



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, DECEMBER 14, 2017

No. 204

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

O Lord our God, we are grateful for Your marvelous works and power. Keep us from becoming weary in doing what is right, as You remind us that a harvest of blessings is certain. Give strength to our lawmakers and bless them with Your peace. We praise You that You are the strength of our lives and we need not fear for the future. As You guide our Senators with Your wisdom, create in them a hunger and thirst for righteousness, preparing them to be filled with Your Divine nourishment. Lord, thank You for not withholding blessings from those who walk upright.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. STRANGE). 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 and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, today the Senate will continue another historic week confirming more of President Trump's impressive judicial nominees to the Federal bench—Steven Grasz, confirmed; Don Willett, confirmed. And soon we will add James Ho to the list by confirming him to serve on the Fifth Circuit Court of Appeals.

He is an exceptionally well-qualified nominee whose career in both public service and the private sector has garnered respect from both sides of the aisle. The former Democratic mayor of Dallas supported his nomination, calling him "among the most brilliant appellate lawyers in the United States."

When we vote to confirm Mr. Ho, we will be adding another fair and impartial judge to the Federal bench, and by doing so, the Senate will take another important step to ensure that the Federal judiciary fulfills its proper role in our constitutional system. Each of them will be an asset to our Nation's courts.

Under Chairman GRASSLEY's leadership, the Senate Judiciary Committee has done outstanding work to move these judicial nominees to the floor. I am grateful for his efforts, and I urge all of my colleagues to join me in voting to confirm Mr. Ho soon.

FUNDING OUR MILITARY

Mr. President, on another matter, our Nation faces a myriad of threats

from around the globe, and it is the Senate's responsibility to provide the service chiefs with the resources to train and equip our warfighters and to provide them with the resources they need to keep us safe.

The diverse challenges posed by Iran, China, Russia, North Korea, ISIL, al-Qaida, and its affiliates span the spectrum of warfighting, and our force must be trained and prepared to operate on sea, air, land, and in cyber space. These challenges were only compounded by the Obama administration's focus on reducing the size of our conventional force, withdrawing our forward presence, and placing an unrealistic reliance upon allies and Special Operations forces.

In stark contrast to the previous administration, this Republican-led Congress and the Trump administration have taken the initial steps to rebuild our military. We are working to ensure that the needs of the force are met and our servicemembers have the tools and training necessary to fulfill their missions.

In our ongoing discussions surrounding government funding, we must continue to prioritize our Nation's men and women in uniform. It is illogical for this Senate to repeatedly vote to pass National Defense Authorization Acts at one level of authority and not meet that commitment with the necessary appropriations act; and this funding cannot be held hostage to the Obama-era demand that increases in defense funding be matched by equal increases in nondefense spending. Congress ignored that demand earlier this year, and we must do it again now.

The reason is simple: Under the Budget Control Act, the Department of Defense has received a disproportionate funding cut—and will again if Congress fails to come to an agreement. That type of blow would unacceptably diminish our military's readiness and damage our national security.

I hope that Members can work together to provide the necessary funds

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



Printed on recycled paper.

to our military—and to all parts of our government—so that the men and women of our all-volunteer force can continue to keep our country safe.

TAX CUTS AND JOBS BILL

Now, on a final matter, Mr. President, yesterday, Congress moved closer to delivering much-needed tax relief to American families and small businesses as Members of the House and the Senate held a public meeting of the Tax Cuts and Jobs Act conference committee. The conferees discussed the best way to provide tax reform to families and small businesses across our country. Throughout this process, we have focused on the middle class and on those left behind by the Obama economy—like many of the families in Kentucky who I represent.

By overhauling our broken and outdated Tax Code, we are working to seize this once-in-a-generation opportunity to grow paychecks, create more jobs, and help our economy reach its full potential. The plan before the conference committee will also end many of the perverse incentives for corporations to ship American jobs overseas. We want to bring those jobs and investments home and keep them here.

Once the committee completes its work to reconcile the differences between each Chamber's bill, every Member of Congress will have the opportunity to cast a vote to provide meaningful tax relief to middle-class Americans. That should be something we all can support. And when Congress does, this bill will go to the President's desk to become law.

I would like to thank every Member who has contributed to making tax reform a reality, following years of hearings and proposals and a multitude of amendments as this legislation proceeded through regular order.

This is a chance to work together to get the economy going again and lift up the families that the Obama Administration's policies left behind. I hope that we can take this opportunity to move beyond partisanship to deliver real tax reform for the middle class. Many of the provisions of this bill are based on ideas that our friends across the aisle used to say they supported. I hope our friends will support them again.

I would like to once again commend the conferees for their work, and I look forward to voting on the committee report soon.

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

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

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MORAN. Mr. President, I come to the floor to speak about business that is important to Kansas and impor-

tant to the country but especially important to the providers of healthcare for children, the children, and their families who receive that coverage and care; that is, the Medicaid CHIP program. It was established in 1997.

I call to the attention of my colleagues the importance of us acting in the next several days in regard to the reauthorization extension of the CHIP program. It has helped provide coverage to children of low-income families in my State and those individuals who would otherwise be left without any insurance and most likely, in every case, the funds necessary to cover healthcare costs for the well-being of those young men and women.

This program is funded through a multiyear authorization that requires Congress to take action each time the program reaches the end of that authorization. The end of that authorization occurred on September 30, now several months ago. While I have been assured in my State that there are sufficient funds to get us through the end of the year, I am concerned. In fact, the belief is, we may have enough funds to pay for our insurance program through March. That certainly is probably not the case across the United States, and we need to act within a few short days. I hope this is an issue that is addressed, as the continuing resolution that funds the Federal Government expires on December 22. As we respond to that circumstance, we ought to respond to the expiration of the CHIP program that occurred on September 30.

Waiting to reauthorize that program has already created an unnecessary burden, but if we waited any longer, it would create even more unnecessary burdens for families of more than 9 million children who are currently receiving healthcare through that program.

Temporary funding measures have kept the program solvent since the program expired, but now is the time to act, to provide some certainty and make sure the funds continue to be available. In Kansas, it would leave about 79,000 children without coverage or other good options.

Many of our Nation's best children's hospitals serve a great deal of patients through that CHIP program. We are fortunate in our area to have Children's Mercy Hospital in Kansas City, and those hospitals and other providers rely upon the CHIP program to pay their bills as well. With all the costs associated with healthcare and with the inability of people to pay, the burden then falls upon hospitals and others to figure out how they survive. In Kansas, almost every hospital—127 of them in our State—continues to hang on by a thread, and some may not survive. This is another opportunity for us to strengthen and provide certainty that a mechanism will be in place so that when they provide care to children of Medicaid families, they will be reimbursed. That benefits all of us in

our healthcare delivery system and provides more stability and more certainty in these challenging times for healthcare providers across Kansas.

I am happy the House of Representatives has passed reauthorization. They did their bill. It is now time for the Senate to act. The Finance Committee has taken its action, but this bill is still pending on the floor of the U.S. Senate. During this Christmas season, this holiday time, parents should not have to wonder what they will do in the absence of this insurance program that allows their children to receive routine care and, in many instances, lifesaving care.

Continuing to delay action on this bill is not in the best interest of the American people. It would be nice, it would be appreciated by Americans to see the U.S. Senate work on a program that has broad bipartisan support but still, for some reason, can't get it across the finish line. That finish line, I suppose, was September 30, but I would say that finish line is now the end of the year, and specifically December 22, with the CR expiring at that point in time. It is time for Congress to take action in that regard.

My plea on the Senate floor this morning is for the U.S. Senate to take legislative action and reauthorize this program, provide certainty, and care for our country's children who are, without this program, in significant jeopardy of having an absence of healthcare.

I appreciate the opportunity to address the U.S. Senate.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, on the year-end negotiations, they are making headway—that is good—but many issues still remain to be resolved.

We need to provide funding for community health centers, CHIP, and areas that have been hit by disasters. We need to pass a bipartisan deal to pair the Dream Act with border security and pass a budget deal that fully funds both our national security and our economic security, in the common parlance known as “parity.”

If we don't lift the spending caps for defense and also urgent domestic priorities—jobs, the economy—both will come under the specter of sequestration. Lifting those spending caps in equal measure has been the basis of successful budget agreements going back several years.

There has been parity between defense and nondefense for the last three