



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, MONDAY, JUNE 25, 2018

No. 106

## Senate

The Senate met at 3 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.

Lord, God, thank You for the majesty of Your Name that fills our hearts with joy. We are grateful for the declarations in nature that constantly remind us of Your might and power. Lord, the heavens declare Your glory.

Continue to protect and sustain our Senators. Provide them with power to meet each challenge, to solve each problem, and to catapult each obstacle.

Eternal God, You reign forever, judging the world with Your justice and ruling nations with Your providence. Remind us that the hearts of world leaders are in Your hands and Your purposes will prevail.

We pray in Your mighty 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. YOUNG). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5895, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5895) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

REMEMBERING FIRST LIEUTENANT GARLIN MURL CONNER

Mr. MCCONNELL. Mr. President, this week our Nation will honor the memory of a brave Kentuckian. President Trump will posthumously award 1LT Garlin Murl Conner with our Nation's highest military distinction, the Medal of Honor.

In 1941 Garlin left his farm town in Clinton County, KY. This quiet 21-year-old enlisted in the Army. When he returned, after World War II service that spanned eight major campaigns and earned a battlefield commission, four Silver Stars, three Purple Hearts, and the Distinguished Service Cross, he was a hero.

Lieutenant Conner wasn't supposed to be in a snow-covered forest that January morning in 1945. He was meant to be recovering in a hospital. But with his unit in need, he snuck away and returned to the front in France. When he rejoined his comrades, they were in urgent danger, pinned down by six German tanks. Lieutenant Conner stepped forward. He took a telephone, a radio, and a wire reel and ran toward the enemy alone—totally alone.

Past the American line, in a ditch barely large enough to cover him, Lieutenant Conner began directing artillery against the approaching enemy. He held his ground through wave after

wave of German advances. When the enemy surged, even coming within feet of him, he called in artillery strikes on his own position.

Amazingly, when the dust settled, Lieutenant Conner was still alive, and Allied artillery had destroyed the German tanks and stopped the advance. On that frigid morning, in complete disregard for his own safety, Lieutenant Conner saved the lives of his comrades.

This afternoon I will have the privilege to welcome Ms. Pauline Conner, Garlin's wife of more than 50 years, and other family members to the Capitol. Without Pauline's patience and steadfast resolve, there would be no recognition tomorrow.

After the war, Lieutenant Conner demurred any sort of personal glory. With the humility that is typical among the Greatest Generation, he returned to his farm and planned to leave the war behind him. Later in life, he took it upon himself to meet privately with his fellow veterans and their families, offering comfort and advice.

One day late in Lieutenant Conner's life, a former Army Green Beret named Richard Chilton came to their home to ask about his late uncle, who had served with him in Europe. He saw all of Garlin's decorations and medals and urged Pauline to apply for the Medal of Honor. That was the first step. The path wasn't easy—filing paperwork, finding eyewitness accounts, gathering support from the Kentucky Department of Veterans Affairs, generals, and even Members of Congress. It was my privilege to join Pauline's team when they contacted my office over a decade ago. There were setbacks, even a Federal court ruling, but Pauline and her team pushed forward. Her long journey will finally end in victory when the Commander in Chief entrusts her with Garlin's Medal of Honor tomorrow. I am grateful to President Trump, Secretary Mattis, and Secretary Esper for recognizing this deserving Kentuckian.

I am proud to congratulate Pauline and her family today, and I would like

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



Printed on recycled paper.

S4353

to thank her for giving our Nation the opportunity to salute 1LT Garlin Murl Conner. He embodied the highest values of our Commonwealth and of our Nation, but this humble man never called himself a hero. So it is incumbent upon us to do just that.

Now, Mr. President, on a completely different matter, this afternoon our colleagues will vote to pass the first 3 of 12 appropriations bills for fiscal year 2019. When they do, the Senate will be putting more common sense back into the appropriations process. This hasn't come easily. But thanks to the leadership of Chairman SHELBY and Ranking Member LEAHY, the process thus far has been governed by level-headed bipartisanship.

I am optimistic the same will be true for the nine remaining appropriations measures. Great progress has already been made at the committee level, and I look forward to considering more legislation on the floor soon.

It is particularly fitting that after the passage of the John S. McCain National Defense Authorization Act for 2019 and historic veterans legislation earlier this year, the first group of appropriations bills includes much needed resources for the VA and for military construction projects. This mini-bus also includes funding under the Energy and Water title for critical maintenance of America's ports and waterways infrastructure, for groundbreaking research on energy development and efficiency, and for improvements to the safety, security, and readiness of our nuclear arsenal.

Our colleagues on the Appropriations Committee, in particular these subcommittee chairmen—Senators ALEXANDER, BOOZMAN, and DAINES—have earned our support. This is worthy legislation. I look forward to passing it today.

#### FARM BILL

Then, we will turn to another major priority—the farm bill. Under Chairman ROBERTS' leadership, along with Ranking Member STABENOW, the Agriculture Committee has continued its tradition of addressing the needs of America's farmers and ranchers with the serious bipartisanship they deserve.

Today the needs are great. In the face of declines in farm income, growers and producers need certainty and stability, and that is what this bill would help to provide. The committee reported the farm bill to the full Senate by an overwhelming bipartisan margin. This week we will have a chance to pass the bill in the same fashion.

On behalf of the farmers in my home State of Kentucky and around the country, I hope each Senator will take advantage of this opportunity.

#### TAX REFORM

Now, Mr. President, on one final matter, week after week the evidence continues to mount that tax reform and the rest of the Republicans' pro-growth, pro-family agenda is helping to

reinvigorate our economy and to set the stage for long-term job and wage growth. Just today, CNBC is reporting that the percentage of Americans who say the economy is good or excellent is the highest they have ever recorded in the survey's 10-year history.

But amidst all of the headlines of long-term investments, business expansions, and this favorable economic climate, it is important to remember also all of the immediate ways the tax cuts themselves have already meant direct relief for middle-class American families. Our historic tax reform, which every single Democratic Senator opposed, lowered income tax rates, doubled the standard deduction, and increased the child tax credit. It has given employers the flexibility to immediately pass savings along to their employees in the form of tax reform bonuses, pay raises, and new benefits. It has allowed major utility companies to forego planned rate hikes and, in cases, actually cut the energy prices customers pay.

Every one of these provisions equals real money that will remain in the hands of middle-class families, instead of being shipped off to the IRS. Every one of these and all the other components of tax reform are major improvements that every single Democrat in the House and in the Senate voted against.

Now, if Democratic leaders are serious about wanting to repeal tax reform, the tax cuts that are making it all possible would be right back on the chopping block. Tax cuts used to be a bipartisan affair, but not these days. Republicans will continue to stand up for the American people and help them keep more of their hard-earned money.

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

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

#### SOUTH TEXAS FLOODING

Mr. CORNYN. Mr. President, on Friday, I traveled to the Rio Grande Valley, right along the U.S.-Mexico border, expecting the front-page news to be about separation of families when our immigration laws were being enforced. Imagine my surprise when the front page of the newspapers in the Rio Grande Valley were talking about the flooding in South Texas.

We heard that late last week, more than 200 water rescues were performed on the border city of Mission alone, and some areas were pounded by more than 15 inches of rain over a 4-day period. Cities in South Texas, such as Harlingen, Mercedes, Weslaco, Brownsville, and others, were affected. I saw it myself when I was in the Valley last week. A feeder road and entire soccer fields were underwater, and county officials were out surveying flood dam-

age around the airport. This has been especially tough news because some of the coastal areas in my State that were impacted by this flood were also hit by Hurricane Harvey less than a year ago and are still recovering from that catastrophe. Just as life started to get back to normal—whatever normal is—the rains came.

As hurricane season is now underway, we will continue to monitor the weather and the conditions there that may arise throughout the remainder of the summer months and to work with all of my constituents and leaders at the local, State, and Federal level to make sure we are as prepared as we can humanly be for the next adverse weather event.

#### KEEP FAMILIES TOGETHER AND ENFORCE THE LAW ACT

As I said, Mr. President, I went to the border to talk about immigration and family separation policies. I traveled there to tour two facilities in Brownsville, along with Senator CRUZ, that housed young children—some very young and some up to 18, just under 18 years of age—who are being sheltered after their parents crossed illegally into the United States.

It is important to note that in so many respects, life is pretty good in the Rio Grande Valley. Business is booming. Men and women are working hard, going to school, paying their bills, just like the rest of us. It is not all the Wild Wild West, as the press sometimes makes it out to be.

When it comes to immigrant shelters, I think it is very important that we learn what the facts are rather than continue a narrative that has very little basis in fact.

The truth is, the surge of humanity coming across our southern border is nothing new. This year so far—since October 1—there have been roughly 32,000 unaccompanied children who have come across the border, more than 50,000 families, but all told, the Border Patrol has detained roughly 250,000 people coming across our southwestern border.

I know that here in Washington, you could be forgiven for thinking “Well, the border is not a problem. Illegal immigration is not a problem,” but I am here to say it is a problem, and it is a national security threat. The humanitarian crisis we have seen at the border because countries like those in Central America continue to send their young children up across the border into the United States—it creates a huge challenge for us, just as it did in 2014 when President Obama called it a humanitarian crisis, because, frankly, our communities along the border and the Federal Government are not prepared to deal with such an influx of humanity, particularly those who need to be taken care of in a compassionate and humane way, especially the children who come across the border.

Why are children coming across the border unaccompanied and in some instances with family units? Because the

cartels—the criminal organizations that profit from a business model that allows them to exploit vulnerabilities in American law, particularly when it comes to border security—are making millions of dollars trafficking in humanity. They don't just traffic in illegal immigration; they traffic in those who would ply these immigrants for sex trafficking, those who would distribute drugs illegally in the United States, particularly heroin, an opioid, along with fentanyl, coming across the border, perhaps even from China, which is part of the opioid crisis in the United States.

As one gentleman who has a lot of experience in the area phrased it—he said that when it comes to what the cartels and the criminal organizations will transport into the United States, they are commodity agnostic. What he meant by that, I gathered, is that what it is all about is the money. It is the money these large criminal organizations earn trafficking in people, trafficking in drugs, trafficking in contraband across our southwestern border that represents such a challenge to our government officials at the local level, at the State level, and, of course, at the national level.

I know there has been a lot of misinformation about what happens at the border when somebody comes to the border and claims asylum. There are accepted procedures and legal standards that should be applied when somebody comes from another country and claims a credible fear of persecution because of who they are—their race, their religion, and the like.

As Secretary Nielsen, the Secretary of Homeland Security, pointed out, it is not a crime to come to a port of entry—that is, one of the bridges—and ask for asylum. It is a crime for an adult to try to cross the border between those ports of entry into the United States, and that is why we end up with this huge challenge of what to do when they come across with a minor child with them.

After touring these facilities in Brownsville and meeting with various Federal agency officials, nongovernmental organizations, and local elected officials at the Weslaco Border Patrol Station, what we learned is that this situation is far more complex than meets the eye and that many of the narratives that have been spun about what is happening at the border are simply false or may be based in part on fact but in part on nonfactual information.

What we did was we had the Federal officials at the Weslaco Border Patrol Station go through the step-by-step process of what happens to immigrant families when they are apprehended at the border, what happens when they are detained, and what happens when their cases are heard in a court. This is very useful information, and I want to particularly credit Rio Grande Valley Border Patrol Chief Manny Padilla, Custom and Border Patrol's David

Higgerson, and all the men and women on the frontlines who are doing a great job under very difficult circumstances across the border.

I am glad to know that the processes are changing based on the Executive order President Trump issued last week. That order stated that immigrant families should be detained together when appropriate and consistent with law and available resources. The problem is that I am not sure anybody could be prepared for this influx of humanity coming across the border, but they are doing the very best they can.

We know that Executive orders are always subject to legal challenges. We in Congress have introduced legislation to make sure that if, in fact, the President's Executive order ordering families to be kept together is somehow challenged or found deficient in court, that we have legislation to back it up. It is important that we in Congress make clear in statute that the status quo along the border cannot continue.

That status quo has resulted in family members being separated from one another—in some cases, young children from their parents, which is something I know we all want to avoid. We know that in many cases, these children have remained in close touch with their parents throughout the course of their detention. But we still need to make sure these families are kept together where possible.

I, along with a number of my colleagues on this side of the aisle, led by the junior Senator from North Carolina, Mr. TILLIS, introduced a piece of legislation last week to address this situation. It is called the Keep Families Together and Enforce the Law Act. As the title of the bill suggests, there are two parts.

Treating families with compassion by allowing them to remain together and enforcing our immigration laws don't have to be mutually exclusive, and our bill will ensure that they aren't. It will allow children to stay with their parents in a safe facility while they await their court proceedings to see if they perhaps are eligible for some sort of immigration benefit, like asylum. Our bill will also set mandatory standards for care in family residential centers where immigrant families are placed and keep children safe by requiring they be removed from the care of any individual who presents a danger to them.

Just as importantly, it provides additional resources. It will require more than 200 new immigration judges and require the Department of Homeland Security to expedite the court proceedings of families and children. We don't want those family units to remain in detention any longer than necessary to present their case to an immigration judge.

Some have rightfully asked questions about the families who have already been separated. What happens now that the kids have been placed apart from their parents? Our bill requires the ad-

ministration to take steps to reunify as many families as possible who remain in ICE's, Immigration and Customs Enforcement, or HHS's, Health and Human Services, custody.

Believe it or not, as part of this disinformation or misinformation that seems to pervade this topic, some have falsely claimed that our bill promotes the indefinite detention of families, but that is certainly not the intention. Our bill does not mandate the Department of Homeland Security detain parents and their kids together indefinitely. It, simply, removes an arbitrary, court-imposed rule that says families can be held together for no more than 20 days. This is from the so-called Flores case.

In many instances, allowing families to remain together in custody for more than 20 days will allow immigration courts to process their claims faster so that they will literally have better access to justice. Generally, immigrants are detained only until their proceedings in front of immigration judges are completed. So those who claim that the bill would somehow promote the indefinite detention of these families, simply, aren't telling you the truth. These families will remain in residential shelters only until their court proceedings are completed, but we need to prioritize these cases, in particular—to move them to the head of the line—so that these families will not have to wait any longer than necessary.

Other proposals have been put forward in addition to the Tillis proposal. One of the most prominent is the one being offered by our friend, the senior Senator from California. I have worked together on many issues with Senator FEINSTEIN, but on this issue, I think her bill has a number of problems. In fact, there is a huge question of what sort of enforcement, if any, would be permitted under her bill. In effect, this bill would make it impossible to criminally prosecute parents for crossing the border illegally unless their children were able to go into Department of Justice's custody with the parents. This bill doesn't even specify where the families should be held. That is a big problem because children shouldn't go to jails and prisons, run by the Department of Justice, that have hardened, potentially violent criminals.

I don't know anybody who thinks that that is a good idea. That is why, essentially, the bill advocates for catch and release. Nowhere does the bill say where these families should be held since they can't go into the Department of Justice's facilities. Basically, the only alternative left up to immigration enforcement officials is to let them go and issue them notices to appear at future court dates. The bill specifically forces the Department of Homeland Security to release family units without exception, which prevents potential criminals from being prosecuted. Again, it is the adults we are talking about, not the children.

Chief Padilla, the Chief of the Rio Grande Valley sector of the Border Patrol, which is the most active part of the southwestern border, said: If you look at the surges in illegal immigration over recent history, the highest surges in illegal immigration are when the U.S. Government has had a policy of catching and then releasing people who have violated the immigration laws and has ordered them to appear in the future. Of course, most of the people don't show up in the future. They know they will rarely be followed up on and rarely be caught unless, of course, they commit some other crime or offense and are picked up by local police, at which time U.S. Immigration and Customs Enforcement's and local law enforcement's records are matched in order to identify those people.

To suggest that we should not enforce our immigration laws or to suggest that we should catch people who violate those laws and release them and have them appear on future dates, which is far from certain, is itself a huge encouragement and inducement to surges in illegal immigration. One of the main reasons is that the cartels—again, the criminal organizations that control much of the human trafficking, the illegal drug trafficking, and the movement of immigrants across the border—are very smart, and they know when there are gaps in the U.S. Government's policy that can be exploited, like catch and release.

I am not sure everyone who supports the bill that Senator FEINSTEIN has proposed understands what the consequences are of the legislation. Where are the provisions that allow us to enforce our immigration laws? Both of our bills allow for families to be kept together while they are waiting for court proceedings, but only one of them, the Tillis bill, also permits the enforcement of our laws. That seems to be the choice that our Democratic colleagues have made.

With all due respect to our Democratic colleagues, their legislation, simply, doesn't cut it. I don't think the American people will tolerate a situation in which our borders remain open, essentially, to the poison shipped over here from the drug traffickers, to the human trafficking by which people are, simply, sold into modern-day slavery, or whether open borders is used as a way to transport people illegally from one country to another.

We want to make it clear that families should be kept together but, also, that we will enforce the law even when that requires families be held in government custody for a short period of time pending their court hearings. We also want to be clear that where they should be held is in safe residential family housing and away from hardened, potentially violent criminals.

Again, the legislation, which has been proffered by our friend from California, doesn't mandate that. Basically, it just prevents us from enforcing our laws. It promotes catch and re-

lease, and it doesn't specify where families should be held together, which could jeopardize the safety of these children.

With these and other shortcomings, I think the much better option is the bill that our Republican colleagues and I, along with Senator TILLIS, have introduced. I hope the discussions which, I know, have been planned between Senator DURBIN, Senator FEINSTEIN, Senator TILLIS, and Senator CRUZ—perhaps as early as today—are very productive. It would be important to achieve both important goals at once—the continued enforcement of our immigration laws and the unification of families.

I have become disturbed by what I have seen on social media. There is a hashtag in social media called “abolish ICE,” abolish the U.S. Immigration and Customs Enforcement. I have read where one Democratic House Member has actually introduced legislation that would abolish our immigration enforcement agency, the U.S. Immigration and Customs Enforcement. Basically, what that would do is to create an open invitation to the criminal organizations that facilitate illegal immigration, drugs, and other contraband. There will be no limit to the number of people who will be able to enter the country illegally. We will just wave them on through.

In addition to the open borders, which is no solution, there are colleagues who are advocating this sort of notion, who have no plan of how to deal with the influx of humanity, whether it is from a health and safety or a safe and secure facilities perspective. I think it is a half-baked idea and one we should reject.

I urge our colleagues on both sides of the aisle to continue talking and to support the legislation that Senator TILLIS and I and others have introduced.

I would like to see the Senate take swift action. I wish we could have done it last week because we all agree that families should be kept together, and we all agree that this is an emergency situation. We must act quickly. If we come together, we can resolve this situation swiftly and ensure these children will be kept with their families, which is our No. 1 priority.

It is also a priority of all of us to enforce the laws that are on the books and not to, basically, benefit the business model of the drug cartels in the process and see them continue to prey on young, susceptible, vulnerable people who are willing to risk it all just to make their way to the United States, to our borders.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FAMILY SEPARATION

Mr. SCHUMER. Mr. President, as we are all aware, the Trump administration's border policy has resulted in thousands of families having been sepa-

rated at the border over the past few months. Despite the administration's recent executive order, thousands of young children remain separated from their parents in cities across the country, across America. According to the New York Times, right now, there are 2,053 children who are stuck in limbo, waiting for various Federal agencies to reunite them with their families.

Some of the most basic questions about their whereabouts and the whereabouts of their families are unknown to Federal officials. Of the thousands of children having been taken away from their parents since the President's family separation policy went into effect, only about 500 children in CBP's custody have been reunited with their families. That is not good enough. Who will be held accountable if these children are not returned to their parents? Some of these children are even too young to know their names.

This unprecedented situation demands a Federal point person to manage the family reunification process and ensure it is resolved as quickly and transparently as possible. Multiple agencies have jurisdiction, including the Department of Homeland Security, Health and Human Services, the Department of Defense, and the Department of Justice. We need someone in power to work across Federal agencies, cut through the bureaucracy, and lead the accurate, humane, and timely reunification of every child who has been separated by President Trump's policies.

I urge President Trump to appoint a family reunification czar to manage this process.

The administration needs to bring in an experienced and competent person to impose order on the chaos that the President's decision has caused—someone to be accountable so that this doesn't go on for months or longer with different agencies pointing fingers at each other while children languish alone in detention. When multiple Federal agencies are involved in responding to a crisis, the response is often cumbersome and slow. Each agency has its different track, its different goals, its different paths. Without someone in the White House to bring order and have them work in sync, all too often, nothing happens.

A czar—this is a good czar, not a bad czar—would help to avoid the situation whereby the agencies would be at cross purposes and paralysis and inaction would result. We did this when Ebola occurred. There were many agencies involved when we were worried about the national threat of Ebola. President Obama wisely appointed a czar—I believe it was Ron Klain. It worked, and the Ebola fear that we all had—thank God—didn't materialize. The same can happen here in the sense that a czar could help solve the problem.

It is agonizing—so agonizing—to see young children, with anguished looks on their faces, being separated from

their parents. This crisis demands a timely and efficient response. A family reunification czar would help get the job done. It is not a political situation whereby it is ideological. It is, simply, getting the bureaucracies to work.

## CHINA

Mr. President, on China, this morning, the New York Times reported that in several industrial cities in China's interior, Chinese manufacturers have been using incredibly dangerous chemicals known as CFCs, which destroy the planet's ozone layer and are explicitly banned by an international agreement from the 1980s. The CFCs are more dangerous to our atmosphere even than CO<sub>2</sub>, even than methane. That is why the world came together in a rare moment and successfully, for a long time, banned these CFCs.

Now it seems that this is not occurring in China, and it comes as no surprise. China cracks down so effectively on free speech, so one wonders why the state is unable to crack down on the use of environmentally toxic chemicals that have been banned for over 30 years. It took China's Government a matter of days to block online access to HBO after John Oliver poked fun at President Xi on the network. Yet, when it comes to the use of toxic chemicals that are banned by international agreements, China's government can't get its act together? Please. It is a metaphor. What is happening with CFCs is a metaphor for so many of China's policies, most especially for its trade policy.

Many question if China will ever moderate its self-interested, mercantilist behavior and join the community of nations in fair trade by lowering trade barriers, by abiding by international trade rules, and by ending its practice of intellectual property theft. Well, this news shows that when push comes to shove, China always does what is best for China—short-term profit for China—without regard to the well-being of its neighbors or the strictures of international agreements. Whether it is lead in our children's toys, cadmium in exported fish, or CFCs in the atmosphere, time and again, China flouts and skirts international laws, agreements, and vital environmental standards in ferocious pursuit of its economic interests.

We should not be accommodating when it comes to trade with China. We cannot appeal to its better angels and hope for the best—at least with President Xi in charge. We must recognize that China's government will not retreat from its fundamentally self-interested posture until and unless we force it to, through tough penalties for misbehavior and strong incentives to abide by free-market principles.

(Mrs. ERNST assumed the Chair.)

## HEALTHCARE

Madam President, on healthcare, last week insurers in Indiana and in the Presiding Officer's State of Iowa requested an increase in 2019 rates. The addition of Indiana and Iowa asking for

increasing rates adds to the growing list of States—including Virginia, Maryland, New York, and Oregon—that have raised rates as a result of Republican healthcare policies.

The CEO of one of the largest insurers in Indiana, Celtic, said insurers could have potentially lowered rates in 2019 if the Trump administration had not attempted to sow mass uncertainty and undermine the market.

Let me repeat that. The CEO of one of the largest insurers in Indiana said that health insurance costs could have gone down if not for President Trump and Congressional Republicans. He went on to say that the rate increases were also a result of the uncertainty caused by the Republicans' repeal of the coverage requirement and the Trump administration's expansion of short-term junk insurance plans.

Think about it for a moment. Middle-class families in Indiana could have saved on their healthcare next year if President Trump, aided and abetted by Republicans here in the Senate, hadn't sabotaged the system. If the Republicans and President Trump would have simply left our healthcare system alone, things would have been so much better. So many people in so many of our States will pay far more in premium increases than they will get benefits from a tax cut—particularly if you are middle-class and not rich. Is that right? Does that put more money in people's pockets? No. Does that get the economy going? Absolutely not.

Sadly, because of a political vendetta against the Affordable Care Act, Republicans have undermined our healthcare system at every turn. They don't have an answer as to what to do. They don't have a new system to put in place. They have tried that for a year and a half, and they haven't gotten anywhere. They just want to sabotage the existing law and make it worse for average Americans because they are so fixated on killing the ACA bill, even though they have nothing to put in its place, and American families are paying the price in the form of higher premiums, higher out-of-pocket costs, and more expensive prescription drugs.

## CIVIL DISCOURSE

Finally, Madam President, a word on a different subject. Here in the Senate we disagree with one another frequently and often fervently. I certainly do. Many of us disagree with the policies of the current administration. In a country as large and diverse as ours, politics has always been a noisy, raucous affair—probably even more so today. That is OK, but we all have to remember to treat our fellow Americans—all of our fellow Americans—with the kind of civility and respect that we expect will be afforded to us.

I strongly disagree with those who advocate harassing folks if they don't agree with you. If you disagree with something or someone, stand up and make your voice heard. Explain why you think they are wrong and why you are right. Make the argument. Protest

peacefully. If you disagree with a politician, organize your fellow citizens to action and vote them out of office, but no one should call for the harassment of political opponents. That is not right. That is not American.

Now, I understand those who look at the conduct of this President—a man who habitually engages in bullying, name-calling, slander, and pure nastiness for its own sake—and think: We have to fight fire with fire. I know I felt those emotions myself. I think we all do. I understand those who are outraged at the hypocrisy of this President when he complains about bullying, harassment, or nastiness when it is used against him or his allies, and he uses it as a regular tool almost every day. I am outraged by the double standard that we seem to let this President get away with. But the President's tactics and behavior should never be emulated. They should be repudiated by organized, well-informed, and passionate advocacy. As Michelle Obama, a person who represents the same kind of fineness that we have always had in America, in complete contrast to the coarseness of this President, said: "When they go low, we go high." That is a contrast of civility, honor, and decency to President Trump's coarseness and meanness. It is a contrast that will serve those of us who oppose what the President does so well.

To opponents of the President's policies, the best way to limit what he can do, to show that America is not as coarse, as mean, as hypocritical as his behavior suggests, the best solution is to win elections. That is a far more productive way to channel the legitimate frustrations with this President's policies than harassing members of his administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

## FAMILY SEPARATION

Mr. NELSON. Madam President, I want to report to the Senate on attending the detention center in my home State of Florida. I stood on the floor last week and reported that a lot had changed. I just returned again from South Florida, where I was finally allowed to go through the detention facility in Homestead where the number has been corrected from what we were told originally. We were told that of the 1,300 children who were there, 94 of them had been separated from their parents. The number I was given on Saturday is that 70 children there have been separated from their families.

This is the same facility that I had visited last Tuesday and where I was denied entry. Despite being the Senator from Florida and despite having oversight responsibility of the Department of HHS, which runs this detention facility, I was not allowed inside on Tuesday to check on the 94 kids being held there.

So I returned on Saturday, and while I was allowed to enter and go through

the facility and talk to the employees, I was still not allowed to see the 70 children separated from their parents or to speak with the one person who has the responsibility and who is in charge of reuniting these children with their parents.

I was told that this individual, and she was named, was not there on Saturday, as she works Monday through Friday. When I was given the name of this individual, I said: Well, I will be calling her on Monday. I must state that we have called and emailed several times and have not been provided the opportunity to speak to this one individual, identified as the person who tries to reunite the kids with their parents there in the Homestead facility.

Since I was given the name Barbara Flotus, why in the world would HHS not allow me to speak to her when she is back at the facility today? It is certainly in the interest of the American people to know that the children are being reunited. If this is the person that is put in charge at that center, then, why wouldn't they let this Senator from Florida speak to her?

Well, other than that, the main takeaway from that trip was that the Executive order that the President signed last week is a sham. It does nothing to reunite the children with their parents.

We have been told that there are over 2,300 children around the country that have been separated from their parents. We have also been told that there are attempts being made to reunite them. Then, why in the world would the Trump administration not want us to be able to tell a good news story?

Based on what I was told by officials at the facility I visited on Saturday, there is no plan in place to reunify these families. Is that the reason they are prohibiting me from speaking to Barbara Flotus today, because there still is no plan? All of this is unacceptable. The American people deserve answers to these questions.

Well, tomorrow this Senator plans to get some of those answers because Secretary Azar of HHS is coming in front of the Senate Finance Committee. Before he testifies, I want to give him a heads-up on the questions I am going to ask—and I expect some answers.

The questions are in regard to the separated children and the reunification with their parents. I want Secretary Azar to know that I would like for him to explain, while he is in front of the Senate Finance Committee under oath, where these children are right now who are all over the country. When are they going to be reunited with their families? Why is the HHS Department denying Members of Congress access to the facilities?

Why is it that when we are given entrance into the facilities, as I was on Saturday, they are not allowing us to speak with the children who have been separated from their parents? Why is HHS refusing to provide us with information about these children, including

what is being done right now to reunite them with their families?

I thought I was going to have a good-news story to report to the Senate today, after talking to Barbara Flotus, whose name I was given, but I have been denied the opportunity to speak with her.

The Secretary should have plenty of time between now and his testimony tomorrow before the Finance Committee to find the information he needs to fully answer these questions.

I want to be very clear about tomorrow's hearing because this Senator will expect full answers to each of the questions—no backtrack, no getting off on a different subject. The American people want to know about these children and when are they going to be reunited, and that was not covered in the President's Executive order. There is no reason why this administration should be putting up barriers and preventing Members of Congress from doing their jobs and checking on the welfare of these children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I come here to raise an issue, not with the actual bill we will be voting on today but with language included in a committee report accompanying the bill.

The Environmental Protection Agency has reportedly given out unprecedented numbers of so-called small refinery hardship waivers to the renewable fuel standard. These are given, in some cases, to huge multibillion-dollar companies that probably would not be entitled to what is really a hardship.

The EPA has yet to disclose what waivers it has granted and the rationale, but based on what has been reported, its actions seem pretty darn fishy, from my point of view. Refiners speaking with the press have noted:

Anyone with a brain submitted an application. The EPA was handing out those exemptions like trick or treat candy.

The EPA is hiding behind a very narrow court case for specific refineries, as well as report language accompanying last year's Energy and Water appropriations bill. Neither I nor any other Senator voted for this report language. Report language accompanying bills are not actually law so they are not legally binding.

Still, I wrote to the subcommittee that it should not include language purporting to tell the EPA to do anything other than follow the law. The law mandates blending 15 billion gallons of renewable fuels into our fuel supply. Estimates are that these retroactive waivers have reduced that by as much as 1.63 billion gallons. Every billion gallons lost equates to a loss of more than 2 million acres of harvested corn and an increase in emissions.

My constituents are outraged at this activity by the EPA. Agriculture Secretary Perdue has called these waivers, in his words, "demand destruction" for biofuels.

I wrote to the Energy and Water Subcommittee that it should urge the EPA to disclose the waivers it gives and the rationale for any of these grants and that any waivers should not result in a lowering of the 15 billion gallon renewable volume obligation in the law.

I am disappointed that the appropriators didn't include my commonsense language about transparency, but I am very upset that it renewed the previous language purporting to direct EPA how to consider small refinery waivers. The Appropriations Committee should drop the controversial report language and EPA should simply follow the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I would like to thank my colleagues for their work on the Legislative Branch portion of the appropriations package because, for the first time in nearly a decade—a decade—the Legislative Branch bill received floor consideration outside of the year-end omnibus.

Because it is our job to ensure the timely funding of our government, returning to regular order on the Legislative Branch bill and all our other appropriations bills is a much needed change.

The Legislative Branch appropriations bill is good news for transparency, for accountability, for taxpayers, and for security of the Capitol.

This bill will increase public access to campaign filings. It will strengthen accountability in how government property is used. It will also make investments that will help meet security needs on the Capitol campus.

I thank Senator MURPHY, my ranking member, for working with me, in a bipartisan manner, on amendments to the Legislative Branch division. The resulting bill makes sound investments in numerous priorities and will help ensure the operations of the legislative process.

I also very much appreciate the leadership and efforts of Chairman SHELBY and Vice Chairman LEAHY on returning to regular order. I thank Senators ALEXANDER, FEINSTEIN, BOOZMAN, and SCHATZ for their work on the other two bills in this package.

I urge my colleagues to support the adoption of this package of appropriations bills.

Thank you.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Madam President, for the first time in a long time, we are bringing appropriations bill to the floor, debating amendments, and voting on legislation.

Shortly, the Senate will be voting on the first fiscal year 2019 spending bills. I am pleased the Military Construction and Veterans Affairs and related agencies appropriations bills are part of this package.

This is a bipartisan bill that funds the critical infrastructure for our Nation's servicemembers, their families,



and takes care of America's 20 million veterans. This is a good step in returning to regular order, with the Senate considering appropriations legislation in a timely fashion.

We owe thanks to Chairman SHELBY and Ranking Member LEAHY for providing leadership for the transparent, bipartisan process.

This bill was crafted in a truly open and collegial way. The subcommittee made thoughtful decisions about how to provide maximum readiness for the warfighter and prioritize investments to the VA so they can take care of our veterans.

We took into account the request and preferences of all Members on both sides of the aisle and balanced it with the administration's budget submission. Within this framework, we have created a thoughtful and responsible path forward for both Departments and our related agencies.

The bill provides \$97.1 billion in discretionary spending, which is \$5.1 billion over last year's level. Within that, the Department of Veterans Affairs has provided a new record level of resources of \$86.4 billion in discretionary funding, which is \$5 billion over last year's level and \$1.1 billion over the President's request. These resources will provide healthcare and other important benefits earned by U.S. servicemembers.

The bill also provides \$10.3 billion to support military construction and family housing needs, a \$228 million increase over last year's level. This will fund a total of 169 military construction projects that restore warfighter readiness and increase the lethality of our installations.

A lot of time and energy has gone into putting this legislation together. I thank my staff, Patrick Magnuson, Jennifer Bastin, Joanne Hoff, and Carlos Elias, and, of course, Senator SCHATZ and his staff—again, both groups working together in a very bipartisan manner, working hard to address the needs of our servicemembers and our veterans.

This is a good bill. It was reported out of committee without a single dissenting vote, and I hope we will have unanimous support when we vote on final passage. I ask my colleagues to support this bill.

Thank you.

With that, I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, U.S. Senators shouldn't get an award for restoring the appropriations process any more than Boy Scouts and Girl Scouts should get a merit badge for telling the truth because that is what we are supposed to do, but the fact is, last week and tonight we have taken an appropriations process, which has been incomplete and broken for the last several years, and we have done what we are supposed to do.

Sometimes the U.S. Senate has been like joining the Grand Ole Opry and not being allowed to sing.

Senator MCCONNELL said before he became majority leader in 2015 that his goal was to follow the example of the Senate majority leader, Mike Mansfield, who was the leader when MITCH MCCONNELL was a young legislative intern. MITCH MCCONNELL said he wanted to open up the Senate, and for quite a while, that turned out to be the case.

As Senator MCCONNELL has said: In the last year of the Democratic majority in 2014, there were only 15 rollcall votes on amendments the entire year. In the first year of the Republican majority—that is 2015—there were over 200.

One example from the committee of which I chair—the Health, Education, Labor, and Pensions Committee—was the bill fixing No Child Left Behind. Working with Senator MURRAY, on the floor we considered 81 amendments. We had rollcall votes on 24, and we adopted 11. We had voice votes to accept 28, and we agreed to 27 amendments by unanimous consent. That was the bill to fix No Child Left Behind.

Another example is the Energy and Water appropriations bill we considered 2 years ago. Working with Senator FEINSTEIN of California, the Senate voted on 21 amendments and adopted 14.

This year, we have fallen back into our bad habits with few amendment votes, but over this past week, we took an important step toward restoring the practice of considering appropriations bills under regular order.

Just on the Energy and Water appropriations bill—one of the three we will be voting on tonight—we have worked together in a fair and bipartisan manner to get a result. We held three hearings, a subcommittee markup, a full committee markup. Eighty-three Senators made suggestions during the committee process—almost all of which we tried to accommodate in one way or another. Then, in committee, seven amendments were included in the managers' package, plus we had two rollcall votes and adopted one amendment.

Then, on the floor, the Energy and Water appropriations bill has been considered with Military Construction, Veterans Affairs, and Related Agencies appropriations bill and the Legislative Branch appropriations bill. For this package of bills, we adopted 7 amendments by rollcall and another 34 by unanimous consent. That adds up to what one might call restoring the practice of regular order for appropriations from start to finish.

The committee process has almost always been done. The part that has often been missing was the last part, the floor consideration. That is what is different about this year.

I thank Senator MCCONNELL and Senator SCHUMER—the two leaders—working with Senator SHELBY and Senator LEAHY—the chairman and ranking member—for creating an environment in which we can get this done. It wouldn't have happened if they had not done that.

I also thank Senator BOOZMAN, Senator DAINES, Senator FEINSTEIN, Senator MURPHY, as well as Senator SCHATZ. We all worked together last week and got a result.

As I said at the beginning, Senators shouldn't get a pat on the back for doing what we are supposed to do any more than Boy Scouts should get a merit badge for telling the truth, but we have done what we are supposed to do. It is an encouraging sign, and I hope it sets a precedent.

For several years now, bipartisan majorities in Congress have appropriated record levels of taxpayer dollars for government-sponsored research, science, and technology. This hasn't always been noticed. President Trump has signed two of these appropriation bills, and I want to suggest that the President include government-sponsored research, science, and technology as part of his "America First" agenda.

A principal reason the United States produces 24 percent of all the money in the world for just 5 percent of the people is the extraordinary concentration of brain power in the United States, supported by Federal dollars through our National Institutes of Health, our National Laboratories, the National Science Foundation, and other agencies.

Senator GARDNER of Colorado dropped by my office the other day, and he said this: I was flying over the Middle East, and I looked down, and there were cars everywhere. I thought, well, Henry Ford invented the assembly line. Then it got to be dark, and there were lights everywhere, and I thought, well, Thomas Edison invented the light bulb. We were flying at 30,000 feet, and I thought, well, the Wright brothers invented the airplane. They are all Americans. I got to thinking, of course, that is not all. We have invented the internet, polio vaccine, the personal computer, nuclear power.

You could make a long list. It is hard to think of any major technological invention since World War II that didn't have some support from government-sponsored research.

So I would like to tell President Trump and the Office of Management and Budget that science, research, innovation, and technology is what helped to make America first and that he include that in his America First agenda.

The funding in this bill is a good first step toward doing that. It prioritizes Federal spending to keep America first in energy research, and it increases funding to build the fastest supercomputers in the world, and develop the next generation of supercomputers.

Two weeks ago, Energy Secretary Rick Perry traveled to Oak Ridge, where he announced that the United States will regain the No. 1 position in supercomputing in the world. We compete for that every year with China and Japan. To stay ahead of China and Japan and other countries—those in

Europe, for example—that are emphasizing science and technology and research costs money, but it is important to note that we have been able to do that with bipartisan majorities over the last several years—not by overspending. We did it by setting priorities.

The record funding that is part of this bipartisan budget agreement is a part of the 30 percent of the spending in the Federal budget that has been going up at about the rate of inflation for the last 10 years, and, according to the Congressional Budget Office, it will go up a little bit more than the rate of inflation for the next 10 years.

So our record funding is achieved by setting priorities within budget limits. It is not the part of the Federal budget that is breaking the bank. That is the entitlement part, not the National Laboratories, not the national defense, not the National Institutes of Health, and not the national parks. They are within the part of the budget that is under control.

Funding in this bill supports several important agencies, including the U.S. Department of Energy, the Corps of Engineers, the National Nuclear Security Administration, the Nuclear Regulatory Commission, the Bureau of Reclamation, the Regional Commissions, including the Appalachian Regional Commission and the Delta Regional Authority.

For the fourth consecutive year, as I was saying, we have included record funding levels in regular appropriations bills for the following activities: The U.S. Department of Energy's Office of Science. This is the outfit that funds our 17 National Laboratories—our secret weapon. No other country in the world has National Laboratories like we do. The Office of Science is the Nation's largest supporter of research in the physical sciences. It is funded at \$6.65 billion, a new record level of funding.

The Office of Science provides funding for the laboratories, including the Oak Ridge National Laboratory. Funding for the Office of Science would increase by 6 percent next year if this legislation becomes law.

Or let's take supercomputing. I mentioned that Secretary Perry went to the Oak Ridge National Laboratory last week. This bill provides a total of \$1.68 billion for high-performance computing, including \$980 million within the Office of Science and \$703 million within the National Nuclear Security Administration. This amount includes \$677 million to deliver at least one exascale machine in 2021 to reassert U.S. leadership in this critical area.

This funding has been provided, on a bipartisan basis, for 10 years. I remember Senator Bingaman of New Mexico encouraging me to go to Japan to see their supercomputer when Japan was No. 1 in the world. Because of that after 10 years of effort and support from Presidents Bush, Obama, and Trump, when they signed the bill,

America is now No. 1 in supercomputing.

Or take an agency we call ARPA-E. It is funded at \$375 million, record funding for a regular appropriations bill. ARPA-E, which is sort of a funny name, has a cousin with a funny name that is a little better known, named DARPA. DARPA is in the Department of Defense. Out of it has come wondrous new technologies from stealth to the internet, for example.

So, 10 years ago, Congress decided to make an energy equivalent of DARPA, and we fund it every year to invest in high-impact energy technologies and quickly get these technologies out into the private sector.

Another important part of this bill is the focus on efforts to clean up hazardous materials on Cold War-era sites. It provides \$7.2 billion to support environmental cleanup, which is \$581 million above the President's budget request.

Still another important part of this bill is the U.S. Army Corps of Engineers, which touches the lives of almost all Americans. Based upon the number of appropriations requests we get each year, the Corps of Engineers is the Federal Government's most popular agency.

The Corps maintains our inland waterways. It deepens and keeps our ports open. It looks after many of our recreational waters and lands. It manages the river levels to prevent flooding. And its dams provide emission-free, renewable hydroelectric energy.

I can recall when I was a member of the Environment and Public Works Committee, after the Missouri and Mississippi Rivers flooded, a whole room full of Senators showed up to ask for more money for their States to deal with what was wrong and to make things right. There is a real interest in what the Corps does.

The bill restores \$2.142 billion that was cut by the President's budget request, bringing the Corps' budget up to \$6.9 billion—a new record level of funding in a regular appropriations bill.

For the fifth consecutive year, the bill makes full use of the Inland Waterways Trust Fund revenues for water infrastructure projects. What that means is we take the tax money we collect from people who use the locks, and we spend it all on what we are supposed to spend it for, which is making the locks better.

The bill also provides funding that exceeds the Harbor Maintenance Trust Fund spending targets established by the Water Resources Development Act in 2014.

This is the fifth consecutive year that the bill has met or exceeded that target, which is necessary to adequately fund our Nation's harbors, including the ones in Mobile, in Savannah, in Long Beach, and many others across the country.

There is \$14.8 billion for the National Nuclear Security Administration, including \$1.9 billion for six life exten-

sion programs, which fix or replace components of weapons systems to make sure they are safe and reliable.

We fund the Nuclear Regulatory Commission which oversees our 99 nuclear reactors. Nuclear power provides 20 percent of our electricity and more than half of our carbon-free electricity.

We include funding to ensure that the Nuclear Regulatory Commission is prepared to review applications for new reactors, particularly small reactors, advanced reactors, and to extend the licenses of our existing reactors when it is safe to do so.

The bill also provides \$47 million for research and development for the Department of Energy to support existing reactors, \$30 million for the Center for Advanced Simulation of Light Water Reactors, and \$30 million for the transformational challenge reactor.

The legislation also includes a pilot program that Senator FEINSTEIN especially has pushed, and I have joined her, to consolidate nuclear waste and move it away from the sites where they now are. Funding is also there to take the first steps toward being able to store nuclear waste in private facilities.

In conclusion, it is important that the American people know that the Republican majority in Congress has worked with Democrats to provide record levels of funding for science, research, and technology. We want to keep America first on both sides of the aisle, and this bipartisan support is not limited to the Energy and Water Development Appropriations Subcommittee. It is true in our other subcommittees as well.

The National Science Foundation has increased by \$200 million this year and another \$300 million for next year. It gives 11,000 grants to universities and institutions around the country. And, perhaps most important, in fiscal year 2018, for the third straight year, the subcommittee chaired by Senator BLUNT and Senator MURRAY provided increased funding for the National Institutes of Health and biomedical research—\$2 billion additional dollars in the first year, \$2 billion the second year, and \$2 billion the third year, which is in addition to the money—nearly \$5 billion—in the 21st Century Cures Act that focuses on the Precision Medicine Initiative and the Cancer Moonshot, among other things.

Senator BLUNT says that over 3 years, that is a 23-percent increase.

So I would say two things to those who haven't noticed this quiet development. No. 1: Congress is doing what it is supposed to do. We are not asking for an award any more than the Boy Scouts get a merit badge for telling the truth, but we are doing what we are supposed to do on appropriations from start to finish on these three bills.

No. 2: We are funding science and research and technology at record levels—record levels. It is important to keep America competitive in the world.



I thank our staffs who have worked together on this bill. On my staff are Tyler Owens, Adam DeMella, Meyer Seligman, Jen Armstrong, Molly Marsh, and Rachel Littleton.

On Senator FEINSTEIN's staff are Doug Clapp, Chris Hanson, and Samantha Nelson.

I look forward to continuing with the regular order and going to conference with the House of Representatives. I urge my colleagues to vote in support of this legislation.

I thank Senator LEAHY and Senator SCHATZ, who are both on the floor, as well as Senator SCHUMER, Senator MCCONNELL, and the other Senators who have spoken today for creating an environment that allows us to succeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Madam President, I want to thank Chairman ALEXANDER as well as Vice Chair LEAHY, Chairman SHELBY, Chairman BOOZMAN, and many other people who have made this minibus work. We are going to adopt it tonight. I hope that our work over the last week has set the tone for the Senate's consideration of the remaining appropriations bills.

We have opened debate and considered a number of amendments, and we have avoided controversial issues that have too often torpedoed our work in prior years. Between rollcall votes and the managers' package, we have adopted 40 amendments, including 14 to the MILCON-VA appropriations bill. This speaks volumes to the bipartisan cooperation that I expect will continue as we try to get back to some semblance of the regular order as it relates to the appropriations process.

I especially want to thank my colleague from Arkansas, Chairman BOOZMAN, for managing a fair amendment process and for working to keep the bill bipartisan. I want to thank subcommittee staff Patrick Magnuson, Jennifer Bastin, and Joanne Hoff. And from my subcommittee staff, I thank Chad Schulken and Jason McMahon. They worked late nights reviewing hundreds of amendments.

I also want to thank our counterparts on the Energy and Water and Legislative Branch Subcommittees, and their staffs, for their great work over the past few months to put together bills that I believe will pass overwhelmingly today.

Lastly, it is important to thank Chairman SHELBY and Vice Chairman LEAHY for getting us to this point. By the end of the week, we will have reported out of the full committees all 12 government funding bills with 3 having passed the floor, and all before July 4. That is what is possible when there is a commitment to making this place work.

I will just call out one particular moment that actually impressed me. Things got a little wobbly when the rescissions package, which was a privileged matter, hit the floor. We had a

couple of tough conversations, but we navigated our way through that. Then there was an amendment offered that was in order, but it was about waters of the United States. Without getting into great detail about this, there is probably nothing that causes people to go put on their partisan jerseys more than WOTUS—waters of the United States. Chairman SHELBY and many Republicans, including Leader MCCONNELL, said, essentially: Listen, I am with you, Senator LEE, in principle, but this is not the bill on which to do this. That is the kind of discipline that is going to be required of both parties if we are going to keep the appropriations process on track and allow it to be held harmless from some of our more partisan disputes.

Their strong leadership and that of their staffs—Shannon Hines, Jonathan Graffeo, and David Adkins from the majority and, of course, Chuck Kieffer, Chanda Betourney, and Jessica Berry from the minority—have gotten us where we are today. I urge all of my colleagues to support the minibus package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I appreciate the comments of the Senator from Tennessee and the Senator from Hawaii. I have enjoyed working with both of them because look where we are. This is somewhere we have not been for a number of years. It is where we used to be—certainly for the first few decades I was here. It is where we were when Senator ALEXANDER or my hero, Senator Baker, were here.

What we are doing is voting on final passage of the first package of Senate appropriations bills for fiscal year 2019. The minibus before us contains a string of appropriations bills: the Energy and Water appropriations bill, the Military Construction and Veterans Affairs appropriations bill, and the Legislative Branch appropriations bill. We will have these votes in a matter of half an hour, and they will only take a few minutes, but there are hours and hours and days and weeks that went into this by both Republicans and Democrats.

Chairman SHELBY and I worked very closely with Senator MCCONNELL and Senator SCHUMER. Both Senator SHELBY as chairman and I as vice chairman committed to getting the appropriations process back on track. We both have been here when the Senate has been in a better place because the appropriations process worked. Our strategy has been to advance appropriations bills that have bipartisan support, comply with the budget deal and are free of poison pill riders or controversial authorizing legislation. What we have before us is the first test of that strategy. I think both Republicans and Democrats should be pretty pleased with the result.

We had a good debate on this package of bills, including the last eight rollcall votes. We adopted a managers' package

that contained 32 amendments on which we have reached agreement. This minibus is the result of hard work and compromise on the part of the chair and ranking member of each subcommittee, and I urge Senators to vote aye on final passage.

Importantly, during the debate on this package of bills, as just mentioned, the Senate voted to table a controversial amendment offered by Senator LEE to overturn the 2015 clean water rule related to waters of the United States. This rule was designed to prevent pollutants from spreading through tributaries into our Nation's drinking water supply. I felt that the amendment not only would have driven a stake through the heart of the clean water rule, it would have done so without having to abide by the Administrative Procedure Act, it would have effectively eliminated the American public from any participation in the process, and it would have sidestepped and allowed arbitrary and capricious standards, which we cannot have, if we had repealed the rule.

I opposed this amendment not only because I believe that repealing the clean water rule would be shortsighted, and that doing it in this manner would set a terrible precedent for the next bedrock environmental regulation, but also because this is precisely the type of poison pill policy rider both Republicans and Democrats have worked so hard to avoid.

The adoption of the Lee amendment would have endangered our ability to complete our work on the minibus. We tabled the amendment, and we had votes from both sides of the aisle, including from Senators who agreed with the substance of the Lee amendment, but they recognized this reality as well—that adopting it would stop the whole bill. That is how the process should work. By focusing on funding matters, by avoiding controversial policy riders, we have ended the Senate debate with a bipartisan product that both Democrats and Republicans can support.

I went on at some length on this because I am concerned that the House is pursuing a different path. They are taking up partisan bills and filling them with poison pill riders that cannot and will not pass the U.S. Senate, and they know that, including a rider similar to the defeated Lee amendment. Democrats proceeded to this package of bills in good faith, and we will go into conference negotiations with that same approach, but if our progress is to continue, we cannot sign conference reports on bills that can't pass the Senate. They must be bills that can pass the Senate, bills that both Republicans and Democrats can vote for, and that means they have to be free of poison pills from the right or the left.

This minibus provides significant resources for the support and care of our Nation's veterans and their family

members, and it makes critical investments in our country's water infrastructure and energy programs. It should not be used as a vehicle to advance a partisan political agenda.

Before concluding my remarks, there is one issue we were not able to address in the Military Construction and Veterans Affairs bill that must be addressed in conference. The bill still does not provide enough money to cover the costs associated with the VA Choice Program, which was transferred to the discretionary side of the budget under the MISSION Act. The MISSION Act only provided funding for this program through May of 2019, leaving the balance unaddressed. To cover the shortfall, we are going to need an estimated \$1.6 billion more in fiscal year 2019 and an additional \$8.6 billion in fiscal year 2020 and \$9.5 billion in fiscal year 2021 to cover the Veterans Affairs Choice Program. These costs were not accounted for when we negotiated the budget caps in the bipartisan budget deal, so the chairman and the ranking member of the subcommittee were unable to address the shortfall within their allocation without cutting funding for other important programs.

Senator SHELBY and I filed an amendment—the Complete the MISSION amendment—which would have provided the flexibility needed to make sure we fulfill this commitment to our veterans without triggering sequestration or without having to cut other valuable veterans programs.

I would note that on June 19, we received a letter from 33 veterans service organizations representing millions of veterans, servicemembers, and their families in support of the amendment Chairman SHELBY and I filed. I ask unanimous consent to have this letter printed in the RECORD at the conclusion of my remarks.

Unfortunately, we were not able to reach agreement to get a vote on our amendment or have it included in the managers' package, but Chairman SHELBY and I remain committed to solving this problem in conference. If we don't do so, we will jeopardize the healthcare and well-being of the men and women who have faithfully served our country, who relied on the promises made by our country when they served our country, and I am not willing to accept going back on our country's promise.

I thank Chairman SHELBY, and I thank the Republican chairs and the Democratic ranking members of each subcommittee for their hard work. As the longest serving Member of this body, I think we provided a roadmap to consider the rest of the appropriations bills, going back to doing it the way we have done it under both Republican and Democratic leadership and where the country is better off.

I also want to thank Shannon H. Hines, Jonathan Graffeo, David Adkins, Tyler Owens, Jen Armstrong, Adam DeMella, Meyer Seligman, Rachel Littleton, Molly Marsh, Sarah

Boliek, Lucas Agnew, Patrick Magnuson, Jennifer Bastin, Joanne Hoff, and Carlos Elias of the majority staff and Charles Kieffer, Chanda Betourney, Doug Clapp, Chris Hanson, Samantha Nelson, Melissa Zimmerman, Jean Kwon, Chad Schulken, Jason McMahon, Jessica Berry, and Jordan Stone on the minority staff for their work on these bills.

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

JUNE 19, 2018.

Hon. MITCH MCCONNELL,  
*Majority Leader,*  
*U.S. Senate, Washington, DC.*

Hon. JOHNNY ISAKSON,  
*Chairman, Senate Veterans' Affairs Committee,*  
*Washington, DC.*

Hon. CHUCK SCHUMER,  
*Minority Leader,*  
*U.S. Senate, Washington, DC.*

Hon. JON TESTER,  
*Ranking Member, Senate Veterans' Affairs Committee,*  
*Washington, DC.*

DEAR LEADER MCCONNELL, LEADER SCHUMER, CHAIRMAN ISAKSON AND RANKING MEMBER TESTER: On behalf of the millions of veterans, service members and family members we represent and advocate for, we want to first thank you for passage of the VA MISSION Act (P.L. 115-182), historic legislation that will consolidate and reform VA's community care programs; strengthen VA's ability to recruit, hire and retain medical personnel; review, realign and modernize VA's health care infrastructure; and extend eligibility to VA's comprehensive caregiver assistance program to veterans severely injured before September 11, 2001. With the law set to begin taking effect next year, it is imperative that Congress now ensure that VA has the resources necessary to fully and faithfully implement the many critical provisions of this legislation.

For that reason, we urge you and all Senators to support and vote for Chairman Shelby and Vice Chairman Leahy's new "Complete the Mission" amendment, which would allow Congress to provide VA with sufficient resources required to implement the provisions of the VA MISSION Act, without triggering sequestration or requiring cuts to other VA programs.

As you know, the VA MISSION Act would effectively move funding responsibility for care currently provided through the Veterans Choice Program from mandatory appropriations to a new discretionary program that must fit within overall domestic discretionary caps. However, the current domestic discretionary budget cap for FY 2019, and the anticipated caps for FY 2020 and FY 2021, did not contemplate the new and increased costs associated with the VA MISSION Act. As such, Congress may not have the ability to fully fund all of the programs, benefits and services that our veterans, their families and survivors have earned.

It is imperative that VA not be forced to choose between fully funding its hospitals and clinics for veterans seeking care inside the VA health care system, or fully funding community care for veterans who would otherwise be forced to wait too long or travel too far to access VA care. We do not want to return to a time when veterans were forced onto waiting lists to get the care they have earned through their service and sacrifice.

The new Shelby-Leahy "Complete the Mission" amendment would allow Congress to appropriate additional discretionary funding to meet the new requirements of the VA MISSION Act without triggering sequestration. However, unlike a prior amendment

that had been discussed, this amendment would limit the amount of such funding to just \$1.6 billion for FY 2018, \$8.67 billion for FY 2019 and \$9.5 billion for FY 2020.

We are very concerned that without assurance of sufficient funding, reform and modernization of the VA health care system—which millions of ill and injured veterans rely on—could be delayed or endangered. Further, tens of thousands of caregivers for severely injured veterans might have to continue waiting before they can receive the benefits they deserve. For these reasons, it is absolutely critical that the Shelby-Leahy "Complete the Mission" amendment to the MilCon-VA Appropriations bill be adopted by the Senate, approved by the House, and enacted into law.

As leaders of the nation's veterans and military service organizations, we again want to thank you for approving the VA MISSION Act in order to fulfill the promises our nation owes to the men and women who served. We now call on you to ensure that VA has sufficient funding to implement this legislation by supporting and voting for the Shelby-Leahy "Complete the Mission" amendment to the MilCon-VA Appropriations bill. Millions of injured and ill veterans and their family caregivers are counting on your support.

Respectfully,

Garry J. Augustine, Washington Executive Director, DAV (Disabled American Veterans); Louis Celli, Jr., Executive Director, Government & Veterans Affairs, The American Legion; Joseph R. Chenelly, Executive Director, AMVETS; Dana T. Atkins, Lieutenant General, U.S. Air Force (Ret.), President, Military Officers Association of America; Robert E. Wallace, Executive Director, Veterans of Foreign Wars of the United States; Carl Blake, Executive Director, Paralyzed Veterans of America; Rick Weidman, Executive Director for Policy, Vietnam Veterans of America; Rene Bardof, Senior Vice President, Government & Community Relations, Wounded Warrior Project; Paul Rieckhoff, Founder and CEO, Iraq and Afghanistan Veterans of America; Steve Schwab, Executive Director, Elizabeth Dole Foundation; Norman Rosenshein, Chairman, Jewish War Veterans of the USA; Jon Ostrowski, Senior Chief, USCGR, Retired, Director, Government Affairs, Non Commissioned Officers Association; RADM Christopher Cole, USN (Ret.), National Executive Director, Association of the United States Navy; Michael Cowan MD, VADM USN (Ret), Executive Director, AMSUS; Neil Van Ess, National Commander, Military Order of the Purple Heart.

Deirdre Park Holleman, Esq., Washington Executive Director, The Retired Enlisted Association; Bonnie Carroll, President and Founder, Tragedy Assistance Program for Survivors; Randy Reid, Executive Director, U.S. Coast Guard Chief Petty Officers Association; Paul K. Hopper, Colonel, USMC (Ret.), National President, Marine Corps Reserve Association; Kristina Kaufman, Executive Director, Code of Support Foundation.

Joseph C. Bogart MA, Executive Director, Blinded Veteran's Association; John H. Madigan, Jr., Vice President and Chief Public Policy Officer, American Foundation for Suicide Prevention; James T. (Jim) Currie, Ph.D., Colonel, USA (Ret.), Executive Director, Commissioned Officers Association, of the U.S. Public Health Service; CW4 (Ret.) Jack Du Teil, Executive Director, United States Army Warrant Officers Association; E.J. Sinclair, Army Aviation Association of America; Harriet Boyden, Gold Star Wives of America; James R. Sweeney, Reserve Officers Association; Thomas J. Snee, National

Executive Director, Fleet Reserve Association; Jim Lorraine, President/CEO, America's Warrior Partnership; Keith Reed, Executive Director, Air Force Sergeants Association; Representative of the Enlisted Association of the National Guard of the US; Michael P. Hughes, Naval Enlisted Reserve Assn.; Lydia Watts, Service Women's Action Network.

#### ALPHABETICAL LIST OF LETTER SIGNERS

1. Air Force Sergeants Association (AFSA)
2. American Foundation for Suicide Prevention (AFSP)
3. America's Warrior Partnership
4. The American Legion
5. AMSUS, The Society of Federal Health Professionals
6. AMVETS (American Veterans)
7. Army Aviation Association of America (AAAA)
8. Association of the US Navy (AUSN)
9. Blinded Veterans Association (BVA)
10. Code of Support Foundation (COSF)
11. Commissioned Officers Association of the US Public Health Services Inc (COA)
12. DAV (Disabled American Veterans)
13. Elizabeth Dole Foundation (EDF)
14. Enlisted Association of the National Guard of the US (EANGUS)
15. Fleet Reserve Association (FRA)
16. Gold Star Wives of America (GSW)
17. Iraq and Afghanistan Veterans of America (IAVA)
18. Jewish War Veterans (JWV)
19. Marine Corps Reserve Association (MCRA)
20. Military Officers Association of America (MOAA)
21. Military Order of the Purple Heart (MOPH)
22. Naval Enlisted Reserve Association (NERA)
23. Non Commissioned Officers Association of the USA (NCOA)
24. Paralyzed Veterans of America (PVA)
25. Reserve Officers Association (ROA)
26. Service Women's Action Network (SWAN)
27. The Retired Enlisted Association (TREA)
28. Tragedy Assistance Program for Survivors (TAPS)
29. US Army Warrant Officers Association (USAWOA)
30. USCG Chief Petty Officers Association (CPOA)
31. Veterans of Foreign Wars (VFW)
32. Vietnam Veterans of America (VVA)
33. Wounded Warrior Project (WWP)

Mr. LEAHY. Madam President, I do not see anybody seeking recognition.

I suggest the absence of a quorum, with the time equally divided.

The PRESIDING OFFICER (Mr. MORAN). Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, before we vote this afternoon, I want to thank my colleagues in the Senate, provide a status update on the appropriations processes before us, and urge the Senate to stay the course.

First, I thank Leaders McConnell and SCHUMER for bringing this package to the floor and facilitating an open amendment process.

I also thank the bill managers—particularly Senator ALEXANDER—for their work in crafting strong bipartisan bills and keeping the process on track.

In addition, I express my appreciation to Senator LEAHY, the vice chairman of the Appropriations Committee. Vice Chairman LEAHY is a man of his word, and that has been essential to the committee's ability to move bills.

Finally, I thank all of my colleagues for their cooperation and their input during floor consideration of this package.

At the outset of this debate, I challenged all Senators to follow through on their calls for a return to regular order. To that end, several amendments received up-or-down votes on the floor, and dozens more from both sides were included in the managers' package. We also rejected controversial authorizing provisions for the good of the process.

As we are getting ready to vote on final passage, I hope my colleagues agree that we are headed in the right direction. I recognize that this package must still be reconciled with the House version before we can get it to the President's desk, but I am optimistic that we can do that in short order.

We also cannot forget that nine other appropriations bills remain. The Appropriations Committee has already reported seven of these remaining bills to the full Senate, all with strong bipartisan margins.

This week, the committee will mark up the final two appropriations bills—Defense and Labor-HHS—and I am hoping for a similar result.

While we are about a quarter of a way through the 2019 appropriations process, we still have a long way to go, but we do have a framework for success—no poison pill riders, no new authorizations of law, no nongermane provisions. I have said it many times before, and I will keep saying it: This is the basis of the agreement I have with Vice Chairman LEAHY. This is the approach our subcommittee chairmen and ranking members have adopted in producing strong and balanced bills. This is the way to avoid the catch-all spending measures and shutdowns we all detest. This is how the appropriations process is supposed to work. This is simply what the American people expect both parties to do.

Looking ahead, I don't think any of us are naive about the potential for partisan politics to snake its way back into the appropriations process. Tomorrow is a different day, as we know, after all. But we all have a constitutional responsibility to allocate taxpayer money in a deliberate manner, and we have a viable path forward. So it is my hope that today marks a new day for the appropriations process in the U.S. Senate.

To all of my colleagues, I want to thank you for your cooperation. I ask that you continue to work with us in the weeks ahead so that we can suc-

cessfully pass all 12 appropriations bills on the Senate floor.

With that, I urge my colleagues to support the bill that will come before the Senate in a few minutes.

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

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. ALEXANDER. 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 bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. SULLIVAN).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Illinois (Ms. DUCKWORTH), and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 86, nays 5, as follows:

[Rollcall Vote No. 139 Leg.]

#### YEAS—86

Alexander	Feinstein	Murkowski
Baldwin	Fischer	Murphy
Barrasso	Gardner	Murray
Bennet	Grassley	Nelson
Blumenthal	Harris	Perdue
Blunt	Hassan	Peters
Boozman	Hatch	Portman
Brown	Heinrich	Reed
Burr	Heitkamp	Risch
Cantwell	Heller	Roberts
Capito	Hirono	Rounds
Cardin	Hoeven	Rubio
Carper	Hyde-Smith	Sanders
Casey	Inhofe	Sasse
Cassidy	Johnson	Schatz
Collins	Jones	Schumer
Coons	Kaine	Scott
Corker	Kennedy	Shaheen
Cornyn	King	Shelby
Cotton	Lankford	Smith
Crapo	Leahy	Stabenow
Cruz	Manchin	Tester
Daines	McCaskill	Thune
Donnelly	McConnell	Tillis
Durbin	Menendez	Toomey
Enzi	Merkley	Udall
Ernst	Moran	

Van Hollen	Whitehouse	Wyden
Warner	Wicker	Young

## NAYS—5

Gillibrand	Markey	Warren
Lee	Paul	

## NOT VOTING—9

Booker	Flake	Klobuchar
Cortez Masto	Graham	McCain
Duckworth	Isakson	Sullivan

The bill (H.R. 5895), as amended, was passed.

## 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 senior assistant 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 motion to proceed to Calendar No. 483, H.R. 2, an act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

Mitch McConnell, John Cornyn, Deb Fischer, Mike Rounds, John Barrasso, John Hoeven, Roger F. Wicker, Shelley Moore Capito, Steve Daines, John Boozman, Orrin G. Hatch, Thom Tillis, David Perdue, Mike Crapo, Richard Burr, Cindy Hyde-Smith, Pat Roberts.

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 motion to proceed to H.R. 2, an act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes, 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 Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Illinois (Ms. DUCKWORTH), and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The yeas and nays resulted—yeas 89, nays 3, as follows:

[Rollcall Vote No. 140 Leg.]

## YEAS—89

Alexander	Blunt	Capito
Baldwin	Boozman	Cardin
Barrasso	Brown	Carper
Bennet	Burr	Casey
Blumenthal	Cantwell	Cassidy

Collins	Inhofe	Roberts
Coons	Isakson	Rounds
Corker	Johnson	Rubio
Cornyn	Jones	Sanders
Cotton	Kaine	Sasse
Crapo	Kennedy	Schatz
Cruz	King	Schumer
Daines	Lankford	Scott
Donnelly	Leahy	Shaheen
Durbin	Manchin	Shelby
Enzi	Markey	Smith
Ernst	McCaskey	Stabenow
Feinstein	McConnell	Tester
Fischer	Merkley	Thune
Gardner	Moran	Tillis
Gillibrand	Murkowski	Toomey
Grassley	Murphy	Udall
Harris	Murray	Van Hollen
Hassan	Nelson	Warner
Hatch	Paul	Warren
Heinrich	Perdue	Whitehouse
Heitkamp	Peters	Wicker
Hirono	Portman	Wyden
Hoeven	Reed	Young
Hyde-Smith	Risch	

## NAYS—3

Heller	Lee	Menendez
--------	-----	----------

## NOT VOTING—8

Booker	Flake	McCain
Cortez Masto	Graham	Sullivan
Duckworth	Klobuchar	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AGRICULTURE AND NUTRITION  
ACT OF 2018—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 483, H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 726; 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.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Frank T. Brogan, of Pennsylvania, to be Assistant Secretary for Elementary

and Secondary Education, Department of Education?

The nomination was confirmed.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 601. I ask consent that there then be 5 hours of debate, equally divided, and that following the use or yielding back of time, 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 related to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume 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 FRANCIS VOIGT

Mr. LEAHY. Mr. President, it is with a mixture of pride and sadness that I recognize the life of a friend, Francis "Fran" Voigt, the cofounder of the New England Culinary Institute of Montpelier, VT. Fran passed away in May, leaving a strong legacy and many family and friends.

Fran Voigt was an innovator, who originally came to Vermont to teach at Goddard College. In 1969, he came to Vermont with his wife, poet Ellen Bryant Voigt, who would later serve as Vermont's poet laureate. He was part of a faculty and staff at Goddard that changed the culture of central Vermont. While at Goddard, Fran developed programs in many fields, including social ecology and art therapy. Fran believed in hands-on education, both at Goddard and later at the New England Culinary Institute, known locally as NECI, which he cofounded in 1980.

The New England Culinary Institute, which began in the basement of Montpelier's Capitol Plaza Hotel and Conference Center, grew quickly and garnered national attention. Fran and NECI were soon at the forefront of our