

land on the border is privately owned. It is not owned by the Federal Government. Eminent domain? A lot of people on that side of the aisle don't like it, and we all know it would take a very long time to get it done.

For those reasons, it is not just Democrats who oppose the wall, many Republicans oppose the wall. According to a Wall Street Journal survey: "Not a single member of Congress who represents the territory on the southwest border said they support President Trump's request for \$1.4 billion to begin construction of his promised wall." That includes my friends Senators CORNYN, CRUZ, McCAIN, and FLAKE.

For the very same reasons, the American people don't support the idea of a border wall by almost a 2-to-1 margin. A recent Quinnipiac poll found that 64 percent of Americans oppose a wall on the border with Mexico, versus only 33 percent who favor it, and that poll didn't even include the fact that Mexico would not be paying for it under the President's plan.

Now, I say to my colleagues and to President Trump, we Democrats don't mind having a debate on the wall in regular order. We don't think it would pass, given the amount of opposition on both sides, but certainly a proposal with as many flaws as this one shouldn't be the thing the administration uses to hold the government hostage and certainly shouldn't be pushed through without debate, without regular order, without answers to these questions.

#### THE PRESIDENT'S FIRST ONE HUNDRED DAYS

Mr. SCHUMER. Mr. President, now, let's talk a little bit about the President's first 100 days. We are approaching the 100-day mark of the Trump Presidency. It is an appropriate time to take stock of what this President has accomplished so far. Unfortunately, it is not much.

In the first 100 days, so many of the promises the President made to working families during the campaign have either been broken outright or remain unfulfilled.

The President ran as a populist. I have said this to him. The President ran as a populist against both the Democratic and the Republican establishments, promising to stick up for the American worker. He talked like a different kind of Republican who might be willing to work with Democrats, particularly on issues like trade or infrastructure. Instead, the President has spent the first 100 days governing from the far right on behalf of the powerful and the special interests he once campaigned against, breaking his promise to be a President for the American worker—the forgotten men and women, as he called them. It sure didn't take long for the President to forget them too.

The President has broken promises or has yet to fulfill them in areas that

matter to so many of his voters and to so many Americans, whether they voted for him or not. He promised he would drain the swamp, right? He talked about it over and over again. He promised he would drain the swamp, but instead he has filled his Cabinet with billionaires and bankers. And listen to this: He has given out secret waivers that allow lobbyists to work in his administration on the very issues they previously lobbied on. That is not draining the swamp. That is filling it up to the brim, going far beyond what others have done.

He said he would deliver better healthcare that would cost less and provide more benefits. At one point, he said we are going to give healthcare to everybody, but his bill, TrumpCare, does the exact opposite, providing fewer benefits at higher costs, all to finance a massive tax break for the wealthy.

He promised a \$1 trillion infrastructure bill. We Democrats sent him our proposal—a \$1 trillion infrastructure bill, taking the number he talked about in the campaign—over a month ago. We haven't seen any proposal or gotten any response from the President.

The President promised he would be tough on trade, outsourcing, and jobs. He promised he would label China a currency manipulator and fight back against their rapacious trade policies which robbed America of millions of jobs and cost trillions of dollars of our wealth. He hasn't done that either.

The 2018 budget he proposed is a dagger to the heart of the middle class, cutting some of the programs that matter to the middle class most, including transportation, education, and scientific research.

So as we head into the 100-day mark, Democrats are going to hold the President accountable for the promises he made to working-class voters. We obviously disagreed with a lot of what he said in the campaign, but he made a number of promises to working-class voters that we could have helped him to accomplish. Unfortunately, he has abandoned those promises in favor of a hard-right, special interest agenda.

We can work together, but only if President Trump and Republicans actually seek Democratic input and are willing to compromise. Right now it seems the President's idea of compromise is never talk to Democrats, put forward his own Republican proposal, and pressure us to support it; never talk to Democrats, that is, about the issues he is moving forward. I have talked to him, but it is never on the issues that are before us. That is not the way our politics have ever worked. Unless the President's approach changes, the next 100 days will be just like the first: a whole lot of talk and no progress, a series of broken or unfulfilled promises to the working families of America.

#### NOMINATION OF ROD ROSENSTEIN

Mr. SCHUMER. Mr. President, finally, one final issue, the nomination of Rod Rosenstein to be Deputy Attorney General, which we will vote to proceed on later tonight.

I sat down with Mr. Rosenstein a few weeks ago and spent time asking him about his career, his views on the Department of Justice, and protecting the integrity of the Department. I came away with the impression that he is someone who is independent, who would stand up for the law, regardless of which party controlled the White House, and his career backs that up.

With respect to the executive branch investigation into ties between the Trump campaign and Russia, Mr. Rosenstein committed to me he would appoint a special counsel to conduct that investigation if one is required. He has developed a reputation for integrity. He has promised to give this issue careful consideration. I believe, if he studies the Department regulations, he will come to the same conclusion many of us have; that a special counsel is merited.

For those reasons, I will be voting for cloture this evening and voting for his confirmation.

Thank you, Mr. President.  
I yield the floor.

#### 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 resume executive session for consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Sonny Perdue, of Georgia, to be Secretary of Agriculture.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

The Senator from Utah.

#### BEARS EARS NATIONAL MONUMENT

Mr. HATCH. Mr. President, last week, I had the opportunity to return home to visit the recently declared Bears Ears National Monument. This Federal designation encompasses roughly 1.35 million acres in Utah, and it is located in one of our country's most remote communities—Juan County.

For decades, this quiet county remained largely untouched by the tensions of modern life and the taint of

Washington politics, but no more. San Juan County is now the epicenter of a brutal battle over public lands, the outcome of which will have long-lasting consequences not only for Utah but for the entire Nation.

In geographical terms, San Juan County is massive. It is the largest county in the State of Utah and the second largest county in the United States. To put the size of San Juan County in perspective, consider that the county itself is larger than several States, including Connecticut, Delaware, and Rhode Island.

San Juan County alone accounts for nearly 10 percent of all the land in Utah. Yet Utahns have had very little to say about what actually goes on there. That is because the Federal Government administers the vast majority of San Juan County. Incredibly, just 8 percent of the county's land is under private ownership while an area of more than 2 million acres is controlled by the Bureau of Land Management.

This means that for years, my constituents who depend on the land's resources, have been at the mercy of out-of-touch bureaucrats who have little knowledge or personal connection to the land. President Obama only made matters worse when he spurned the men and women of San Juan County by declaring the Bears Ears National Monument last December. In doing so, he defied the will of the State legislature, the Governor, and the entire Utah congressional delegation. President Obama's midnight monument designation imposed even greater land use restrictions on a region that is already predominantly controlled by the Federal Government.

This last-minute monument designation was a case study in Presidential hubris. In making this unilateral decision, our former President either failed to heed the concerns of San Juan County residents or ignored them completely. As evidence of his disdain, President Obama issued this declaration with no open debate, no public hearing, and no vote in Congress. Utahns are now suffering the consequences of his recklessness.

When I visited the Bears Ears region last week, I met with small business owners and local officials who admitted the fact that the Obama administration never even gave them the courtesy of a simple phone call. President Obama knew his last-minute decision would impact the livelihoods of thousands in my State, but he was clearly more concerned with appeasing far-left interest groups than helping the men and women who depend on this land for their very survival.

I wish to be clear. In opposing the Bears Ears Monument designation, I am in no way opposing the protection of lands that need to be protected. Indeed, there are many cultural sites in San Juan County that deserve special care, and I am committed to working with the President and with Congress and with the people in that county to preserve these sacred sites.

I believe it is both unlawful and undemocratic for any President to seize millions upon millions of acres of land through the Antiquities Act—a law that was meant to give the President a narrow authority to designate special landmarks, such as a unique natural arch or the site of old cliff dwellings.

We desperately need a more sensible approach to protecting public lands—an approach that adheres more closely to the original intent of the Antiquities Act. Under this bill, Presidents were to exercise their authority to designate only the smallest area necessary to protect objects of antiquity. Instead, past Presidents have abused their power under the Antiquities Act to seize entire swaths of land.

In the case of Bears Ears, President Obama cited his authority under the Antiquities Act to lock away an entire quarter of San Juan County—an action that undermines local autonomy and clearly violates the spirit of the law. In my view, land use decisions should not be decreed by executive fiat. They should be made only through a collaborative process that involves those who actually live there, live on the land, and know how to manage it.

For example, had President Obama worked with—rather than around—Congress to protect public lands, Utah's schoolchildren would be better off today. That is because there are more than 100,000 acres of school trust land that lie within the 1.3 million-acre Bears Ears National Monument. The land is a significant source of revenue for schools across our State, providing children with the instruction and resources they need to succeed well into adulthood. But with President Obama's unilateral monument designation, this land was effectively rendered useless, eroding our State's ability to raise much needed funding for Utah's schools. Had a more responsible legislative approach been taken to protect Bears Ears, we could have preserved our school trust lands and protected the revenue they generate to benefit Utah's schoolchildren.

I wish to emphasize again that I am fully committed to protecting the vast stretches of red rock, desert, and rolling prairie that dot our western landscape, but the Antiquities Act is not the means to that end. Monumental land use decisions affecting thousands of westerners should be made by the men and women on the ground and their duly elected representatives, not just the President and his advisers. Congress—not the President alone—should have a say in decisions that restrict access to millions of acres of federally owned land.

In making such decisions, the voice of the people is paramount. That is why last week I visited the people of San Juan County. There, I spoke with Native Americans who rely upon this land and its resources for their very livelihood. I met with members of the San Juan School District who depend on the school trust lands to keep their

classrooms lit and their schools up and running, and I met with members of the San Juan County Commission who are dealing firsthand with the negative consequences of the Bears Ears designation.

I traveled to San Juan County to listen to the people who feel abandoned by their very own government. My trip only reaffirmed my concern for the Bears Ears National Monument, which I have long held is not in the best interest of San Juan County.

The men and women of San Juan County are a strong and hardy people. They share a deep connection and history with the land. But San Juan County isn't without its struggles. For decades, it has been listed among the most persistently poor counties in the Nation. With the vast majority of the land owned and operated by the Federal Government, the fate of San Juan County rests almost entirely with beltway bureaucrats making politically motivated decisions more than 2,000 miles away. The families of Southern Utah should not be at the mercy of a Federal bureaucracy so completely out of touch with the western way of life.

Enough is enough. Under the Constitution, Congress has the sole authority to manage public lands. The only reason the executive branch has any say in the management of Federal lands is because Congress granted the President limited authority to participate in this process. We entrusted the executive branch to exercise reasonable authority through bills such as the Federal Land Policy and Management Act. At the heart of these policies was the principle of multiple use and sustainable yield—a mandate that Congress gave the executive branch when granting it this authority.

The mandate of multiple use was meant to preserve the ability of areas like San Juan County to live and grow, even when inundated with federally owned public lands. But President Obama betrayed this mandate through his Bears Ears designation when he declared much more than the smallest acreage possible as required by the Antiquities Act.

When I spoke with the leadership of the San Juan School District, they told me how prosperous the county had been when they were able to strike a balance with multiple land use. But the county's schools have been strapped for cash ever since the Bears Ears National Monument designation rendered these lands useless.

After speaking with school officials, we then met with local county commissioners and Navajo from San Juan County and drove together to the heart of Bears Ears, Bears Ears Meadow—behind me, the actual Bears Ears split of the mountains. We discussed how the monument could be altered so that the lands that deserve protection can remain protected but in a way that is consistent with the language of the Antiquities Act.

I believe there will be changes made to Bears Ears. These beautiful lands

deserve protection, but so too do the people of San Juan County. They should not be trampled on by their own government. As long as I am a U.S. Senator, I will not stop fighting to make sure that Utahns have a voice in the management of public lands. For years, I have fought to check the abuse of executive power under the Antiquities Act. That is why I have been working closely with the Trump administration from day one to right the wrongs of previous administrations.

In the opening weeks of his Presidency, I met personally with President Trump in the Oval Office to discuss the national monument issue at length. He listened intently as I relayed the fears and frustrations of thousands in our State who have been personally hurt by the Bears Ears and Grand Staircase monument designations. I explained the urgency of addressing the harm caused by these devastating measures, and I asked for his help in doing so. I was encouraged that, unlike his predecessor, President Trump actually took the time to listen and understand the heavy toll of such overreaching activities. Our President even assured me that he stands ready to work with us to undo the damage wrought by previous Presidents under the Antiquities Act, and I believe he will do so.

As details emerge, I understand the President even stands ready to issue an Executive order reining in the abuse of authority under the Antiquities Act. Now, this action would direct the Department of the Interior “to review prior monument designations and suggest legislative changes or modifications to [these] proclamations.”

In President Trump, we have a leader who is committed to defending the western way of life. I am deeply grateful for his willingness to work with us to undo the harm caused by the overreach of his predecessors.

In protecting our public lands, I look forward to working with the Trump administration to establish a new precedent of collaboration and trust between States and the Federal Government.

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. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that the time during quorum calls be divided equally.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Madam President, I rise to support the nomination of former Georgia Governor Sonny Perdue to serve as Secretary of Agriculture.

Since the beginning of the Trump administration, the Department of Agriculture has been left without leadership. Based on President Trump's decisions over the past few months, it is clear, unfortunately, that agriculture and small towns like those all over Michigan have been an afterthought.

It didn't help that Governor Perdue was the very last Cabinet Secretary to be nominated by President Trump. The White House then took 7 weeks to submit the official nomination paperwork to the Senate, which further delayed our hearing process.

Despite unprecedented delays from this administration, the Agriculture Committee acted in a swift and bipartisan fashion to approve Governor Perdue with overwhelming support.

Governor Perdue grew up on a dairy and crop farm in a small town in Georgia. He worked as a veterinarian and served as a two-term Governor. He has the confidence of nearly 700 agricultural stakeholder groups that represent farmers, ranchers, conservationists, landowners, and the food and nutrition communities. He understands that the Agriculture Department has a profound impact on nearly every community across the country and certainly every family.

Whether it is bringing broadband to small towns, supporting lifesaving agricultural research, feeding our children, our families, our veterans, or protecting our forests, our land, our water, and our air, the Agriculture Department plays a vital role in almost every aspect of American life.

Governor Perdue's leadership is desperately needed by farmers, families, and all Americans who rely on the USDA.

For months, rural America has not had a voice in this administration, and frankly it shows. President Trump's budget proposal makes it clear that rural America is not a top priority for his administration. His proposal cuts USDA funding by 21 percent, the third largest cut to any Federal agency.

To examine the impact these proposed cuts would have on our country's small towns and rural communities, I released a report that highlights how President Trump is turning his back on rural America.

This report demonstrates how the Trump budget would eliminate—eliminate—the rural water and sewer program that repairs crumbling water infrastructure that is depended upon in communities all across America and certainly all across Michigan. This would leave thousands of communities across the country without the ability to provide clean water.

USDA business loans are also slated to end, undermining the creation of

new jobs in areas where unemployment is already too high. Again, I can go from community to community in Northern Michigan or in the east or the west and talk with people who have been able to start their small business with the support of USDA rural development business loans, creating jobs, communities, and really helping to form the lifeblood of small towns all across Michigan and the country.

Many more critical services for rural Americans are also on the chopping block. Our farmers and our families, frankly, deserve better. We need a Secretary of Agriculture who will be a relentless advocate for our Nation's farmers and the important services USDA provides. That is why I am supporting Governor Perdue.

It is important to stress again that American agriculture and our rural communities are already doing more with less. In the last farm bill, we made responsible, bipartisan reforms that cut \$23 billion in Federal spending, and we now know that the 2014 farm bill policies are actually predicted to save tens of billions of dollars more than we originally had expected.

The budget cuts the Trump administration has proposed are frankly irresponsible and show a stunning disregard for the current state of the farm economy. Farm prices are down nearly 50 percent from their highs just a few years ago, and producers are struggling to make ends meet. Rural America is the economic backbone of our country, and too many small towns are still struggling to recover from the great recession.

Over the last 8 years, USDA has made important investments in rural communities, and we are beginning to see small towns across the country on the road to recovery, but there is more to do. Now is not the time for the Trump administration to turn its back on people who live in rural America.

We need a strong voice to insist that the President listen to the 500 groups that are saying that agriculture, conservation, food assistance, and other farm bill services are critical to our economy and should be maintained.

Rural America has waited long enough for a leader at the USDA. I am pleased the Agriculture Committee worked together promptly and thoroughly to review Governor Perdue's qualifications. After multiple conversations and questions, I am confident that Governor Perdue has the experience, the judgment, and the commitment to lead this important Department.

In this Congress, we also have a farm bill on the horizon. I am confident Governor Perdue will be a strong partner as we develop a bipartisan, comprehensive bill that works for farmers and families across our country.

In my conversations with Governor Perdue, it is clear that he understands the challenges farmers are facing, from continued low prices, especially our dairy producers who are struggling because unfortunately the safety net that

was put in place has not worked as intended, and it needs to be fixed.

I am pleased he is committed to looking for creative solutions in the short run as well as the long run. Now more than ever, we need the next Secretary of Agriculture to be a champion for all those families across our country who live in small towns and rural communities. I believe Governor Perdue will look past regional divides and partisan pressures to do what is best for the people we serve.

I urge colleagues to support the nomination of Governor Sonny Perdue, and I also urge this administration to start supporting the small towns and rural communities that make our country great.

Madam President, I yield the floor.

Mr. LEAHY. Madam President, today I will vote for Sonny Perdue to be the next Secretary of Agriculture. Governor Perdue, with his lifetime of experience with farming and agribusiness, stands out as one of the few nominees to this Cabinet who appears well qualified for the position to which he has been nominated.

But to lead the U.S. Department of Agriculture, USDA, and American agriculture, Governor Perdue must represent the broad spectrum of interests before USDA and do all he can to hear from all sides because this truly is the “People’s Department.” USDA touches the lives of every American, in many ways that include but go far beyond farming itself. This Department’s workforce is spread across all 50 States and another 99 countries.

I hope that Governor Perdue will continue the important work that Secretary Vilsack diligently led for the last 8 years, to help USDA look forward to addressing the changing needs of agriculture and rural America. We must stand by our rural communities, communities that, thus far, seem to be forgotten by this administration. These small towns desperately need USDA’s help to access broadband, to make critical infrastructure improvements to their water and wastewater systems, and to support new rural businesses.

I also hope that he succeeds in elevating the status of USDA among government agencies in an administration that appears to have forgotten about both this Department, as well as the rural communities that depend on its work. I am hopeful that, as the President’s top adviser on matters of agriculture, rural development, safe and affordable food, the role of immigration in our farm labor needs, research, agricultural trade, and countless other issues, he will carefully provide advice that reflects good judgment and independence from the President and respect for the law.

I was grateful when Mr. Perdue said in his confirmation hearing that he would be a voice and an advocate for agriculture at the highest levels of government. As I reminded him at his hearing and in our private meeting, he

must represent all of agriculture. This includes not only the farmers he has gotten to know during his tenure as Governor of Georgia, but also our new and beginning farmers, organic farmers, Vermont’s dairy farmers, those selling directly to consumers or focused on local food systems, those trying to develop new markets for energy crops, as well as researchers promoting new farm practices, forestry opportunities, and sustainable practices. He must also stand up for our hungry and malnourished families, both here and abroad, and for consumers who want to know that their food is safe to eat and grown in responsible ways.

This Department’s work is vast and far-reaching—from helping those with the least, to stewarding Federal forest and range lands, combating climate change, ensuring food safety, conserving water and wildlife, and preserving farmland, to researching new technologies, feeding young school children healthy meals, advancing international trade, supporting rural communities and housing, and ensuring fair and competitive markets for farmers.

I do have concerns about some of Mr. Perdue’s past statements and positions. I am concerned that he continues to question broadly accepted science regarding the role of humans in the mounting climate crisis. I don’t feel that every question has been answered related to past ethical issues. I have heard from many Vermonters concerned not so much with the policies and positions of Mr. Perdue himself, but who are alarmed by this administration overall. Some Vermonters fear that Mr. Perdue will not fully defend our vital social programs and environmental regulations. I do appreciate that, in his confirmation hearings, he said that he recognizes that as Secretary he must work hard to improve the lives of the least among us and that he knows that it is our responsibility to leave the land better than we found it.

In these challenging times for agriculture and our rural communities, I call on Governor Perdue to provide a loud voice of reason and a thoughtful balance within what continues to be an undisciplined and impulsive administration led by a President who continues to put forward extreme proposals, such as budget cuts that would starve small towns and communities of jobs and opportunity and have a disproportionate impact on small towns, and the rest of the Cabinet appears in many cases to have very little understanding or interest in the needs of rural Americans.

As a chairman and most senior member of the Senate Agriculture, Nutrition, and Forestry Committee as we begin to write the next Farm Bill, and as vice chairman of the Appropriations Committee, I look forward to working closely with Mr. Perdue in his new role.

Mr. VAN HOLLEN. Madam President, I support the nomination of

George Sonny Perdue to be the next Secretary of Agriculture. While I have reservations about some of his record and views, particularly about climate change, Governor Perdue has expressed the collaborative spirit that I believe will make him an effective Secretary and partner to Congress in our effort to support America’s farmers and rural communities.

During his confirmation hearing, Governor Perdue committed to support issues of great importance to Maryland: the Chesapeake Bay, conservation programs, agricultural research, and rural development. Governor Perdue recognized the Chesapeake Bay as a national priority. He acknowledged that it is essential for USDA to work with State and local governments, as well as landowners, on conservation and bay protection. He agreed to work with Congress and the States to dedicate appropriate resources to nutrient reduction and water quality improvements in the bay. I also encouraged him to work with me to support small- and medium-sized farms and to keep our 1,890 Historically Black Colleges and Universities strong, and he committed to do so.

Governor Perdue voiced support for the critical Federal assistance that the Department’s rural development agency provides to rural communities in Maryland and the Nation as a whole. He also committed to working with Congress to improve broadband and telecommunications infrastructure in rural America.

Governor Perdue faces a budget that cuts the Department 21 percent, completely eliminates the Water and wastewater loan program and reduces staffing at USDA service center agencies. The budget’s \$17.9 billion cut would harm those the Department serves and the people who work there. I expect Governor Perdue to keep his word to be a forceful advocate for his Department.

I have concerns about ethics controversies during Mr. Perdue’s tenure as Governor of Georgia and his climate change skepticism. If the Senate confirms Governor Perdue, I will pay close attention to his actions as Secretary. Governor Perdue has made a number of commitments to support agriculture and environmental conservation in Maryland, and I intend to hold him to them.

The PRESIDING OFFICER. If no one yields time, the time will be divided equally.

The majority leader.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.