michael D. Griffin, of Alabama, to be Under Secretary of Defense for Research and Engineering.

\*William Roper, of Georgia, to be an Assistant Secretary of the Air Force.

\*Phyllis L. Bayer, of Mississippi, to be an Assistant Secretary of the Navy.

\*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. HOEVEN (for himself and Mr. BOOKER):

S. 2329. A bill to reauthorize and amend the Water Infrastructure Finance and Innovation Act of 2014, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself, Mrs. MCCASKILL, Mr. TOOMEY, Mr. MCCAIN, Mr. LEE, Mr. PORTMAN, Mr. JOHNSON, Mr. RUBIO, Mrs. ERNST, Mrs. FISCHER, Mr. SASSE, Mr. CRUZ, and Mr. PAUL):

S. 2330. A bill to prohibit earmarks; to the Committee on Rules and Administration.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 2331. A bill to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel; to the Committee on Commerce, Science, and Transportation.

By Mr. YOUNG (for himself and Mr. DONNELLY):

S. 2332. A bill to establish the Kennedy-King National Historic Site in the State of Indiana, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MERKLEY (for himself, Mr. YOUNG, Mr. KAINE, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. TILLIS, Mr. DURBIN,

Mr. VAN HOLLEN, Mr. MARKEY, Mr. WYDEN, Mr. RUBIO, Ms. WARREN, Mr. BROWN, Mr. COONS, and Ms. SMITH):

S. Res. 376. A resolution urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military; to the Committee on Foreign Relations.

By Ms. WARREN (for herself and Mr. CRUZ):

S. Res. 377. A resolution recognizing the importance of paying tribute to those individuals who have faithfully served and retired from the Armed Forces of the United States, designating April 18, 2018, as "Military Retiree Appreciation Day", and encouraging the people of the United States to honor the past and continued service of military retirees to their local communities and the United States; to the Committee on the Judiciary.

By Ms. BALDWIN:

S. Res. 378. A resolution congratulating the National Treasury Employees Union on its 80th anniversary and commending the dedication to Federal employees of and continued service by the National Treasury Employees Union and the members of the National Treasury Employees Union; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 379. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. MANCHIN (for himself and Mrs. CAPITO):

S. Res. 380. A resolution congratulating the University of Charleston men's soccer team for winning the National Collegiate Athletic Association Division II Men's Soccer Championship at Swope Soccer Village in Kansas City, Missouri; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 58

At the request of Mr. HELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 833

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

S. 918

At the request of Mr. PORTMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 918, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 1106

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor

of S. 1106, a bill to designate the same individual serving as the Chief Nurse Officer of the Public Health Service as the National Nurse for Public Health.

S. 1162

At the request of Ms. WARREN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1162, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 1774

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1873

At the request of Mr. BLUMENTHAL, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1873, a bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2105

At the request of Mr. BOOZMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2250

At the request of Ms. DUCKWORTH, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2250, a bill to ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

S. 2271

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2271, a bill to reauthorize the Museum and Library Services Act.

S. 2286

At the request of Mr. RUBIO, his name was added as a cosponsor of S. 2286, a bill to amend the Peace Corps Act to provide greater protection and services for Peace Corps volunteers, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 376—URGING THE GOVERNMENTS OF BURMA AND BANGLADESH TO ENSURE THE SAFE, DIGNIFIED, VOLUNTARY, AND SUSTAINABLE RETURN OF THE ROHINGYA REFUGEES WHO HAVE BEEN DISPLACED BY THE CAMPAIGN OF ETHNIC CLEANSING CONDUCTED BY THE BURMESE MILITARY

Mr. MERKLEY (for himself, Mr. YOUNG, Mr. KAINE, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. TILLIS, Mr. DURBIN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. WYDEN, Mr. RUBIO, Ms. WARREN, Mr. BROWN, Mr. COONS, and Ms. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 376

Whereas, on August 25, 2017, attacks on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages in Rakhine State;

Whereas more than 650,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local monuments, and reports of widespread gang rape, starvation, killing, and forcible deportation;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas Bangladesh Prime Minister Sheikh Hasina proposed that "safe zones" be created inside Burma to protect all civilians irrespective of religion and ethnicity under United Nations (UN) supervision;

Whereas the United Nations High Commissioner for Refugees (UNHCR)'s mandate is to provide, in collaboration with other actors, international protection to refugees and to assist them in finding durable solutions through voluntary repatriation, local integration, or resettlement;

Whereas the UN General Assembly has repeatedly affirmed UNHCR's function of facilitating the voluntary repatriation of refugees and, in recognition of the importance of sustainable return, has widened its mandate to include providing assistance for their rehabilitation and dealing with the consequences of their return;

Whereas the fundamental operational principles of voluntary repatriation are safety, to include legal and physical safety, and dignity, to include treatment with respect and full acceptance by their national authorities, including the full restoration of refugees' rights;

Whereas, on November 23, 2017, the Government of Burma and the Government of Bangladesh signed an agreement, known as the "Arrangement", on the return of displaced persons from Rakhine State, which is modeled after the 1992 repatriation agreement between Burma and Bangladesh;

Whereas the Arrangement includes references to restoring normalcy and human rights in Rakhine State, for refugee returns to comply with international standards of safety, dignity, and voluntariness, and to commencing a process to address root causes in line with the Rakhine Advisory Commission recommendations;

Whereas approximately 236,000 Rohingya refugees returned to Burma under the terms of the 1992 agreement, only to continue to be denied citizenship, face prejudice, violence, and persecution, and in many instances be forced to live in internally displaced persons (IDP) camps with their freedom of movement restricted;

Whereas Burma's 1982 citizenship law stripped Rohingya of their Burmese citizenship, rendering them stateless;

Whereas the Government of Burma continues to systematically discriminate against the Rohingya people, including by continuing to restrict registration of Rohingya births and to deny them freedom of movement, access to healthcare, land, education, marriage, voting rights, and political participation;

Whereas the Government of Burma has repeatedly abused land use laws to unjustly seize land from Rohingya refugees;

Whereas UNHCR is working closely with the Government of Bangladesh and partners to provide protection and assistance to the Rohingya refugees and to support the host populations affected by the influx;

Whereas the Government of Burma has not reached an agreement with UNHCR on its role in the safe, dignified, and voluntary return of Rakhine State refugees;

Whereas Myanmar Minister of Social Welfare, Relief and Resettlement Dr. Win Myat Aye, on December 28, 2017, announced that the repatriation process will begin on January 22, 2018;

Whereas there is concern that up to 100,000 Rohingya could be at risk of forced return into two "model villages" or supported by 1,200 tents provided by the Government of Burma, without assurances of their safety or details regarding long term solutions to address root causes of Rohingya disenfranchisement;

Whereas "model villages" and similar tactics in Burma dating back to colonial rule have been used to strategically shift population groups and deepen religious and cultural divides;

Whereas on December 12, 2017, Wa Lone and Kyaw Soe Oo, two journalists reporting and documenting atrocities against the Rohingya, were arrested and on January 10, 2018, formally prosecuted with violating the "Official Secrets Act," further risking Burma's democratic transition;

Whereas UNHCR, as of December 17, 2017, reports that conditions in Burma's Rakhine State are not yet conducive to enable safe and sustainable return, as refugees continue to flee Rakhine State into neighboring Bangladesh;

Whereas UNHCR reports that those who arrive have suffered immense violence and trauma in Burma, with some having witnessed the deaths of family members and friends and most having little or nothing to return to, with their homes and villages destroyed; and

Whereas there is concern that deep divisions between communities remain unaddressed and humanitarian access is inadequate: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the violence and displacement inflicted on Burma's Rohingya and other ethnic minorities;

(2) calls for an immediate halt to all hostilities by Burmese authorities;

(3) condemns the attacks by the Arakan Rohingya Salvation Army militant group;

(4) calls on the Government of Burma to allow full access to Rakhine State and ensure the full participation of UNHCR, the internationally endorsed organization tasked with ensuring that refugee returns are voluntary, safe, dignified, and meet international refugee and human rights standards, and that the voices of refugees are represented in order to ensure the sustainability of such returns and to prevent further waves of displacement;

(5) commends the positive role of the Government of Bangladesh in receiving Rohingya refugees to date and urges the Government of Bangladesh to continue allowing the full participation of UNHCR and human rights organization in accessing refugee camps;

(6) calls on UNHCR and international non-governmental organizations to play a role in monitoring repatriation efforts by the Governments of Bangladesh and Burma to ensure a process that meets international norms for voluntary, safe, and dignified repatriation;

(7) calls on the UN to consider the feasibility of Bangladesh's proposal for a "safe zone" or for a peacekeeping mission to protect and defend vulnerable communities under international supervision;

(8) agrees that any return of Rohingya should include guarantees that any returns of refugees will be voluntary and dignified, that there will be no threats to protection or security upon return, that refugees will be able to return to their places of origin or other locations as desired, and be able to enjoy equal rights with others in Burma, including the restoration or granting of full citizenship, freedom of movement, and access to basic services;

(9) recognizes that any forced relocation of Rohingya refugees into temporary settlements, IDP camps, "model villages," or other areas not of refugees' choosing is unacceptable;

(10) calls on the Government of Burma to allow for a flexible and practical approach to dealing with evidence of Rohingya residence in Burma, recognizing that the Rohingya refugees in Bangladesh possess a wide range of documents and that some refugees have no documents and will need to establish their residence by other means;

(11) calls on the Government of Burma to address root causes consistent with the Rakhine Advisory Commission recommendations and fully implement all of the recommendations of the Commission, including providing equal access to full restoration or granting of full citizenship for the Rohingya population;

(12) calls on the Government of Burma to acknowledge and address the issue of statelessness for the Rohingya, the deprivation of rights, and institutionalized and pervasive discrimination of the Rohingya population in order to bring about any sustainable solutions;

(13) commends the Government and the people of Bangladesh for their extraordinary generosity and efforts to provide shelter and relief for nearly 1,000,000 Rohingya refugees forced to flee their homes in Burma;

(14) calls on the Government of Bangladesh to ensure all refugees have freedom of movement and under no circumstances are subject to unsafe, involuntary, precipitous, or uninformed returns to Burma; and

(15) calls on the Government of Burma to immediately release journalists Wa Lone and Kyaw Soe Oo.

**SENATE RESOLUTION 377—RECOGNIZING THE IMPORTANCE OF PAYING TRIBUTE TO THOSE INDIVIDUALS WHO HAVE FAITHFULLY SERVED AND RETIRED FROM THE ARMED FORCES OF THE UNITED STATES, DESIGNATING APRIL 18, 2018, AS "MILITARY RETIREE APPRECIATION DAY", AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO HONOR THE PAST AND CONTINUED SERVICE OF MILITARY RETIREES TO THEIR LOCAL COMMUNITIES AND THE UNITED STATES**

Ms. WARREN (for herself and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 377

Whereas there are approximately 2,000,000 retirees of the Armed Forces of the United States who have earned their retirement through career service, a service-connected disability, or both;

Whereas military retirees show an unrivaled dedication to service, having faithfully served their country and dedicated much of their lives knowing that at any moment they could be sent anywhere in the world and possibly asked to make the ultimate sacrifice to protect and defend the national security of the United States;

Whereas military retirees, through their perseverance and dedication—

(1) have proven to be leaders who are resilient, focused, disciplined, well-trained, and well-educated; and

(2) bring the best qualities of citizenship in the United States to lifelong service within their national and local communities as dependable, responsible citizens and neighbors;

Whereas the qualities of a military retiree often result in positive contributions to—

(1) the civilian workforce, as experienced and knowledgeable employees;

(2) local educational institutions, as teachers, counselors, and coaches;

(3) local government, as elected public servants; and

(4) communities, as dedicated and effective volunteers;

Whereas the dedication and focus of military retirees helps strengthen and stabilize local communities; and

Whereas the contributions of military retirees to their communities are the manifestation of the desire of the retirees to continue their selfless acts of volunteering and their lifelong service to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 18, 2018, as "Military Retiree Appreciation Day"; and

(2) encourages the people of the United States to honor the past and continued service of military retirees to their local communities and the United States through appropriate ceremonies and other activities.

SENATE RESOLUTION 378—CONGRATULATING THE NATIONAL TREASURY EMPLOYEES UNION ON ITS 80TH ANNIVERSARY AND COMMENDING THE DEDICATION TO FEDERAL EMPLOYEES OF AND CONTINUED SERVICE BY THE NATIONAL TREASURY EMPLOYEES UNION AND THE MEMBERS OF THE NATIONAL TREASURY EMPLOYEES UNION

Ms. BALDWIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 378

Whereas, in 1938, a group of employees in Wisconsin banded together to eliminate political influence in the jobs of those employees as revenue collectors, marking the beginning of the National Treasury Employees Union (referred to in this preamble as the "NTEU");

Whereas that group persisted for 14 years and finally won civil service protections, leading to the establishment of the professional workforce at the Internal Revenue Service that exists today;

Whereas, in 1972, the NTEU signed the first negotiated bargaining agreement of the NTEU, which developed a shared set of responsibilities for managers and bargaining unit employees that were designed to improve the workforce and achieve the mission of the Internal Revenue Service;

Whereas, since that initial agreement, the NTEU has promoted new and innovative workplace policies that benefit Federal employees and agencies, such as alternative work schedules and telework policies;

Whereas the NTEU—

(1) serves as a powerful voice for the members of the NTEU and for Federal employees in general;

(2) has successfully sought to promote and defend Federal service as a noble calling involving a variety of challenging and rewarding professions; and

(3) has fought tirelessly to ensure that Federal employees are free from discrimination, politicization, and retaliation for disclosing Government waste, fraud, and abuse;

Whereas the work of the NTEU and the knowledge and skills of the highly trained individuals represented by the NTEU who work for the Federal Government contribute significantly to the greatness and prosperity of the United States;

Whereas the NTEU has grown to represent more than 150,000 employees from 32 different Government agencies, and the members of the NTEU—

(1) collect the money to fund the Government;

(2) help protect the borders of the United States;

(3) ensure that individuals in the United States have clean air and water;

(4) regulate financial services companies; and

(5) make sure that the manner in which the airways are used is in the public interest;

Whereas the mission of the NTEU, to help create workplaces in which every Federal employee is treated with dignity and respect, has been met by the efforts of the NTEU to—

(1) advocate for fair pay and benefits;

(2) negotiate for work-life balance initiatives; and

(3) ensure a merit-based, nonpartisan civil service;

Whereas, whether advocating on Capitol Hill, at the bargaining table, or in workplaces across the United States, the NTEU continues to make history through its accomplishments; and

Whereas, in 2018, the NTEU is celebrating its 80th anniversary: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the National Treasury Employees Union on its 80th anniversary; and

(2) commends—

(A) the work of the National Treasury Employees Union; and

(B) the members of the National Treasury Employees Union for their outstanding contributions to the United States.

SENATE RESOLUTION 379—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 379

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into the purchase and shipment of illicit opioids into and throughout the United States;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

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 can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion 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 the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal or state governments, records of the Subcommittee's investigation into the purchase and shipment of illicit opioids into and throughout the United States.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution on documentary production by the Permanent Subcommittee on Investigations, and ask for its immediate consideration.

Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs recently conducted an investigation into the purchase and shipment of illicit opioids into and throughout the United States. The Subcommittee has now received a request from the Department of Homeland Security seeking access to records that the Subcommittee obtained during the investigation.

In keeping with the Senate's practice under its rules, this resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and requests from other Federal or State government entities and officials with a legitimate need for the records.

SENATE RESOLUTION 380—CONGRATULATING THE UNIVERSITY OF CHARLESTON MEN'S SOCCER TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II MEN'S SOCCER CHAMPIONSHIP AT SWOPE SOCCER VILLAGE IN KANSAS CITY, MISSOURI

Mr. MANCHIN (for himself and Mrs. CAPITO) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas, on December 2, 2017, the University of Charleston Golden Eagles won the National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Division II Men's Soccer Championship at Swope Soccer Village in Kansas City, Missouri, which was the first national championship in the history of the University of Charleston;

Whereas the University of Charleston men's soccer team finished their historic season with a record of 21 wins, 1 loss, and 2 ties by securing a victory over the Lynn University Fighting Knights in the national championship;

Whereas the University of Charleston men's soccer team has become a symbol of pride and success to the University of Charleston and the surrounding communities in West Virginia;

Whereas the University of Charleston men's soccer team did not allow a goal in 5 games throughout the NCAA Division II Men's Soccer championship tournament, becoming just the second team to shutout every opponent in tournament history;

Whereas the Golden Eagles held their opponents scoreless in 19 of 24 matches in 2017, with All-American goalkeeper Paulo Pita registering 16 shutouts, the best in NCAA Division II Men's Soccer championship tournament history;

Whereas Paulo Pita was recognized as the 2017-2018 NCAA Division II statistical champion for Goals Against Average;

Whereas the University of Charleston Golden Eagles earned the 2017-2018 Division II men's soccer statistical championship title for Goals Against Average and Shutout Percentage;

Whereas the University of Charleston Golden Eagles won the championship in the first season with Dan Stratford as head coach;

Whereas this championship follows 3 seasons with Dan Stratford as an assistant coach, in which the Golden Eagles reached 3 consecutive NCAA Division II Men's Soccer Final Four tournaments and appeared in 2 National Championship games;

Whereas Thomas Vancaeyezeele became just the second athlete in the history of the Golden Eagles to be named National Player of the Year after leading the University of Charleston men's soccer team to the national championship, anchoring a defense that allowed just 8 goals in the 2017 season and trailed just twice in 24 matches;

Whereas the University of Charleston men's soccer team started the 2017 season with 15 consecutive wins, cruising to their fourth straight Mountain East Conference regular season title and fourth straight NCAA Division II Men's Soccer Atlantic Region title, losing just one match all season;

Whereas Paulo Pita, Thomas Vancaeyezeele, Patrick Guier, Will Roberts, Kieran Bywater, and Armando Tikvic were all named as All-American players;

Whereas the coaching staff of the University of Charleston men's soccer team was named the United Soccer Coaches National Staff of the Year for NCAA Division II Men's Soccer; and

Whereas the University of Charleston men's soccer team should be praised for the historic season of both athletic and academic accomplishments: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Charleston men's soccer team for winning the National Collegiate Athletic Association Division II Men's Soccer Championship;

(2) recognizes the athletic program at the University of Charleston for its achievement in both sports and academics; and

(3) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the University of Charleston for appropriate display;



(B) the President of the University of Charleston; and

(C) the head coach of the University of Charleston men's soccer team.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. INHOFE. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 9:30 a.m., to conduct a closed hearing on Nuclear Posture Review and pending nominations.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 10 a.m., to conduct a hearing on the following nominations: Jelena McWilliams, of Ohio, to be Chairperson of the Board of Directors, and to be a Member of the Board of Directors, Federal Deposit Insurance Corporation, Marvin Goodfriend, of Pennsylvania, to be a Member of the Board of Governors of the Federal Reserve System, and Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 10 a.m. to conduct a hearing entitled "Examine the performance of the electric power system in the Northeast and mid-Atlantic during recent winter weather events, including the bomb cyclone."

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

The Committee on Health, Education, Labor, and Pension is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 10 a.m., to conduct a hearing entitled "Facing 21st Century Public Health Threats: Our Nation's Preparedness and Response Capabilities, Part 2."

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, January 23, 2018 at 2:30 p.m., to conduct a closed hearing.

##### SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 3:30 p.m. to conduct a closed hearing.

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY AND SECURITY

The Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, January 23, 2018, at 2:30 p.m., to conduct a hearing.

#### PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Steven Davies, a Coast Guard fellow, and Paul Bankston, a military fellow in the office of Senator THAD COCHRAN, be granted floor privileges for the remainder of the year.

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

Mr. DAINES. Mr. President, I ask unanimous consent that Maj. Patrick J. Heiny, a Marine Corps Fellow in Senator CORNYN's office, be granted floor privileges for the remainder of the 115th Congress.

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

#### REVISING THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS IN DELAWARE

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 214, S. 1395.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1395) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware.

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

Mr. DAINES. I further ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 1395) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map subtitled "Delaware Seashore Unit DE-07P, North Bethany Beach Unit H01" and dated December 6, 2013, that is included in the set of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) and relating to certain John H. Chafee Coastal Barrier Resources System units in the State of Delaware, is replaced by the map entitled "Delaware Seashore Unit DE-07/DE-07P, North

Bethany Beach Unit H01" and dated March 18, 2016.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

#### AMY, VICKY, AND ANDY CHILD PORNOGRAPHY VICTIM ASSISTANCE ACT OF 2017

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 293, S. 2152.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2152) to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe and often irreparable child sexual abuse and exploitation.

(2) The harms caused by child pornography begin, but do not end, with child sex abuse because child pornography is a permanent record of that abuse and trafficking in those images compounds the harm to the child.

(3) In *Paroline v. United States* (2014), the Supreme Court recognized that "every viewing of child pornography is a repetition of the victim's abuse".

(4) The American Professional Society on the Abuse of Children has stated that for victims of child pornography, "the sexual abuse of the child, the memorialization of that abuse which becomes child pornography, and its subsequent distribution and viewing become psychologically intertwined and each compound the harm suffered by the child-victim".

(5) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(6) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim's childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim. Multiple actors independently commit intentional crimes that combine to produce an indivisible injury to a victim.

(7) It is the intent of Congress that victims of child pornography be fully compensated for all the harms resulting from every perpetrator who contributes to their anguish.

Such an aggregate causation standard reflects the nature of child pornography and the unique ways that it actually harms victims.

### SEC. 3. DETERMINING RESTITUTION.

(a) DETERMINING RESTITUTION.—Section 2259(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The order” and inserting “Except as provided in paragraph (2), the order”; and

(B) by striking “as determined by the court pursuant to paragraph (2)” after “of the victim’s losses”;

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

“(2) **RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.**—If the defendant was convicted for trafficking in child pornography, the order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) an amount of restitution determined by the court as follows:

“(A) **DETERMINING THE FULL AMOUNT OF A VICTIM’S LOSSES.**—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography.

“(B) **DETERMINING A RESTITUTION AMOUNT.**—After completing the determination required under subparagraph (A), the court shall enter an order of restitution against the defendant in favor of the victim in an amount which is [not less than \$3000 and not greater than 1 percent of the full amount of the victim’s losses when the full amount of a victim’s losses are greater than \$300,000.] *between \$3,000 and 1 percent of the full amount of the victim’s losses.*

“(C) **TERMINATION OF PAYMENT.**—A victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses. After the victim has received restitution in the full amount of the victim’s losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may direct the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.”.

(b) **ADDITIONAL DEFINITIONS.**—Section 2259(c) of title 18, United States Code, is amended—

(1) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(2) by striking “For purposes” and inserting the following:

“(4) **VICTIM.**—For purposes”;

(3) by striking “under this chapter, including, in the case” and inserting “under this chapter. In the case”;

(4) by inserting after “or any other person appointed as suitable by the court,” the following: “may assume the crime victim’s rights under this section,”; and

(5) by inserting before paragraph (4), as so designated, the following:

“(1) **CHILD PORNOGRAPHY PRODUCTION.**—For purposes of this section and section 2259A, the term ‘child pornography production’ means conduct proscribed by [section 2251, section 2251A] *subsections (a) through (c) of section 2251, section 2252A(g)* [if at least one of the offenses listed in this section is charged as part of a series of offenses] *(in cases in which the series of felony violations involves at*

*least 1 of the violations listed in this section), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography, as defined in section 2256.*

“(2) **FULL AMOUNT OF THE VICTIM’S LOSSES.**—For purposes of this section, the term ‘full amount of the victim’s losses’ includes any costs incurred, or reasonably projected to be incurred in the future, by the victim, and in the case of a trafficking in child pornography conviction, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) necessary transportation, temporary housing, and child care expenses;

“(D) lost income;

“(E) attorneys’ fees, as well as other costs incurred; and

“(F) any other relevant losses incurred by the victim.

“(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means conduct proscribed by section 2251(d), 2251A, 2252, 2252A, section 2252A(g) [if at least one of the offenses listed in this section is charged as part of a series of offenses] *(in cases in which the series of felony violations exclusively involves violations listed in this section), or section 2260(b) D].*.”

(c) **CLERICAL AMENDMENT.**—Section 1593(b)(3) of title 18, United States Code, is amended by striking “section 2259(b)(3)” and inserting “section 2259(c)(2)”.

### SEC. 4. DEFINED MONETARY ASSISTANCE.

Section 2259 of title 18, United States Code, is amended by adding at the end the following:

“(d) **DEFINED MONETARY ASSISTANCE.**—

“(1) **DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM’S ELECTION.**—

“(A) **ELECTION TO RECEIVE DEFINED MONETARY ASSISTANCE.**—Subject to paragraphs (2) and (3), if the defendant was convicted of child pornography production, the victim of child pornography production may choose to receive defined monetary assistance from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(B) **FINDING.**—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of child pornography production.

“(C) **ORDER.**—If a court determines that a claimant is a victim of child pornography production under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(D) **AMOUNT OF DEFINED MONETARY ASSISTANCE.**—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

“(i) for the first calendar year after the date of enactment of this subsection, \$35,000; and

“(ii) for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

“(I) the Consumer Price Index for all Urban Consumer (CPI-U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

“(II) the CPI-U for the calendar year 2 years before the calendar year described in clause (i).

“(2) **LIMITATIONS ON DEFINED MONETARY ASSISTANCE.**—

“(A) **IN GENERAL.**—A victim may only obtain defined monetary assistance under this subsection once.

“(B) **EFFECT ON RECOVERY OF OTHER RESTITUTION.**—A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

“(C) **DEDUCTION.**—If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim’s losses.

“(3) **LIMITATIONS ON ELIGIBILITY.**—A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

“(4) **GUARDIAN AD LITEM.**—

“(A) **IN GENERAL.**—In all cases alleging child pornography production, the court shall appoint a guardian ad litem, who shall be an attorney, for each identified victim of the child pornography production, pursuant to section 3509(h).

“(B) **FEES.**—A guardian ad litem appointed pursuant to this subsection may not charge, receive, or collect, without court approval for good cause shown, any fees or payment of expenses that in the aggregate exceed 10 percent of any defined monetary assistance payment made under this subsection.

“(C) **PENALTY.**—Any guardian ad litem who violates subparagraph (B) shall be fined under this title, imprisoned for not more than one year, or both.”.

### SEC. 5. ASSESSMENTS IN CHILD PORNOGRAPHY CASES.

(a) **ASSESSMENTS IN CHILD PORNOGRAPHY CASES.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259 the following:

“§ 2259A. **Assessments in child pornography cases**

“(a) **IN GENERAL.**—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

“(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

“(2) not more than \$35,000 on any person convicted of any other offense for trafficking in child pornography; and

“(3) not more than \$50,000 on any person convicted of a child pornography production offense.

“(b) **ANNUAL ADJUSTMENT.**—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

“(c) **FACTORS CONSIDERED.**—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572.

“(d) **IMPOSITION AND IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant.

“(2) **EFFECT ON OTHER PENALTIES.**—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall

be disbursed so that each of the following obligations is paid in full in the following sequence:

“(A) A special assessment under section 3013.

“(B) Restitution to victims of any child pornography production offense that the defendant committed.

“(C) An assessment under this section and restitution to victims of any trafficking in child pornography offenses.

“(D) Other orders under any other section of this title.

“(E) All other fines, penalties, costs, and other payments required under the sentence.”.

(b) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended by adding at the end the following:

“(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

“(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.”.

(c) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259A, as added by subsection (a), the following:

**“§ 2259B. Child pornography victims reserve**

“(a) **DEPOSITS INTO THE RESERVE.**—Notwithstanding any other provision of law, there shall be deposited into the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 all assessments collected under section 2259A and any gifts, bequests, or donations to the Child Pornography Victims Reserve from private entities or individuals.

“(b) **AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.**—Amounts in the Child Pornography Victims Reserve shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the Child Pornography Victims Reserve has insufficient funds to make all of the payments ordered under section 2259(d), the Child Pornography Victims Reserve shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the Child Pornography Victims Reserve shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

“(c) **ADMINISTRATION.**—The Attorney General shall administer the Child Pornography Victims Reserve and shall issue guidelines and regulations to implement this section.

“(d) **SENSE OF CONGRESS.**—It is the sense of Congress that individuals who violate this chapter before this legislation is enacted, but who are sentenced after this legislation is enacted, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.”.

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2259 the following:

“2259A. Assessments in child pornography cases.

“2259B. Child pornography victims reserve.”.

**SEC. 6. CHILD PORNOGRAPHY VICTIM'S RIGHT TO EVIDENCE.**

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

“(3)(A) In any criminal proceeding, a victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), shall have access to any property or material that constitutes child pornography, as defined by section 2256, depicting the victim, for inspection, viewing, and examination at a Government facility, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.

“(B) A victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony may not copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography, as defined by section 2256 of this title, so long as the Government makes the property or material reasonably available to the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.”.

**SEC. 7. CLERICAL AMENDMENTS.**

(a) **EXPANSION OF CIVIL REMEDIES FOR SATISFACTION OF AN UNPAID FINE.**—Section 3613(c) of title 18, United States Code, is amended by inserting “an assessment imposed pursuant to section 2259A of this title,” after “pursuant to the provisions of subchapter C of chapter 227 of this title.”.

(b) **CLARIFICATION OF INTERSTATE OR FOREIGN COMMERCE PROVISION REGARDING CERTAIN ACTIVITIES PERTAINING TO CHILD PORNOGRAPHY.**—Section 2252A (a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”; and

(2) in subparagraph (B)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”.

(c) **CLARIFICATION OF THE DEFINITION OF “SEXUALLY EXPLICIT CONDUCT.”**—Section 2256(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)(v)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”; and

(2) in subparagraph (B)(iii)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”.

(d) **CLARIFICATION OF THE EXTENT OF THE OFFENSE OF COERCION AND ENTICEMENT OF A MINOR.**—Section 3559(e)(2)(A) of title 18, United States Code, is amended by striking “into prostitution”.

**SEC. 8. REPORT ON IMPLEMENTATION.**

Not later than 24 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the progress of the Department of Justice in implementing the amendments made by sections 3 through 5.

Mr. DAINES. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to; that the bill, as amended, be considered read a third time and passed; and

that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were agreed to.

The bill (S. 2152), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2152

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe and often irreparable child sexual abuse and exploitation.

(2) The harms caused by child pornography begin, but do not end, with child sex abuse because child pornography is a permanent record of that abuse and trafficking in those images compounds the harm to the child.

(3) In *Paroline v. United States* (2014), the Supreme Court recognized that “every viewing of child pornography is a repetition of the victim’s abuse”.

(4) The American Professional Society on the Abuse of Children has stated that for victims of child pornography, “the sexual abuse of the child, the memorialization of that abuse which becomes child pornography, and its subsequent distribution and viewing become psychologically intertwined and each compound the harm suffered by the child-victim”.

(5) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(6) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim’s childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim. Multiple actors independently commit intentional crimes that combine to produce an indivisible injury to a victim.

(7) It is the intent of Congress that victims of child pornography be fully compensated for all the harms resulting from every perpetrator who contributes to their anguish. Such an aggregate causation standard reflects the nature of child pornography and the unique ways that it actually harms victims.

**SEC. 3. DETERMINING RESTITUTION.**

(a) **DETERMINING RESTITUTION.**—Section 2259(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The order” and inserting “Except as provided in paragraph (2), the order”; and

(B) by striking “as determined by the court pursuant to paragraph (2)” after “of the victim’s losses”; and

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

“(2) **RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.**—If the defendant was convicted for trafficking in child pornography, the order of restitution under this section



shall direct the defendant to pay the victim (through the appropriate court mechanism) an amount of restitution determined by the court as follows:

“(A) DETERMINING THE FULL AMOUNT OF A VICTIM’S LOSSES.—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography.

“(B) DETERMINING A RESTITUTION AMOUNT.—After completing the determination required under subparagraph (A), the court shall enter an order of restitution against the defendant in favor of the victim in an amount which is between \$3,000 and 1 percent of the full amount of the victim’s losses.

“(C) TERMINATION OF PAYMENT.—A victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses. After the victim has received restitution in the full amount of the victim’s losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may direct the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.”.

(b) ADDITIONAL DEFINITIONS.—Section 2259(c) of title 18, United States Code, is amended—

(1) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(2) by striking “For purposes” and inserting the following:

“(4) VICTIM.—For purposes”;

(3) by striking “under this chapter, including, in the case” and inserting “under this chapter. In the case”;

(4) by inserting after “or any other person appointed as suitable by the court,” the following: “may assume the crime victim’s rights under this section.”; and

(5) by inserting before paragraph (4), as so designated, the following:

“(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term ‘child pornography production’ means conduct proscribed by subsections (a) through (c) of section 2251, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this section), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography, as defined in section 2256.

“(2) FULL AMOUNT OF THE VICTIM’S LOSSES.—For purposes of this section, the term ‘full amount of the victim’s losses’ includes any costs incurred, or reasonably projected to be incurred in the future, by the victim, and in the case of a trafficking in child pornography conviction, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) necessary transportation, temporary housing, and child care expenses;

“(D) lost income;

“(E) attorneys’ fees, as well as other costs incurred; and

“(F) any other relevant losses incurred by the victim.

“(3) TRAFFICKING IN CHILD PORNOGRAPHY.—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means conduct proscribed by section 2251(d), 2251A, 2252, 2252A, section 2252A(g) (in cases in which the series of felony violations

exclusively involves violations listed in this section), or section 2260(b).”.

(c) CLERICAL AMENDMENT.—Section 1593(b)(3) of title 18, United States Code, is amended by striking “section 2259(b)(3)” and inserting “section 2259(c)(2)”.

#### SEC. 4. DEFINED MONETARY ASSISTANCE.

Section 2259 of title 18, United States Code, is amended by adding at the end the following:

“(d) DEFINED MONETARY ASSISTANCE.—

“(1) DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM’S ELECTION.—

“(A) ELECTION TO RECEIVE DEFINED MONETARY ASSISTANCE.—Subject to paragraphs (2) and (3), if the defendant was convicted of child pornography production, the victim of child pornography production may choose to receive defined monetary assistance from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(B) FINDING.—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of child pornography production.

“(C) ORDER.—If a court determines that a claimant is a victim of child pornography production under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(D) AMOUNT OF DEFINED MONETARY ASSISTANCE.—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

“(i) for the first calendar year after the date of enactment of this subsection, \$35,000; and

“(ii) for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

“(I) the Consumer Price Index for all Urban Consumer (CPI-U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

“(II) the CPI-U for the calendar year 2 years before the calendar year described in clause (i).

“(2) LIMITATIONS ON DEFINED MONETARY ASSISTANCE.—

“(A) IN GENERAL.—A victim may only obtain defined monetary assistance under this subsection once.

“(B) EFFECT ON RECOVERY OF OTHER RESTITUTION.—A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

“(C) DEDUCTION.—If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim’s losses.

“(3) LIMITATIONS ON ELIGIBILITY.—A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

“(4) GUARDIAN AD LITEM.—

“(A) IN GENERAL.—In all cases alleging child pornography production, the court shall appoint a guardian ad litem, who shall be an attorney, for each identified victim of the child pornography production, pursuant to section 3509(h).

“(B) FEES.—A guardian ad litem appointed pursuant to this subsection may not charge,

receive, or collect, without court approval for good cause shown, any fees or payment of expenses that in the aggregate exceed 10 percent of any defined monetary assistance payment made under this subsection.

“(C) PENALTY.—Any guardian ad litem who violates subparagraph (B) shall be fined under this title, imprisoned for not more than one year, or both.”.

#### SEC. 5. ASSESSMENTS IN CHILD PORNOGRAPHY CASES.

(a) ASSESSMENTS IN CHILD PORNOGRAPHY CASES.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259 the following:

##### “§ 2259A. Assessments in child pornography cases

“(a) IN GENERAL.—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

“(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

“(2) not more than \$35,000 on any person convicted of any other offense for trafficking in child pornography; and

“(3) not more than \$50,000 on any person convicted of a child pornography production offense.

“(b) ANNUAL ADJUSTMENT.—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

“(c) FACTORS CONSIDERED.—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572.

“(d) IMPOSITION AND IMPLEMENTATION.—

“(1) IN GENERAL.—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant.

“(2) EFFECT ON OTHER PENALTIES.—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

“(A) A special assessment under section 3013.

“(B) Restitution to victims of any child pornography production offense that the defendant committed.

“(C) An assessment under this section and restitution to victims of any trafficking in child pornography offenses.

“(D) Other orders under any other section of this title.

“(E) All other fines, penalties, costs, and other payments required under the sentence.”.

(b) CHILD PORNOGRAPHY VICTIMS RESERVE.—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended by adding at the end the following:

“(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

“(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such

amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.”.

(c) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259A, as added by subsection (a), the following:

**“§ 2259B. Child pornography victims reserve**

“(a) **DEPOSITS INTO THE RESERVE.**—Notwithstanding any other provision of law, there shall be deposited into the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 all assessments collected under section 2259A and any gifts, bequests, or donations to the Child Pornography Victims Reserve from private entities or individuals.

“(b) **AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.**—Amounts in the Child Pornography Victims Reserve shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the Child Pornography Victims Reserve has insufficient funds to make all of the payments ordered under section 2259(d), the Child Pornography Victims Reserve shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the Child Pornography Victims Reserve shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

“(c) **ADMINISTRATION.**—The Attorney General shall administer the Child Pornography Victims Reserve and shall issue guidelines and regulations to implement this section.

“(d) **SENSE OF CONGRESS.**—It is the sense of Congress that individuals who violate this chapter before this legislation is enacted, but who are sentenced after this legislation is enacted, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.”.

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2259 the following:

“2259A. Assessments in child pornography cases.

“2259B. Child pornography victims reserve.”.

**SEC. 6. CHILD PORNOGRAPHY VICTIM'S RIGHT TO EVIDENCE.**

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

“(3)(A) In any criminal proceeding, a victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), shall have access to any property or material that constitutes child pornography, as defined by section 2256, depicting the victim, for inspection, viewing, and examination at a Government facility, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.

“(B) A victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony may not copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography, as defined by section 2256 of this title, so long as the Government makes the property or material reasonably available to the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.”.

**SEC. 7. CLERICAL AMENDMENTS.**

(a) **EXPANSION OF CIVIL REMEDIES FOR SATISFACTION OF AN UNPAID FINE.**—Section 3613(c) of title 18, United States Code, is

amended by inserting “an assessment imposed pursuant to section 2259A of this title,” after “pursuant to the provisions of subchapter C of chapter 227 of this title,”.

(b) **CLARIFICATION OF INTERSTATE OR FOREIGN COMMERCE PROVISION REGARDING CERTAIN ACTIVITIES PERTAINING TO CHILD PORNOGRAPHY.**—Section 2252A (a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”; and

(2) in subparagraph (B)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”.

(c) **CLARIFICATION OF THE DEFINITION OF “SEXUALLY EXPLICIT CONDUCT”.**—Section 2256(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)(v)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”; and

(2) in subparagraph (B)(iii)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”.

(d) **CLARIFICATION OF THE EXTENT OF THE OFFENSE OF COERCION AND ENTICEMENT OF A MINOR.**—Section 3559(e)(2)(A) of title 18, United States Code, is amended by striking “into prostitution”.

**SEC. 8. REPORT ON IMPLEMENTATION.**

Not later than 24 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the progress of the Department of Justice in implementing the amendments made by sections 3 through 5.

**AUTHORIZING PRODUCTION OF RECORDS**

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 379, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 379) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

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

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

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

**CONGRATULATING THE UNIVERSITY OF CHARLESTON MEN'S SOCCER TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II MEN'S SOCCER CHAMPIONSHIP**

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 380, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 380) congratulating the University of Charleston men's soccer team for winning the National Collegiate Athletic Association Division II Men's Soccer Championship at Swope Soccer Village in Kansas City, Missouri.

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

Mr. DAINES. 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. 380) was agreed to.

The preamble was agreed to.

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

**ORDERS FOR WEDNESDAY, JANUARY 24, 2018**

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, January 24; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Azar nomination.

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

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

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

There being no objection, the Senate, at 6:38 p.m., adjourned until Wednesday, January 24, 2018, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**THE JUDICIARY**

J. CAMPBELL BARKER, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE LEONARD E. DAVIS, RETIRED.

JEREMY D. KERNODLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE MICHAEL H. SCHNEIDER, SR., RETIRED.

MICHAEL J. TRUNCALE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE RONALD H. CLARK, RETIRING.

WENDY VITTER, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE HELEN G. BERRIGAN, RETIRED.

## CONFIRMATION

Executive nomination confirmed by  
the Senate January 23, 2018:

## FEDERAL RESERVE SYSTEM

JEROME H. POWELL, OF MARYLAND, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.