

of the Affordable Care Act that ought to be preserved.

If there is to be a good faith conversation about how to improve upon the Affordable Care Act, we are all ears. I can guarantee you that there are 48 of us who want to have that conversation, but do not put the whole country into this box canyon. Excuse me for mixing my metaphors. Do not take the whole country off this cliff because it is going to be very, very difficult for us to make good policy after that.

With that, I yield the floor to the senior Senator from Massachusetts.

Mr. MARKEY. Thank you. I yield to Senator DAINES.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Montana.

Mr. DAINES. Mr. President, I ask unanimous consent that it be in order to call up the Flake amendment No. 52, and that at 2:30 p.m. tomorrow, the Senate vote in relation to Flake amendment; further, that following the disposition of the Flake amendment, there be 2 minutes of debate, equally divided in the usual form, prior to the vote in relation to the Sanders amendment No. 19.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

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

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

#### ANNIVERSARY OF DECEMBER/JANUARY FLOODING

Mr. DURBIN. Mr. President, I come to reflect on the 1-year anniversary of rain and winter storms that swept across the State of Illinois, causing widespread flooding and devastation.

In the midst of the holidays, heavy rainfall of over 7 inches a day in some areas caused water levels on rivers in Illinois to reach record, or near record, heights. The Mississippi River at Thebes reached its highest crest level on record at 47.7 feet.

Flooding forced many communities to evacuate their homes for their own safety. Damages to property in these Illinois communities totaled more than \$15 million.

Sadly, these storms were so severe that flooded roadways tragically claimed the lives of 10 people whose vehicles were swept away by flooding.

Alexander and Randolph counties were two areas most impacted by this flood. I went to visit two towns in these areas—Olive Branch, IL, and Evansville, IL—and I saw miles of flood damage to agricultural lands, homes, and businesses. What I saw was heart-breaking.

I spoke with residents who were concerned about being able to recover

from the flood and resulting damages and who were concerned about what could happen if levees overtop and breach again in the future.

People like Bruce Ford, from Olive Branch, IL, worked day and night to clean out debris and move equipment back into their businesses, but he worried about how long he would be out of business and whether or not he would be able to rebuild in the event of another disaster. And he is not alone—many residents in these communities worry that they will not have the means to fix properties and businesses all over again.

The Governor declared 23 counties State disaster areas, and State and local emergency responders were dispatched to affected areas. I supported his request for a Federal disaster declaration for 21 counties in the State.

The State disaster declaration allowed people in affected communities whose homes and businesses were damaged to start repairs and receive the help they needed.

And I want to say thanks for the hard work and dedication of James Joseph, head of the Illinois Emergency Management Agency; he was there when his constituents and communities needed him the most.

The State provided over 997,000 sandbags, over 4,000 tons of sand, and 117 Illinois Department of Transportation trucks for flood mitigation and response efforts.

The Small Business Administration also made loans available to homeowners and businesses in Christian, Iroquois, Ford, Kankakee, Macon, Montgomery, Sangamon, Shelby, and Vermilion Counties.

I want to acknowledge the dedication of the State and Federal employees who pitched in at every level, from the Federal Emergency Management Agency and the Army Corps of Engineers to the Illinois Emergency Management Agency.

Finally, I can't overstate how proud I am of the volunteers, National Guard members, and local law enforcement agencies who came forward to keep our communities safe. Before flooding began, local law enforcement and emergency responders went door-to-door to advise residents to evacuate and move to higher ground, saving the lives of many who heeded the call and sought out shelter with family and friends before the flooding began.

There is still work to be done, but the people who live and work in the damaged communities have made incredible progress rebuilding. Thousands of volunteers have helped with the cleanup. People from all over the State pitched in to help their neighbors and even strangers get back on their feet. Hearing these kinds of stories make me proud to be from Illinois.

Our thoughts remain with the many people who lost their loved ones, their homes, and other property last year.

I want to thank everyone who has been engaged in the rescue and clean-up.

We are rebuilding—as Illinoisans always do—and we will be stronger for it.

#### SECRETARY OF STATE KERRY'S SPEECH ON A TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

Mr. LEAHY. Mr. President, last week the junior Senator from Texas spoke about Secretary of State Kerry's recent speech explaining the administration's decision to not veto U.N. Security Council Resolution 2334 and supporting a two-state solution to the conflict between Israel and the Palestinians. The Senator asserted that Secretary Kerry "equated" Israel and Hamas, that President Obama and Secretary Kerry are "relentless enemies of Israel" who "consider the existence and creation of Israel to be a disaster." He said their actions toward Israel were intended to "facilitate assaults on the nation of Israel." He also accused them of "turning a blind eye" to terrorism.

Anyone who reads Secretary Kerry's speech will recognize the fallacy of those baseless and inflammatory accusations. To the contrary, Secretary Kerry eloquently and compellingly and with a foreboding sense of urgency about the receding prospects for a two-state solution reaffirmed the administration's condemnation of terrorism and incitement, its unprecedented support for Israel's security, and his own longstanding commitment to Israel's survival as a democratic state, living in peace with its Arab neighbors.

I urge all Senators to read his speech and to arrive at their own conclusions. The situation the Secretary describes should be alarming to anyone who wants peace and security for Israel and a viable, independent state for the Palestinian people, which are of vital importance to the national interests of the United States. While the Secretary's speech is too long to be printed in the RECORD in full, I ask unanimous consent that the first half of his remarks be printed in the RECORD.

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

REMARKS OF JOHN KERRY, SECRETARY OF STATE, THE DEAN ACHESON AUDITORIUM, WASHINGTON, DC, DECEMBER 28, 2016

Thank you very much. For those of you who celebrated Christmas. I hope you had a wonderful Christmas. Happy Chanukah. And to everybody here. I know it's the middle of a holiday week. I understand. But I wish you all a very, very productive and Happy New Year.

Today, I want to share candid thoughts about an issue which for decades has animated the foreign policy dialogue here and around the world—the Israeli-Palestinian conflict.

Throughout his Administration, President Obama has been deeply committed to Israel and its security, and that commitment has guided his pursuit of peace in the Middle East. This is an issue which, all of you know, I have worked on intensively during my time as Secretary of State for one simple reason: because the two-state solution is the only

way to achieve a just and lasting peace between Israelis and Palestinians. It is the only way to ensure Israel's future as a Jewish and democratic state, living in peace and security with its neighbors. It is the only way to ensure a future of freedom and dignity for the Palestinian people. And it is an important way of advancing United States interests in the region.

Now, I'd like to explain why that future is now in jeopardy, and provide some context for why we could not, in good conscience, stand in the way of a resolution at the United Nations that makes clear that both sides must act now to preserve the possibility of peace.

I'm also here to share my conviction that there is still a way forward if the responsible parties are willing to act. And I want to share practical suggestions for how to preserve and advance the prospects for the just and lasting peace that both sides deserve.

So it is vital that we have an honest, clear-eyed conversation about the uncomfortable truths and difficult choices, because the alternative that is fast becoming the reality on the ground is in nobody's interest—not the Israelis, not the Palestinians, not the region—and not the United States.

Now, I want to stress that there is an important point here: My job, above all, is to defend the United States of America—to stand up for and defend our values and our interests in the world. And if we were to stand idly by and know that in doing so we are allowing a dangerous dynamic to take hold which promises greater conflict and instability to a region in which we have vital interests, we would be derelict in our own responsibilities.

Regrettably, some seem to believe that the U.S. friendship means the U.S. must accept any policy, regardless of our own interests, our own positions, our own words, our own principles—even after urging again and again that the policy must change. Friends need to tell each other the hard truths, and friendships require mutual respect.

Israel's permanent representative to the United Nations, who does not support a two-state solution, said after the vote last week, quote, "It was to be expected that Israel's greatest ally would act in accordance with the values that we share," and veto this resolution. I am compelled to respond today that the United States did, in fact, vote in accordance with our values, just as previous U.S. administrations have done at the Security Council before us.

They fail to recognize that this friend, the United States of America, that has done more to support Israel than any other country, this friend that has blocked countless efforts to delegitimize Israel, cannot be true to our own values—or even the stated democratic values of Israel—and we cannot properly defend and protect Israel if we allow a viable two-state solution to be destroyed before our own eyes.

And that's the bottom line: the vote in the United Nations was about preserving the two-state solution. That's what we were standing up for: Israel's future as a Jewish and democratic state, living side by side in peace and security with its neighbors. That's what we are trying to preserve for our sake and for theirs.

In fact, this Administration has been Israel's greatest friend and supporter, with an absolutely unwavering commitment to advancing Israel's security and protecting its legitimacy.

On this point, I want to be very clear: No American administration has done more for Israel's security than Barack Obama's. The Israeli prime minister himself has noted our quote, "unprecedented" military and intelligence cooperation. Our military exercises

are more advanced than ever. Our assistance for Iron Dome has saved countless Israeli lives. We have consistently supported Israel's right to defend itself, by itself, including during actions in Gaza that sparked great controversy.

Time and again we have demonstrated that we have Israel's back. We have strongly opposed boycotts, divestment campaigns, and sanctions targeting Israel in international fora, whenever and wherever its legitimacy was attacked, and we have fought for its inclusion across the UN system. In the midst of our own financial crisis and budget deficits, we repeatedly increased funding to support Israel. In fact, more than one-half of our entire global Foreign Military Financing goes to Israel. And this fall, we concluded an historic \$38 billion memorandum of understanding that exceeds any military assistance package the United States has provided to any country, at any time, and that will invest in cutting-edge missile defense and sustain Israel's qualitative military edge for years to come. That's the measure of our support.

This commitment to Israel's security is actually very personal for me. On my first trip to Israel as a young senator in 1986, I was captivated by a special country, one that I immediately admired and soon grew to love. Over the years, like so many others who are drawn to this extraordinary place, I have climbed Masada, swum in the Dead Sea, driven from one Biblical city to another.

I've also seen the dark side of Hezbollah's rocket storage facilities just across the border in Lebanon, walked through exhibits of the hell of the Holocaust at Yad Vashem, stood on the Golan Heights, and piloted an Israeli jet over the tiny airspace of Israel, which would make anyone understand the importance of security to Israelis. Out of those experiences came a steadfast commitment to Israel's security that has never wavered for a single minute in my 28 years in the Senate or my four years as Secretary.

I have also often visited West Bank communities, where I met Palestinians struggling for basic freedom and dignity amidst the occupation, passed by military checkpoints that can make even the most routine daily trips to work or school an ordeal, and heard from business leaders who could not get the permits that they needed to get their products to the market and families who have struggled to secure permission just to travel for needed medical care.

And I have witnessed firsthand the ravages of a conflict that has gone on for far too long. I've seen Israeli children in Sderot whose playgrounds had been hit by Katyusha rockets. I've visited shelters next to schools in Kiryat Shmona that kids had 15 seconds to get to after a warning siren went off. I've also seen the devastation of war in the Gaza Strip, where Palestinian girls in Izbat Abed Rabo played in the rubble of a bombed-out building.

No children—Israeli or Palestinian—should have to live like that.

So, despite the obvious difficulties that I understood when I became Secretary of State, I knew that I had to do everything in my power to help end this conflict. And I was grateful to be working for President Obama, who was prepared to take risks for peace and was deeply committed to that effort.

Like previous U.S. administrations, we have committed our influence and our resources to trying to resolve the Arab-Israeli conflict because, yes, it would serve American interests to stabilize a volatile region and fulfill America's commitment to the survival, security and well-being of an Israel at peace with its Arab neighbors.

Despite our best efforts over the years, the two-state solution is now in serious jeopardy.

The truth is that trends on the ground—violence, terrorism, incitement, settlement expansion and the seemingly endless occupation—they are combining to destroy hopes for peace on both sides and increasingly cementing an irreversible one-state reality that most people do not actually want.

Today, there are a similar number of Jews and Palestinians living between the Jordan River and the Mediterranean Sea. They have a choice. They can choose to live together in one state, or they can separate into two states. But here is a fundamental reality: if the choice is one state, Israel can either be Jewish or democratic—it cannot be both—and it won't ever really be at peace. Moreover, the Palestinians will never fully realize their vast potential in a homeland of their own with a one-state solution.

Now, most on both sides understand this basic choice, and that is why it is important that polls of Israelis and Palestinians show that there is still strong support for the two-state solution—in theory. They just don't believe that it can happen.

After decades of conflict, many no longer see the other side as people, only as threats and enemies. Both sides continue to push a narrative that plays to people's fears and reinforces the worst stereotypes rather than working to change perceptions and build up belief in the possibility of peace.

And the truth is the extraordinary polarization in this conflict extends beyond Israelis and Palestinians. Allies of both sides are content to reinforce this with an us or—"you're with us or against us" mentality where too often anyone who questions Palestinian actions is an apologist for the occupation and anyone who disagrees with Israel policy is cast as anti-Israel or even anti-Semitic.

That's one of the most striking realities about the current situation: This critical decision about the future—one state or two states—is effectively being made on the ground every single day, despite the expressed opinion of the majority of the people.

The status quo is leading towards one state and perpetual occupation, but most of the public either ignores it or has given up hope that anything can be done to change it. And with this passive resignation, the problem only gets worse, the risks get greater and the choices are narrowed.

This sense of hopelessness among Israelis is exacerbated by the continuing violence, terrorist attacks against civilians and incitement, which are destroying belief in the possibility of peace.

Let me say it again: There is absolutely no justification for terrorism, and there never will be. And the most recent wave of Palestinian violence has included hundreds of terrorist attacks in the past year, including stabbings, shootings, vehicular attacks and bombings, many by individuals who have been radicalized by social media. Yet the murderers of innocents are still glorified on Fatah websites, including showing attackers next to Palestinian leaders following attacks. And despite statements by President Abbas and his party's leaders making clear their opposition to violence, too often they send a different message by failing to condemn specific terrorist attacks and naming public squares, streets and schools after terrorists.

President Obama and I have made it clear to the Palestinian leadership countless times, publicly and privately, that all incitement to violence must stop. We have consistently condemned violence and terrorism, and even condemned the Palestinian leadership for not condemning it.

Far too often, the Palestinians have pursued efforts to delegitimize Israel in international fora. We have strongly opposed

these initiatives, including the recent wholly unbalanced and inflammatory UNESCO resolution regarding Jerusalem. And we have made clear our strong opposition to Palestinian efforts against Israel at the ICC, which only sets back the prospects for peace.

And we all understand that the Palestinian Authority has a lot more to do to strengthen its institutions and improve governance.

Most troubling of all, Hamas continues to pursue an extremist agenda: they refuse to accept Israel's very right to exist. They have a one-state vision of their own: all of the land is Palestine. Hamas and other radical factions are responsible for the most explicit forms of incitement to violence, and many of the images that they use are truly appalling. And they are willing to kill innocents in Israel and put the people of Gaza at risk in order to advance that agenda.

Compounding this, the humanitarian situation in Gaza, exacerbated by the closings of the crossings, is dire. Gaza is home to one of the world's densest concentrations of people enduring extreme hardships with few opportunities. 1.3 million people out of Gaza's population of 1.8 million are in need of daily assistance—food and shelter. Most have electricity less than half the time and only 5 percent of the water is safe to drink. And yet despite the urgency of these needs, Hamas and other militant groups continue to re-arm and divert reconstruction materials to build tunnels, threatening more attacks on Israeli civilians that no government can tolerate.

Now, at the same time, we have to be clear about what is happening in the West Bank. The Israeli prime minister publicly supports a two-state solution, but his current coalition is the most right wing in Israeli history, with an agenda driven by the most extreme elements. The result is that policies of this government, which the prime minister himself just described as “more committed to settlements than any in Israel's history,” are leading in the opposite direction. They're leading towards one state. In fact, Israel has increasingly consolidated control over much of the West Bank for its own purposes, effectively reversing the transitions to greater Palestinian civil authority that were called for by the Oslo Accords.

I don't think most people in Israel, and certainly in the world, have any idea how broad and systematic the process has become. But the facts speak for themselves. The number of settlers in the roughly 130 Israeli settlements east of the 1967 lines has steadily grown. The settler population in the West Bank alone, not including East Jerusalem, has increased by nearly 270,000 since Oslo, including 100,000 just since 2009, when President Obama's term began.

There's no point in pretending that these are just in large settlement blocks. Nearly 90,000 settlers are living east of the separation barrier that was created by Israel itself in the middle of what, by any reasonable definition, would be the future Palestinian state. And the population of these distant settlements has grown by 20,000 just since 2009. In fact, just recently the government approved a significant new settlement well east of the barrier, closer to Jordan than to Israel. What does that say to Palestinians in particular—but also to the United States and the world—about Israel's intentions?

Let me emphasize, this is not to say that the settlements are the whole or even the primary cause of this conflict. Of course they are not. Nor can you say that if the settlements were suddenly removed, you'd have peace. Without a broader agreement, you would not. And we understand that in a final status agreement, certain settlements would become part of Israel to account for the changes that have taken place over the last

49 years—we understand that—including the new democratic demographic realities that exist on the ground. They would have to be factored in.

But if more and more settlers are moving into the middle of Palestinian areas, it's going to be just that much harder to separate, that much harder to imagine transferring sovereignty, and that is exactly the outcome that some are purposefully accelerating.

Mr. LEAHY. Mr. President, the complete text of the Secretary's speech, which, again, I urge all Senators to read in its entirety, can be found at the following Web site: <https://www.state.gov/secretary/remarks/2016/12/266119.htm>.

#### REMEMBERING STANLEY RUSS

Mr. BOOZMAN. Mr. President, today I wish to pay tribute to former Arkansas State Senator Stanley Russ of Conway, AR.

Stanley Russ was born in Conway in 1930. He graduated from Conway High School in 1948 and went on to attend Arkansas Tech University and Arkansas State Teachers College, now the University of Central Arkansas, before earning a bachelor of science in education from the University of Arkansas in Fayetteville.

Russ also served his country in multiple ways, including in the U.S. Army from 1952 to 1954, where he completed officer candidate school. Later, he served as a company commander in the Arkansas National Guard. Russ was inducted into the U.S. Field Artillery OCS Hall of Fame at Fort Sill in 1995.

Senator Russ served in the Arkansas Senate from 1975 to 2000. He was the president pro tempore from 1995 to 1997 and served as the majority leader in 1997. During his time in public office, he was known as an advocate for public, private, and higher education.

Russ was named one of the Ten Outstanding State Legislators in the United States by the Assembly of State Government Employees in 1981. Four years later, he was honored for Distinguished Service by the Municipal League of Arkansas. He was elected into the Arkansas Tech University Hall of Distinction in 1994 and the Arkansas Agriculture Hall of Fame in 2000.

Stanley Russ was a beloved public servant who devoted his life to Arkansas. He was a leader who worked with colleagues on both sides of the aisle and didn't care who got the credit as long as the goal was accomplished. Stanley showed kindness and consideration to everyone who approached him. I sincerely appreciate his devotion to our State and its citizens.

He will be greatly missed by all. My thoughts and prayers go out to his family during this difficult time.

#### ADDITIONAL STATEMENTS

#### TRIBUTE TO NELL PAYNE

• Mr. COCHRAN. Mr. President, I wish to commend Nell Payne for her distinguished career in public service.

For the past 16 years, she has served as the director of government relations for the Smithsonian Institution, where she has been a tireless advocate for the Smithsonian. She has worked to advance the institution's mission of promoting the increase and diffusion of knowledge.

Her professionalism, expertise, and integrity have helped the Smithsonian improve on its reputation as the premier museum system in the world. Her leadership and vision have directly benefited the millions of Americans and international travelers who enjoy Smithsonian exhibits and programs each year.

She also served our country in the U.S. Senate on the staff of the Budget Committee and in the White House as a special assistant to the President.

I congratulate Nell Payne on her retirement and thank her for the important contributions she has made to the Smithsonian Institution and throughout her professional career. •

#### REMEMBERING TONY REYNA

• Mr. HEINRICH. Mr. President, for generations, Tony Reyna served his people in Taos Pueblo and northern New Mexico as a respected community leader and constant source of wisdom and kindness.

Last year, Mr. Reyna joined friends, family, and community members to celebrate his 100th birthday, which the New Mexico State Legislature officially proclaimed as Tony Reyna Day. After a full life of service and dedication to his community Mr. Reyna passed away last month surrounded by his family and loved ones.

Mr. Reyna was the last remaining survivor from Taos Pueblo of the Bataan death march. On April 9, 1942, Mr. Reyna and 1,800 other members of the New Mexico National Guard were among the more than 75,000 American and Filipino soldiers who were taken as prisoners of war by Japanese forces.

The Bataan death marchers were forced to endure 3 and a half years of brutal captivity. They were marched for days in the scorching heat through the Philippine jungles. Thousands died. Those who survived faced the hardships of a prisoner of war camp. Others were wounded or killed when unmarked enemy ships transporting prisoners of war to Japan were sunk by U.S. air and naval forces.

After returning to Taos after the war, Mr. Reyna opened Tony Reyna's Indian Shop in 1950, which has remained open to this day. He served two terms as governor of Taos Pueblo. He also served the Town of Taos as a police commissioner and as a museum board member. He was a lifetime member of the Taos Pueblo tribal council.

He leaves behind an enduring legacy thanks to his lifelong efforts to preserve the culture, resources, and traditions of Taos Pueblo. He played a vital role in the return of Blue Lake, the Pueblo's sacred headwaters in 1970. And