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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

### PRAYER

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

Let us pray.

Sovereign God, thank You that Your mercies endure forever. Show us Your ways and teach us Your paths as You lead us with Your truth.

Today, set the hearts of our lawmakers on Heaven's way. In all of their actions, may they seek Your celestial approval. Remind them that You are the only constituent they absolutely must please. May our Senators stand on Your promises and lean on Your grace.

Lord, thank You for Your mercy. You lift the lowly, satisfy the thirsty, and fill the hungry with good things.

And, Lord, thank You for the faithfulness of our summer pages.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 28, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable DEAN HELLER, a Senator from the State of Nevada, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. HELLER thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### AGRICULTURE AND NUTRITION ACT OF 2018

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) 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.

Pending:

Roberts amendment No. 3224, in the nature of a substitute.

McConnell (for Thune) amendment No. 3134 (to amendment No. 3224), to modify conservation reserve program provisions.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### RETIREMENT OF JUSTICE ANTHONY KENNEDY

Mr. MCCONNELL. Mr. President, I want to take another opportunity to pay tribute to Justice Anthony Kennedy, who announced yesterday that he will retire from active service and assume senior status at the end of July.

Justice Kennedy deserves our sincere thanks for his service and our congratulations on a truly remarkable ca-

reer. He served our Nation on the Federal Bench for 43 years, 30 of which he spent as an Associate Justice of the U.S. Supreme Court.

His contributions to American jurisprudence have been many. In particular, he has earned our gratitude for his steadfast defense of the vital First Amendment right to political speech.

We congratulate Justice Kennedy, his wife Mary, and their entire family on this well-earned retirement. We wish them every happiness during the additional time they will get to spend together in the years ahead.

### FILLING THE UPCOMING SUPREME COURT VACANCY

As I stated yesterday, the Senate stands ready to fulfill our constitutional role by offering advice and consent on President Trump's nominee to fill the vacancy that Justice Kennedy's retirement will create. The Senate will vote to confirm Justice Kennedy's successor this fall.

This is not 2016. There aren't the final months of a second-term, constitutionally lame duck Presidency with a Presidential election fast approaching. We are right in the middle of this President's very first term.

To my knowledge, nobody on either side has either suggested before yesterday that the Senate should process Supreme Court nominations only in odd-numbered years. The situation today is much like when Justice Kagan was confirmed in 2010 and when Justice Breyer was confirmed in 1994 and Justice Souter in 1990. In each case, the President was about a year and a half into his first term.

So just as on numerous other occasions, the process to confirm Justice Kennedy's successor will take place this year. As in the case of Justice Gorsuch, Senators will have the opportunity to meet with President Trump's nominee, examine his or her qualifications, and debate the nomination. I am confident Chairman GRASSLEY will capably lead the Judiciary Committee

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



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through the confirmation process that lies before us.

The President's nominee should be considered fairly and not subjected to personal attacks. Unfortunately, far-left special interest groups are already calling on Senate Democrats to oppose anyone—anyone—on President Trump's long list of potential nominees. The ink wasn't even dry on Justice Kennedy's resignation letter before my friend the Democratic leader seemed to echo that right here on the floor—that none of the exceptional legal minds on this list would be tolerable to him.

Think of that. These are 25 Americans from all over the country who have excelled in their professions. The idea that any of them—let alone all of them—would be automatically unacceptable is totally absurd.

Unfortunately, I am afraid this may just be a precursor of all the unfair attacks to come, both from inside and outside the Senate.

Fortunately, we have every reason to expect an outstanding selection. President Trump's judicial nominations to date have reflected a keen understanding of the vital role judges play in our constitutional order: interpreting the law fairly, applying it evenhandedly, setting aside personal preferences, and assessing what the law actually says. These traits have characterized the excellent nominees the President has sent to the Senate. I look forward to another such nomination.

Mr. President, on another matter, we hope to wrap up our consideration of the farm bill, a victory for American agriculture. All week, I have highlighted some of the ways this important legislation will support the family farmers whose harvest feeds America and supplies the world.

It is an understatement to say this bill comes at an opportune time. American farm communities need stability, and they need predictability—and they need it urgently.

The industry is filled with uncertainty. There are volatile world markets. There are persisting low commodity prices. There are natural disasters beyond their control. All of these things make it harder for our growers to go about their business. They depend on the kind of long-term certainty that this legislation will provide.

This subject is extremely important to me, as the proud senior Senator from the Commonwealth of Kentucky and as a Member who has served on the Agriculture Committee since my first day in office. Agriculture is in the bones of our State. It is a huge part of who we are. From soybeans and corn to hay and tobacco, to poultry and livestock, Kentucky agriculture encompasses a multibillion-dollar industry that supports thousands and thousands of good jobs in nearly every corner of the Commonwealth. Kentuckians know as well as anyone just how important

American agriculture is, and we understand as well as anyone all of the unique challenges it faces.

That is why I am pleased to support this bill, which will bolster the safety net programs for our producers. It will also enhance infrastructure investment in rural communities on everything from local water projects to broadband internet, to helping curb the drug epidemic in rural America. And it gets Washington out of farmers' way in areas where bureaucracy is holding them back.

One such area is industrial hemp. Consumers across America buy hundreds of millions in retail products every year that contain hemp. But due to outdated Federal regulations that do not sufficiently distinguish this industrial crop from its illicit cousin, American farmers have been mostly unable to meet that demand themselves. It has left consumers with little choice but to buy imported hemp products from foreign-produced hemp.

Fortunately, this farm bill will change that. It builds on the success of the pilot program I initiated 5 years ago and will break down the major Federal barriers that prevent American farmers from fully exploring the burgeoning hemp market. When this becomes law—subject to proper regulation and oversight—U.S. producers will no longer be barred from this legitimate U.S. market.

I am also proud of how this farm bill has come about. The chairman and ranking member, Senators ROBERTS and STABENOW, assembled it through an exemplary bipartisan committee process that included 73 amendments. Here on the floor, 18 more bipartisan amendments were adopted in the substitute amendment. It was my personal hope that we could have had even more amendment votes, but the Senate is a consent-based institution, and Members have the ability to object. Nevertheless, the transparent and open leadership of Chairman ROBERTS and Ranking Member STABENOW has been commendable.

Now the time has come to deliver. The farm bill is too important a subject to keep our farmers and their families waiting. After all, the groups charged with advocating on their behalf overwhelmingly support it. More than 500 industry groups and advocates representing agriculture, food, nutrition, hunger, forestry, conservation, faith-based and research interests have already publicly backed the Senate bill. Nearly 70 such groups had this to say in a recent letter to Congress: "During a prolonged recession in agriculture, failure to pass a farm bill on time would undermine the financial security of America's food, fuel, crop and fiber producers."

The Senate must not fail that test. It is time to pass the farm bill.

#### TAX REFORM

Mr. President, on another matter, it has been a little over 6 months since this Republican Congress passed his-

toric tax reform legislation. Already, we have seen big headlines: millions of worker bonuses, plans for thousands of new jobs, and billions of dollars being invested here in the United States; individual companies announcing billions in new American investments; small business optimism at its highest level since President Reagan's first term.

But these national headlines don't tell the whole story on their own. This week, I have discussed how tax reform is already transforming American families' kitchen-table conversations: how lower rates and larger deductions are letting them pocket more of their hard-earned money and how our new corporate tax structure has already started paving the way for higher wages.

If you pick up a local paper in almost any State, you will find yet another angle to this story. From Montana to Florida, Americans are paying less to keep the lights on. That is right. Despite warnings from our Democratic colleagues that tax reform savings would never reach consumers, utilities all across America are already making that happen.

In my home State of Kentucky, the new Tax Code led to announced rate cuts of up to 6 percent for Kentucky Utilities and Louisville Gas & Electric customers.

Just this month, Idaho Power announced a 7-percent rate cut for consumers.

In Pennsylvania, Metropolitan Edison is one of 17 utilities that is planning to deliver rate savings, thanks to the new tax law. On July 1, more than half a million customers in Philadelphia can expect their electric bills to drop by as much as 8 percent.

Help with the monthly bills, higher take-home pay, and new job opportunities because American enterprise is thriving are what tax reform means around middle-class kitchen tables. This is why Republicans passed this historic law.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

#### FILLING THE UPCOMING SUPREME COURT VACANCY

Mr. SCHUMER. Mr. President, yesterday, Justice Anthony Kennedy announced his retirement, creating a vacancy on the Supreme Court. After Kennedy's departure, the Supreme Court will be evenly divided between Justices appointed by Republican Presidents and Justices appointed by Democratic Presidents. Whoever fills Justice Kennedy's seat on the Court will have an opportunity to impact the

laws of the United States and the rights of its citizens for a generation.

Because Justice Kennedy was frequently independently minded and was a deciding vote on important issues like marriage equality and a woman's right to choose, a more ideological successor could upend decades of precedent and drag America backward to a time before Americans with pre-existing conditions could affordably access healthcare, to a time before women could not be prosecuted as criminals for exercising their reproductive rights, to a time before gay and lesbian Americans could marry whom they love. An ideological Justice more extreme in his views than Kennedy could eviscerate the rights of workers to organize and bargain collectively for a fair wage and stretch the bounds of Executive power for a President who has demonstrated little respect for them.

Of course, if Republicans were consistent, they would wait to consider Justice Kennedy's successor until after the midterm elections. Time and again, Leader MCCONNELL justified his unjustifiable blockade of Merrick Garland by claiming the American people should have a voice in deciding the next Supreme Court Justice. That was in February of an election year. It is now almost July.

If the Senate's constitutional duty to advise and consent is just as important as the President's right to nominate, which the Constitution says it is, why should a midterm election be any less important than a Presidential election? Leader MCCONNELL is simply engaging in hypocrisy.

Whomever the President picks, it is all too likely they are going to overturn healthcare protections and *Roe v. Wade*. We don't need to guess. President Trump has said time and again he would appoint judges who would do those two things—overturn *Roe v. Wade* and overturn healthcare protections. On November 11, 2016, then President-Elect Trump said: "I am pro-life; the judges will be pro-life." In a debate against Secretary Clinton, then-Candidate Trump said: "Because I am pro-life, and I will be appointing pro-life judges, I would think that that will go back to the individual states." It is impossible to conclude that President Trump will appoint a Justice whom we can have faith will leave *Roe v. Wade* as settled law. President Trump said, in his own words, that he wants to appoint a Justice to give the Court a majority that will overturn *Roe v. Wade*, so count on it.

President Trump will, in all likelihood, nominate a Justice willing to send *Roe* "back to the states"—again, those are President Trump's own words—where several are preparing, if not already prepared, to roll back a woman's right to choose. In fact, according to the Guttmacher Institute, there are at least 18 States where abortion would be wholly or partially illegal almost immediately. That is

against what America wants. It is because the President and his hard-right ideological judicial acolytes are way far away from where the American people are and are trying to create a Court that will turn the clock backward in so many ways, with *Roe* at the top of the list.

We also know President Trump will likely nominate a Justice willing to reinterpret the Court's ruling that our current healthcare law is constitutional. Again, listen to President Trump's own words. On January 1, 2016, Candidate Trump said that "Justice Roberts turned out to be an absolute disaster because he gave us *ObamaCare*." Later, he said: "I don't think I'll have any catastrophic appointment like Justice Roberts."

Even Justice Roberts was too far to the middle for the President on healthcare. President Trump made it crystal clear that he is going to nominate somebody hostile to the Court's ruling on healthcare. There is no other way to interpret President Trump's words, so count on it. He will appoint a nominee who will roll back healthcare protections for tens of millions of Americans. America doesn't want that, but, again, the hard-right acolytes whom President Trump listens to want to use the Court to roll back America's rights and privileges.

We can be sure the next nominee, of course, will obfuscate, deny, and hide behind the shop-worn judicial dodge: "I will follow settled law." As we saw this week in the *Janus* decision, settled law is only settled until the Supreme Court Justices on the Court decide it isn't. Yesterday, they reversed 40 years of precedent in a ruling that stretched the meaning of the First Amendment to meet their ideological predispositions—their anti-union bias.

Already there is a case wending its way through the courts that questions the constitutionality of the healthcare law. By repealing the coverage requirement, Republicans have removed the foundation upon which the Chief Justice based his ruling to uphold the law. If the change in the law changes Justice Roberts' mind, which is very likely, and the new jurist is as biased against our healthcare system as President Trump said he or she will be, millions of Americans could see their pre-existing condition protections wiped out.

I say to America, 80 percent to 90 percent of you believe we should have pre-existing condition protections. The nominee of the President is likely to undo them and leave tens of millions of American families helpless. Stand up now, America, before this happens.

The Trump administration decided the Federal Government will not defend the law protecting preexisting conditions in the Court. The next Supreme Court Justice may indeed be faced with casting a deciding vote on the fate of our healthcare, and we already know, unfortunately, the kind of vote President Trump wants.

Now, my friend Leader MCCONNELL warned the Senate to not get into personal attacks on the President's nominee. Of course, he doesn't seem to mind the President who makes personal attacks his daily MO, but be that as it may, I can assure my friend the Republican leader that there is no desire and no need to get into personal attacks.

There are so many weighty issues hanging over the vacant seat: a woman's right to choose, the fate of our healthcare law, the right of workers to organize, the pernicious influence of dark money in politics, the right of Americans to marry whom they love, the right to vote. We will discuss these issues on the merits and consider a nominee in light of these issues, but discussing a preordained list of candidates who meet the hard right's ideological litmus tests? That is certainly legitimate, and we are going to continue to bring that up. We will evaluate the President's nominees on the issues, but every American should have his or her eyes wide open to the fact that President Trump is not picking the best legal mind. He has sworn to nominate a Justice culled from a preordained list, vetted by the Heritage Foundation and the Federalist Society—organizations whose mission has been to repeal *Roe v. Wade* and strike at the heart of our healthcare law. Does anyone believe a nominee on that prevetted list doesn't want to challenge *Roe*? How do you think they got to be on that list, with the Federalist Society, led by Leonard Leo, whose goal is to repeal *Roe v. Wade*, putting it together, and Trump rubberstamping it? Given what the President has said, it is virtually certain that members of the list of 25 would vote to overturn *Roe*.

So let this be a call to action for Americans from all corners of the country to rise up and speak out. Don't let this new Court—this new nominee, whomever he or she may be—turn back the clock on issue after issue because President Trump has embraced a hard-right group who has a veto power over nominees. Don't let us turn back the clock, America. Stand up. Speak out. Democrats, Republicans, liberals, conservatives—all should want a much fairer process.

America, tell your Senators that if you do not want a Supreme Court Justice who will overturn *Roe v. Wade*, those Senators should not vote for a candidate from the list.

#### IMMIGRATION

Mr. President, a word on immigration. Yesterday, the House Republican majority tried and failed to pass two distinct immigration proposals. They cannot find agreement, even within their own caucus, on how to handle the situation at the border or broader reforms to our immigration system. It is as clear an indication to date that President Trump must fix this situation on his own. He has the power to immediately and administratively reverse his family separation policy at

the border, which remains intact. He has the power to appoint a family reunification czar, to marshal and organize the various Federal agencies in charge of reunifying families. President Trump should exercise that power to start cleaning up the mess he made with his slapdash family separation policy.

## RUSSIA

Mr. President, this morning, the President tweeted that "Russia continues to say they had nothing to do with meddling in our election" before trying to turn the focus back on the FBI. Why does President Trump take the word of bullies like Mr. Putin at face value, while constantly questioning the credibility of our own intelligence agencies? It's outrageous. We don't ask the bank robber if they robbed a bank.

Seventeen intelligence agencies have concluded, definitively, that Russia has meddled in our election. There is no reason to question their findings. The President just continues to deliberately spread falsehoods for the sake of his personal political interests.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Kansas.

Mr. ROBERTS. Madam President, I again rise, especially today, as the Senate continues to consider legislation on an issue that is critically important to our Nation. It is the Agriculture Improvement Act of 2018, or what we call the farm bill.

I want to emphasize again—and I don't know how I can emphasize this more strongly—that I hope my colleagues will understand that the responsibility, the absolute requirement is to provide farmers, ranchers, growers, and everyone within America's food chain certainty and predictability during these very difficult times that we are experiencing in agriculture.

As I speak, right now in Kansas, farmers are on combines, and trucks are taking grain to the elevator or to storage, more likely, with the wheat harvest. I can see in several counties, probably up in Northwest Kansas. We have finished that in the southern part of our State. These are the same folks who have had combines on the move from Texas to Oklahoma and now in Kansas. I can see a farmer who had planned on harvesting this week, but, perhaps, due to a hail storm, he is in a bad situation. Luckily for him, he has crop insurance, and luckily for him, we have been able to preserve crop insurance after going through several iterations of attempts to cut it—or, as some people say, reform it. I can see

him saying: When is the Congress going to pass the farm bill? When can I go to my banker, my lender, and tell him I have assurance that I can keep going on the farm next year, especially if his crop has been destroyed, which happens.

That is the person I am thinking about, especially today, when I think we ought to wrap this up. It is time, especially with regard to what we have accomplished so far. The bill passed the Ag Committee. This bill had a strong bipartisan vote of 20 to 1.

This month, this bill exactly provides the certainty and the predictability that I have just mentioned. The Ag Committee product also includes portions of 67 stand-alone bills, and an additional 74 amendments were adopted in the committee, and we have included 18 amendments thus far during consideration in the full Senate. We have worked to include as many priorities for Members as possible, and we want to work on a possible managers' package to include a handful of additional amendments. So it is not like a situation where Members have not had an opportunity to vote. Senator STABENOW and I have extended our out-reached hands to Members to say that we stand ready to consider your amendments.

We are endeavoring to craft a farm bill that meets the need of producers across all regions and all crops. In Michigan, where oftentimes I go with Senator STABENOW and have agriculture roundtables, or even individual visits, I look at that great State's production with regard, more specially, to special crops. They are struggling. Kansas farmers are struggling. California growers are struggling. All of agriculture is struggling—not just one or two commodities. We must have a bill that works across all of our great Nation.

More than 500 organizations representing thousands in agriculture, food, nutrition, hunger, forestry, conservation, rural business, faith-based organizations, research, and academic issues have issued statements supporting this bill. This is what happens when the Senate works in a bipartisan fashion. We are doing just that. This is a good bill that accomplishes what we set out to do—again, to provide certainty and predictability for farmers, families, and rural America.

It is especially timely when we have a trade policy that has a question mark at the end of it. I dearly hope that the President is successful with trade negotiations—with NAFTA. I think we should take another look at TPP or China and the problem with tariffs. I know the administration is trying to send a very strong message and address the trade deficit that we have had, but the moment that happens, there is retaliation, and 90 percent of the time, the retaliation comes at agriculture and small manufacturers all across the country, and for that matter, everybody up and down the

food chain and in many other areas of the economy as well.

So, again, that farmer is out there on that combine in Kansas trying to finish up his crop. Hopefully, the weather has not destroyed it, but, again, if that has happened, he at least has crop insurance. He wants assurance, and I know what he is saying because I visit with them all the time.

In my entire public career, this is my eighth farm bill. This is not our first rodeo, Senator STABENOW, as you well know.

I know what he is thinking. He is thinking: ROBERTS said he would get us a bill. Senator MORAN says he is going to get us a bill. The entire Kansas delegation says: We are working on a farm bill. And we do that every time.

We need to wrap this up today. I look forward to working with my colleagues on continuing to move this process forward. I would simply say that we need to get this done. Again, the paramount issue is to get it done and to provide farmers certainty and predictability.

If I sound like I am repeating that 10 times, I intend to. All other issues, which I know Senators feel are terribly important, come into second place. I have strong issues. I mean, this is not the best possible bill. It is the best bill possible, and we worked very hard to produce that.

I yield to my distinguished colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I am here to join Chairman ROBERTS with his sense of urgency and his comments this morning.

We have worked very hard, and the distinguished Presiding Officer, who is part of the committee, knows that we have produced a bill that is a strong bipartisan bill. It has gone on to address many other interests and needs that Members have brought forward in the substitute, and we are now working with Members as well. But there is a sense of urgency in the country. There are so many things right now that are up in the air for farmers and ranchers. It is a very difficult time.

This bill, really, is a bill that provides a safety net for farmers and a safety net for families. As for families, because the economy is getting better, we are actually saving money. Over \$80 billion is going to be saved in taxpayer dollars not used over the next 10 years because the economy is getting better. People don't need temporary help.

But for our farmers, because of prices that have dropped significantly, because of questions about trade and markets, because of questions about labor and so many other things, they are under tremendous stress.

Then, you add the weather. I was just in the Upper Peninsula of Michigan on Sunday night and Monday, where rain came crashing down in just a few hours and created flooding and mudslides and wiped out homes and key operations and other things that are going to take

weeks and months for folks to recover from. The riskiest business in the world is farming. Nobody else is getting up in the morning and looking at the weather report and determining whether they are even going to have a business.

By the way, we want them to have a business. We have the safest, most affordable food supply in the world because of the folks who are willing to get up every day and do this and take this risk for us and, frankly, for the world. So we have a responsibility to them.

It just breaks my heart when I see headlines in the paper now about the suicide rate going up for farmers. It is higher than for any other group of people. Our strong dairy farmers are people who put everything on the line, family operations, and because of the stress coming at them from every way now, they are in a terrible situation. They are counting on us to do what we can to provide certainty and stability for them, and the No. 1 way we can do that is to get this bill passed. I can't think of a better way to say "Happy Fourth of July" than to say that the U.S. Senate, on a bipartisan basis, has overwhelmingly passed a bill to support them.

We know there are other issues on both sides of the aisle. We know in conference committee there is going to be a wild and woolly debate as we go forward on a number of things. We understand there are other issues we can revisit at that time. We both have been through conference committees. We know what that is all about.

Here is what we know right now: We have a strong, bipartisan bill that helps every single region of this country. We have a big, diverse country, and we help all of our farmers and ranchers. We address conservation in every part of our country. We address food access and create integrity in programs that are very important to have, and we do all of that in a bill we can be proud to pass on a bipartisan basis. So now is the time to do that. Then we will continue working.

We know there is more we need to do to work with the House in coming to a broader consensus. We know there are other issues our colleagues will want to bring forward in that process, but today—today—we can say to farmers and ranchers, large and small: We hear you. We understand what is going on, and we are going to do what we can today to provide the certainty and predictability they need and a sense of confidence that there are people who are fighting for them and who are going to continue to fight for them until we can get them the certainty and predictability they need. I hope we are on path to doing that today.

It has been my great pleasure to work with the chairman of the committee. I am very grateful for our friendship and a great working relationship. We are going to do everything we can today, working with our colleagues, to get that done.

Mr. ROBERTS. I thank my colleague and my friend.

How many times have we heard from the folks back home: Why on Earth do you folks back there keep fussing at one another? Why don't you work together to get something done? Well, amen to that. That is the bill we have produced.

I remember the gold medal ceremony of Senator Bob Dole. He was presented a gold medal for his tremendous leadership in the Senate. He was known for working across the aisle and getting things done. When we awarded that gold medal several months ago in Statuary Hall, Bob, at 94 years old, stood up when they played the national anthem, from his wheelchair, on his own.

For a time on a Tuesday, we were partisan in the House and to some degree in the Senate. I could go into all the cloture votes I have felt were not necessary—104, 105; I don't know how many we have had—and 4 months of delay, but I am not going to do that. So on Tuesday, we were partisan; Wednesday, we were bipartisan, paying tribute to Bob. Everybody said: Well, why can't you emulate his example and work together? Then, after Wednesday, on Thursday, we were back to some partisan differences or philosophical differences or ideological differences. Compromise, again, was a dirty word.

Well, this is our opportunity. We have proved that we can work together on the Ag Committee. We are the least partisan committee in the Congress. For goodness' sake, when agriculture is almost in a crisis and we desperately need to provide the farmers with the knowledge that we are fashioning a bill to their benefit and that it is a good bill, why on Earth can't we get this done?

I thank my colleague for her comments.

I yield the floor.

Ms. STABENOW. Madam President, if I might just take one more moment, I just want to underscore what Chairman ROBERTS had said earlier. We have 500 different organizations in support of this, from every piece of the 12 titles, every part of the country, every agricultural group, every conservation—we have hunting and fishing groups. We have folks who care about international trade, folks who care about trading at home with their neighbors, and people who care about food access. There are 500 organizations that have come together around this bill with a sense of urgency to get it done, so I am very hopeful we can do that today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Madam President, I rise today to comment on something that is somewhat misunderstood in many parts of our country, and that is the farm bill.

I have the privilege to sit in a seat of the U.S. Senate once held by Saxby Chambliss, a former chairman of this

Agriculture Committee. I am fortunate to be from a State where agriculture is our largest industry. I am fortunate to sit on this committee, and we have just heard from two people, two leaders, the ranking member, Senator STABENOW from Michigan, who is my good friend, and my good friend Senator PAT ROBERTS, the chairman. This is a bipartisan committee.

People sent me up here 3 years ago. They said: Look, we need you to go there and get something done. I said: OK, fine.

We know we have two opposing views in Washington, so that means you are going to have to compromise. I made the comment that no one gets everything they want. I remind people, anyone, that I am married; I mean, this is something that is the American way. I come from the American business community. I can tell you that nobody gets 100 percent of everything they want in any deal. That is what we are talking about today.

This is a bill that moves this agenda forward. It provides certainty—and that is what this is about—for our agriculture industry. It is not about subsidies. It is not about protection. It is about certainty. It is about protecting a strategic industry in our country. I want to make that point upfront. This is very definitely a strategic industry.

The United States today enjoys a God-given position in the world. We are one of the three major bread baskets in the world. The world needs us to be successful in our agricultural industry.

There are hungry people in the world whom we can feed in our capacity here in the United States. Our productivity in many of our commodities has gone up in my lifetime dramatically.

I grew up working on a farm, and I can tell you, I know we produce a lot more corn per acre today than we did when I was 6 years old. This is an amazing productivity story, and the rest of the world needs that today.

A big reason our State continues to be the best State in the country is that we understand this. We have a port that we can export from. We have God-given land and water and God-given people who understand how to work that land with that given water, and we produce great products not only for our country but for the world.

For the last year and a half, we have been working on this farm bill, and all the members of that committee, myself included, have gone all over the country, listening to farmers and ranchers around the country. I have been all over my State talking to our farmers and ranchers about what is important to them.

I want to thank the chairman and the ranking member for providing the framework, really, for this particular farm bill. This is, indeed, a strategic industry. It must survive, and it is different.

Getting to a farm bill that balances the needs of every commodity and every region is not an easy task. This

is not a partisan problem. It is not even a regional problem. This is the United States trying to make the best use of our God-given blessings. I am happy to say that this year's farm bill does that.

Over the last year, we have all traveled around and heard what has been said. One thing is very clear; this farm bill is indeed a jobs bill. Getting it across the finish line today, hopefully, is simply a must for rural communities in Georgia and around the country.

We have worked on this in a bipartisan fashion. I am proud to say to the people back home that this is a compromise they wanted us to come up here and achieve, and it does exactly what we wanted. It achieves the objective of providing certainty for an agricultural industry that is indeed a strategic asset in the United States.

We have kept programs in place that have helped farmers in Georgia and around the country weather the low commodity market we have seen in the last couple of years. The chairman just mentioned that there are some entities and commodities that are at historic lows.

We have cracked down on fraud within the food stamps program. We have advanced turf grass and timber research. We have included provisions important to land grant universities.

This farm bill is not perfect, but as I said, it is a great compromise that achieves the objective.

One provision that has been eliminated would help ensure that American textile mills have the tools they need to compete with other countries, for example. I hope we can find a way to fix that.

However, as I said earlier, growing up and working on the land, I learned many hard lessons. At an early age, I learned that agriculture is not just a business; it is a way of life for many people around our country.

This farm bill is an investment in those people, in our ag industry, and, indeed, in our country. It is not just the product that is grown in the soil; it is the processing, transportation, retail, and, indeed, the end consumer.

There are things here meant to assist farmers only during tough times. When we say "strategic industry," we have to be responsible for the survival and the transfer of the industry from generation to generation.

Madam President, as you well know, in your home State, as in mine, most of the agricultural production in the country comes from family farms. President Trump is working to renegotiate trade deals with other countries and create a level playing field with the rest of the world. This is absolutely critical.

I have lived in this trade world for most of my career. The President is trying to get equal access in other markets around the world. I know this is a tough thing after 50, 60 years of having an imbalanced trade environment, where the United States served a

purpose to develop the rest of the world. We have to now stand up and provide a balance within those trade deals.

We have reduced global poverty. Since 1965, when the Great Society was signed, the United States almost singlehandedly—on the back of our open market, on the back of our trade deals, and on the back of our military, which provided for safe transportation of goods around the world—has reduced poverty by more than 60 percent. I have seen that happen in my career, in my lifetime.

Unfortunately, in the United States, the poverty rate today is basically the same as it was in the sixties. That is not a partisan comment. We all bear responsibility for that.

What this President is trying to do is say: Hey, wait a minute. Something is out of balance. Our ag community has been harmed by that. What we are trying to do is create a level playing field, and this farm bill supports that.

Over the long term, this bill will bring certainty to the American agricultural community. The last things family farms need from Washington today are more burdens, more regulations, and more intrusion. All of that takes away from the certainty and the planning it takes to manage a family farm.

Some people are planting a plant that will not mature for 20 years, in some cases. Some of these men and women in these families are putting product in the ground that they will not benefit from, that their heirs will benefit from. They will have to harvest it after they are dead, in many cases.

People say: Well, we need to take care of the land. Well, absolutely. Do you know that the best husbands of the land and the water and the air around the world, in my experience, have been farmers? There is a very simple reason why. If they don't take care of their God-given blessings in the land, in the water, and in the air, and if they don't produce what they need, they surely can't hand it down to the next generation.

Farms across our country have considerable differences, based on things from region, to crops, to climate conditions. Given these differences, one-size-fits-all measurements clearly don't work. A farm in Iowa is different from a farm in Georgia, in many cases.

As I have said, this farm bill is not perfect. It is unfortunate that there is now an amendment on this farm bill that would measure appropriate and significant contributions to the family farm by applying a single manual labor threshold for farms across the country, and I think this is just wrong. The opportunity to qualify as an active contributor—and I put that in quotes, "active contributor"—to the farm through management, bookkeeping, and other activities is important because it recognizes the contributions of all family members and individuals who actually participate in farming operations. I can

tell my colleagues from personal experience that if it were not for my aunts, my cousins, my uncles, our farms would not have been successful. I have lived it. I know the difference that we are talking about here from region to region.

If the full scope of active participants in the farm is not taken into consideration, a bank may be reluctant to actually finance the operation. I have lived that.

The point is this: Even if an individual never drives a tractor, never plows a field, never milks a cow, he or she can still provide an important contribution to the vitality of the farm operation. It is a business, after all. Businesses have marketing, they have finance, they have sales, they have operations, and they have planning. Management contributions are as important as manual labor in this industry, just like it is in every other industry.

Amendments like this will lead to burdensome recordkeeping for family farms and could indeed put in jeopardy the ability to transfer that farm to the next generation.

President Trump has promised to roll back overreaching regulations and look out for rural America. Since he took office, over 870 regulations have been reversed, bringing relief to family farms and rural Americans. With this farm bill, the Trump administration and the U.S. Senate Agriculture Committee have prioritized rolling back those overreaches. These should be our shared interests because it is good for our entire country and our economy.

Between now and when this farm bill reaches President Trump's desk, I hope this problem with the bill gets fixed, and there are ways to do that.

As I said, while the current farm bill is not perfect, I am proud to stand today and encourage every Member of this body to support it and vote for it. It does provide certainty in a very uncertain world for our agriculture community and the families who are the backbone of that industry.

I am delighted to be a member of this committee. I take that honor very seriously. The legacy, as I mentioned to begin with, coming in behind an esteemed Senator, Saxby Chambliss as chairman—I take this responsibility very seriously.

I want to commend the chairman and ranking member for pulling together this farm bill, and I hope to see it come to a vote, hopefully today.

Madam President, I yield the floor.

Mr. ROBERTS. Madam President, I suggest the absence of a quorum.

The clerk will call the roll.

The senior assistant 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 (Mr. SULLIVAN). Without objection, it is so ordered.

RETIREMENT OF JUSTICE ANTHONY KENNEDY

Mr. CORNYN. Mr. President, I am a day late with the news, but Justice Anthony Kennedy, of course, announced

he is leaving the bench at the end of the month, and I would be remiss if I didn't start my remarks this morning by thanking him for his 40-plus years of service to this country on the Federal bench.

He has presided over and authored the majority opinion in many high-stakes cases of national importance. As the news has pointed out, after Sandra Day O'Connor left the Court, he has been that pivotal fifth vote in a lot of really significant cases, which is to say, you can't really typecast Justice Kennedy, but I do believe he has remained committed to upholding the integrity of the legal system throughout the course of his career.

I can say, as a former State supreme court justice myself, I know the work he has been doing has been painstaking, time-consuming, and extraordinarily important all at the same time. So I express my gratitude, on behalf of my constituents, to Justice Kennedy for his willingness, ability, and determination to carry out that work.

While serving on the Supreme Court for the last three decades, after having been appointed by President Reagan, he has furthered the pursuit of American justice, one case at a time, which is exactly what Justices are supposed to do, through calm times and politically turbulent times—perhaps, some might say, times like the present. He recognizes that our core institutions are essentially democratic institutions, answerable to the people through their elected representatives.

While the Court has a unique role in interpreting the Constitution—which is the fundamental bedrock law of the Nation—in cases that don't turn on the constitutionality of the statute, it is important to defer to decisions made by the elected representatives of the people because we are the ones accountable to the electorate for those decisions. Judges, by their nature, are not because they aren't elected. They don't run for election. So their fidelity is supposed to be to the law and not to a personal agenda or politics or any other agenda.

Justice Kennedy was an important member of the Court that recognized an individual right to bear arms under the Second Amendment and recently upheld the President's prerogatives to protect national security.

As Justice Kennedy concludes his term this next month, we, of course, wish him well, along with his wife Mary and their children, and we wish them many more happy—and, hopefully, a little less stressful—years together.

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Meanwhile, the Senate will conduct our constitutional role of offering our advice and consent on whomever President Trump nominates. As the senior Senator from Connecticut said yesterday, "The Senate should do nothing to artificially delay" consideration of the

next Justice. I have heard conflicting views, but I agree with the senior Senator from Connecticut.

This is consistent with the standard set by former President Obama and Vice President Biden. In 2010—which was a midterm election—Senate Democrats confirmed President Obama's nominee to the court, Elena Kagan. Before that, when he was a Senator, Joe Biden argued that Supreme Court nominees should not be confirmed during Presidential election years. So one was a midterm, Elena Kagan. Merrick Garland—whom we will hear more about from our Senate Democratic colleagues—came up during a Presidential election, a time during which Joe Biden said that nominees should not be confirmed in the runup to a Presidential election.

After President Trump makes his selection, Senators will have the opportunity to meet with the nominee, examine his or her qualifications, and debate them. We will have a hearing under the Senate Judiciary Committee. This will be the sixth Supreme Court Justice nominee I will have had the privilege to serve on the Senate Judiciary Committee for and question. Then, this fall, we will vote to confirm Justice Kennedy's successor.

Justice Kennedy placed a deadline on his time in office. He is retiring July 31. So any idea of delaying this and leaving the Court short-handed, particularly under these circumstances, really is beside the point.

I know Chairman GRASSLEY will, as usual, manage a fair, thorough, and efficient confirmation process. He always does. It is crucial that as this process begins to unfold, the President's nominee not be subjected to personal attacks from an increasingly agitated and vitriolic political base.

My philosophy on the role of a judge is simple: Decisions should not be made on the basis of the judge's personal beliefs but from the analysis of legal doctrine and actual reading of the legal texts. The President, I believe, understands that. That is the sort of model out of which Neil Gorsuch's nomination came. That is also why we confirmed so many of his excellent choices in the 18 months of his administration.

I look forward to another outstanding selection and a thorough and efficient confirmation process. Then, in the end, we will vote to confirm the President's nominee this fall.

FOREIGN INVESTMENT RISK REVIEW  
MODERNIZATION ACT

Mr. President, on a separate note, yesterday, the White House released a statement from President Trump regarding an important piece of bipartisan legislation, which I introduced with the senior Senator from California, Mrs. FEINSTEIN, called the Foreign Investment Risk Review Modernization Act or FIRRMA.

This concerns, as the Presiding Officer knows, the Committee on Foreign Investment in the United States. Our adversaries around the world have sim-

ply figured ways to game foreign investment in the United States to get access to intellectual property and the know-how to duplicate that property surreptitiously, taking advantage of the gaps in the Committee on Foreign Investment's jurisdiction. So we are updating that legislation. It passed unanimously out of the Banking Committee, passed then out of the Armed Services Committee, and now is a part of the Senate-passed Defense authorization bill.

As President Trump mentioned, this bill will enhance our ability to protect the United States from new and evolving threats posed by foreign investment while, at the same time, preserving our ability to engage in international commerce and create new opportunities benefiting our economy and our people.

Let me make clear, this is not to discourage foreign investment. I think foreign investment is a good thing, but when our adversaries look to exploit gaps and antiquated language in some of our statutes in order to gain unfair advantage and seek access to intellectual property in dual-use technology that has national security implications, we need to act, and that is what we have done.

The President concluded that FIRRMA will provide much needed tools to combat the predatory investment practices that threaten our critical technology and national security. I think he is exactly right, and I am glad he pledged to implement FIRRMA promptly and enforce it rigorously once it is enacted into law.

I wish to express my appreciation to Treasury Secretary Mnuchin—who is the convening authority of the Committee on Foreign Investment in the United States—and the entire Cabinet for their input and their support for what we are trying to do.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the statement in its entirety. I will read a couple paragraphs because it was pretty strong. The President of the United States said:

Should Congress fail to pass strong FIRRMA legislation that better protects the crown jewels of American technology and intellectual property from transfers and acquisitions that threaten our national security—and future economic prosperity—I will direct my Administration to deploy new tools, developed under existing authorities, that will do so globally.

What the President is saying, and what was reinforced by Secretary Mnuchin in my conversations with him, is the President is depending on this bipartisan legislation being enacted into law and providing the tools necessary to protect our national security. If Congress, for some reason, stumbles and fails to pass this legislation, the President has made clear he intends to act unilaterally to fill that void.

I applaud the President and this administration for giving Congress a

chance to work with the administration to fill this gap through a bipartisan, bicameral legislative process and to not just leap into that void and try to do it unilaterally, perhaps causing more confusion and less predictability.

In conclusion, the President said:

I applaud Congress on its progress toward passing robust FIRRMA legislation. I urge Congress to send me a strong bill as soon as possible and look forward to implementing it to protect America's security and prosperity.

The Senate bill we passed takes a carefully tailored approach, and the House passed a similar version earlier this week by a vote of 400 to 2.

I look forward to working with my colleagues throughout the Senate-House conference process to ensure the CFIUS review process is sufficiently strengthened and meets the goals that we and the President share.

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

STATEMENT FROM THE PRESIDENT REGARDING  
INVESTMENT RESTRICTIONS

(Issued on: June 27, 2018)

I have often noted, consistent with the Section 301 action initiated by the United States Trade Representative, that certain countries direct and facilitate systematic investment in United States companies and assets in order to obtain cutting-edge technologies and intellectual property in industries those countries deem important. Accordingly, I directed the Secretary of the Treasury, in consultation with other senior executive branch officials, to report to me regarding appropriate measures to address these concerns.

I have been advised by the Secretary of the Treasury, the Secretary of Commerce, the United States Trade Representative, the Assistant to the President for Economic Policy, and the Director of the Office of Trade and Manufacturing Policy, among others, that Congress has made significant progress toward passing legislation that will modernize our tools for protecting the Nation's critical technologies from harmful foreign acquisitions. This legislation, the Foreign Investment Risk Review Modernization Act (FIRRMA), will enhance our ability to protect the United States from new and evolving threats posed by foreign investment while also sustaining the strong, open investment environment to which our country is committed and which benefits our economy and our people.

After reviewing the current versions of FIRRMA with my team of advisors—and after discussing them with many Members of Congress—I have concluded that such legislation will provide additional tools to combat the predatory investment practices that threaten our critical technology leadership, national security, and future economic prosperity. Therefore, upon enactment of FIRRMA legislation, I will direct my Administration to implement it promptly and enforce it rigorously, with a view toward addressing the concerns regarding state-directed investment in critical technologies identified in the Section 301 investigation.

Should Congress fail to pass strong FIRRMA legislation that better protects the crown jewels of American technology and intellectual property from transfers and acquisitions that threaten our national security—and future economic prosperity—I will direct my Administration to deploy new tools, developed under existing authorities, that will do so globally.

To further ensure a robust defense of American technology and intellectual property, I have also directed the Secretary of Commerce to lead an examination of issues related to the transfer and export of critical technologies. Through this review, we will assess our Nation's export controls and make any modifications that may be needed to strengthen them to defend our national security and technological leadership. Additionally, I have directed the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the United States Trade Representative to engage with our allies and partners to support their efforts to combat harmful technology transfer and intellectual property theft.

I applaud Congress on its progress toward passing robust FIRRMA legislation. I urge Congress to send me a strong bill as soon as possible and look forward to implementing it to protect America's security and prosperity.

Mr. CORNYN. I yield the floor.  
The PRESIDING OFFICER. The President pro tempore.

FILLING THE UPCOMING SUPREME COURT  
VACANCY

Mr. HATCH. Mr. President, I come to this lectern to speak on a subject of perennial importance. It is a subject I know a little something about—one that will not only influence the Senate agenda in the near term but will determine the direction of our democracy for decades to come. I speak, of course, on the future of the Supreme Court.

Yesterday, Justice Anthony Kennedy—a great friend of mine and a wonderful Justice on the Court—announced his intention to step down, effective July 31. Justice Kennedy has served this Nation with the highest distinction. Over the course of his tenure, he has exercised outsized influence on the Supreme Court and has played a pivotal role in some of the most consequential Court decisions of modern times—from *McDonald v. City of Chicago* to *Citizens United v. FEC*.

As a testament to his independence, he rightly gained a reputation as the Supreme Court's swing vote. Sometimes he sided with the Court's liberal wing. At other times, he sided with the conservatives. Yet he always sided with what he believed to be the correct interpretation of the law. What more could we ask from a judge?

Throughout his public service, Justice Kennedy has mentored a generation of jurists who went on to become luminaries in their own right. Not the least among them is Justice Neil Gorsuch, a former Kennedy clerk who now serves as his equal on the Supreme Court. With his onetime pupil now working alongside him—and with dozens of former clerks now serving on the Federal bench—Justice Kennedy leaves behind a legal legacy that is almost without equal. Although he will be stepping down next month, his influence on our judicial system will be felt for generations to come.

With Justice Kennedy's impending retirement, the responsibility now falls on us to confirm an able replacement. In the coming weeks, the President will announce his nominee to fill Justice Kennedy's seat. In doing so, he will

seek the advice and consent of the Senate, which is a process that entails confirmation hearings and extended hours of debate in order to fully vet the qualifications of the President's nominee.

The questions we should ask during this confirmation hearing should focus solely on the judge's qualifications: Does he or she have the requisite experience to adjudicate wisely from the bench? Does he or she understand the proper role of a judge under the Constitution? Does he or she respect our Constitution? Is he or she committed to upholding its principles no matter the consequence?

This process should be simple, straightforward, and, most importantly, nonpolitical, but it rarely is. That is because we already know the Democrats will do everything they can to politicize a process that should not be politicized. We already know that many of them will ask questions of the nominee and will have an ulterior motive in mind—to divine his or her partisan leanings rather than to evaluate the quality of his or her jurisprudence.

How do we know the Democrats will do this? It is because we have seen them do it time and again. It started with the character assassination of Robert Bork, and it culminated in the unholy inquisition of Clarence Thomas. Tensions seemed to subside for a time, but then came the unprecedented filibuster of Samuel Alito and, most recently, the public flagellation of Neil Gorsuch.

In every case, the nominee in question possessed indisputable credentials and an airtight judicial record, but in every case, my colleagues sought to drag these men into the partisan gutter—asking questions designed to parse their political positions rather than their legal philosophies.

In my 42 years of Senate service, I have witnessed the gradual deterioration of the judicial confirmation process. As the former chairman of the Judiciary Committee and now as its longest serving Republican member, I have taken an active role in the confirmation of every Justice who is currently sitting on the Supreme Court and in the confirmations of a number who have retired. Moreover, I have participated in the confirmations of half of all article III judges who have ever served.

Throughout this process, I have met some of the brightest legal minds this world has had to offer, and I have watched in disgust as my friends on the Democratic side have sought to undo these men and women for political gain. Judicial obstruction is a serious issue in its own right, but it is merely a symptom of a much larger problem—the politicization of our courts. In today's America, Republicans and Democrats espouse two vastly different visions for the judicial branch.

On the right, we believe in the judiciary as it is outlined in the Constitution—an integral but necessarily limited branch of government that interprets laws but doesn't make them. We

believe in a judiciary that is filled with sober-minded judges who are committed to upholding the Constitution as written, not to molding it to fit their political preferences.

On the left, you have a starkly different vision. The left believes the judiciary should assume an activist role and step in to fill the gaps of legislation when Congress fails. In doing so, the judiciary becomes its own quasi legislative body—a Congress 2.0 of sorts—that is filled with hundreds of judges who are unelected and therefore unaccountable to the American people.

This conception of judicial power is inherently anti-democratic. It undermines the principle of representative government and cedes lawmaking power to a cadre of black-robed philosopher kings—a cloistered group of men and women who have no constitutional authority to make legislation but seek to do so anyway through its opinions.

Given the left's radical vision of judicial power, it is no wonder the confirmation wars have escalated over the years, and it is no wonder the Democrats have made a circus of confirmation hearings. They seek to politicize the process because ultimately they seek political judges.

As usual, what the left wants is not what America needs. America doesn't need political judges. It doesn't need an army of super legislators who tell us what to do. It certainly doesn't need a second Congress that makes laws on a whim. Isn't the one we have dysfunctional enough?

No. What is best for America is wholly different from what the left envisions. America needs a judiciary that is insulated from the corrupting influence of politics. Accordingly, we need principled judges who put the law before any partisan concern.

As opposed to political judges, we need impartial judges—judges who understand their limited role under the Constitution, judges who are content to say what the law is, not what they want it to be, judges who act as umpires, calling balls and strikes instead of swinging at every pitch that comes their way. In short, we need judges who will interpret the Constitution, not remake it in their own image.

In taking Justice Gorsuch as an example, I have every confidence that the President's nominee to the Supreme Court will be qualified, competent, and impartial in every way. If the Democrats' treatment of Justice Gorsuch is any indication of things to come, then I have every reason to believe they will again do everything in their power to politicize this important confirmation process.

They will do everything they can to malign the nominee, no matter his or her background or credentials, and will depict his or her as an extremist who is outside the mainstream. They will press, prod, and pry in an attempt to unearth a political agenda where none is to be found. They will bring all resources to bear in an effort to prevent

a principled, constitutionalist judge from taking Justice Kennedy's seat. They will pull out all the stops to accelerate the politicization of the Supreme Court, but we will not let them.

It is up to us to preserve the integrity of the judicial branch. We can begin by confirming a Supreme Court nominee who is committed to upholding the principles of the Constitution at all costs—a nominee who understands that the lawmaking power lies with Congress, not with the courts.

I look forward to working with my colleagues in this endeavor in the weeks to come. Yet I have to say I have seen a lot of abuse in the area of picking judges and in confirming judges throughout the years. Both sides have been complicit in some ways, but I have never seen more of a politicization of the courts than that which has come from the other side. I hope they will not do that this time.

I don't know who the President is going to pick. I have a pretty good idea of the list of people from which he is going to pick. I know he will chat with me about it, as he will with others, but I can guarantee you this: He is going to pick somebody who has the ability to go on that Court and do the job from the beginning. It is not going to be pleasing, perhaps, to some of my Democratic colleagues, and it may not be pleasing to some of my Republican colleagues. The fact is, I think we can rely on this President to pick an excellent person to fulfill this responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

#### FAMILY SEPARATION

Mr. HEINRICH. Mr. President, I thank my colleagues Senator TOM UDALL and Senator RICHARD BLUMENTHAL for joining me to visit the southwest border last week. We went to the border to seek answers and to demand accountability for the very real human impacts of President Trump's cruel and unnecessary policy of separating children from their parents.

The permanent trauma these policies are inflicting on parents and their innocent children, many of whom are refugees who are fleeing violence and seeking asylum, is inhumane and horrific. Taking thousands of children—some as young as infants and toddlers—away from their parents and detaining them as a form of punishment or deterrence is ineffective and morally indefensible.

After all, under the rule of law, refugees who flee violence have a right to request asylum. As of now, only about 500 children of the over 2,000 children in custody have been reunited with their families since President Trump signed an Executive order last Wednesday that ended his family separation pol-

icy. There is still no clear plan from the White House that ensures all children will be reunited with their families. This is simply unacceptable.

This crisis was born from malice, and, frankly, it has been inflamed by incompetence. As an American and as a father, I will not just sit by. What we saw last Friday along the border, which has been ground zero for President Trump's so-called zero tolerance policies, has had a profound impact on me.

We learned that there are over 250 teenagers who are being housed in a temporary tent city detention facility in Tornillo, TX. We met with families who are being held at a Border Patrol station in El Paso who told us about their difficult journeys and the violence they experienced in their home countries that they are desperately trying to escape. Let me share the story of just one of these families who was in the Border Patrol's custody.

I met a father who is in his midtwenties who came here with his, roughly, 2-year-old daughter, named Gabriella. He told us they fled here, seeking asylum, because his home country of Honduras was violent and unstable, and he wanted a better future for his daughter.

If he had arrived before President Trump's Executive order last week, just a few days earlier, his little girl would have been, literally, torn from his arms. I can't tell you whether Gabriella and her father will be granted asylum. I suspect that will be decided by an immigration judge, but at least we know he will be able to keep his daughter by his side through this difficult process. It is unforgivable that thousands of families facing similar circumstances are still separated, with no knowledge of where their children are, with no knowledge of if or when they will be reunited—all because of the Trump administration.

During our visit we also learned troubling details about the process facing asylum seekers who are attempting to enter our Nation legally at our ports of entry. At the Paseo del Norte Port of Entry in El Paso, we learned firsthand how the Trump administration's actions are creating unnecessary delays on asylum claims for those fleeing violence and persecution. What is more, the mixed messages and outright lies coming from the White House and administration officials are creating real confusion and chaos on the ground for those actually responsible for carrying out the President's policies. There is not enough transparency from the White House or from Federal agencies. There is not enough oversight from this administration.

We absolutely need to know what is going on. That is why we are calling for immediate hearings on the Trump administration's inhumane border policies and accountability and oversight of those responsible for carrying those policies out. Anything short of accounting for every single child affected

by this policy is unacceptable and unconscionable. We must hold the White House accountable for adhering to our laws, to American values, and for executing a clear plan to right these wrongs.

It is important for us to recognize that the intentionally cruel separation of families that we have witnessed in recent weeks and months is only one piece of a larger systemic campaign by this administration to dehumanize our immigrant communities. These inhumane enforcement policies follow President Trump's discriminatory Muslim travel ban. They follow his refusal to offer refugee status to those from war-torn countries, such as Syria. They follow his cancellation of legal status for immigrants who escaped natural disasters and unthinkable violence in Haiti, Honduras, and El Salvador. They follow his unjust ending of Deferred Action for Childhood Arrivals, or the DACA Program, and his repeated efforts to derail any efforts in Congress to reach a bipartisan consensus on responsible immigration policies that would make smart investments in security at our borders, that would keep our communities safe, and that would recognize the dignity and vibrancy of those border communities.

Despite President Trump's continued determination to sabotage any good-faith efforts, I continue to believe that our Nation desperately needs Congress to pass comprehensive immigration legislation. That includes a visa system that meets the needs of our economy, a fair path to earn citizenship for the estimated 11 million people in our country who are undocumented, and a plan that ensures security at our Nation's borders. Rather than stirring up division and targeting law-abiding immigrants who are working hard to support their families and pay taxes, we should focus our enforcement activities and resources on violent criminals. We must also act with a sense of urgency to find a responsible way forward for the hundreds of thousands of Dreamers who are just as much a part of our communities as any one of us. They are Americans in every way except on paper. I will not give up on them.

None of President Trump's callous actions on immigration represent the values of the America that I know and love—the America that welcomed my father and his family as they emigrated here from Germany in the 1930s. When I think about immigration, I always wonder how different my life would be if America had turned my family away, had turned my father away, or had broken his family apart.

Sadly, that is not an abstraction. It is not an abstract question for thousands of families still desperately hoping to be reunited now. Just like my father's family, these families are mothers, fathers, and children who are overwhelmingly people seeking to come to America because of the promise that our Nation represents. I take heart in the groundswell of decency

that we have witnessed from thousands of Americans who have made their voices heard.

After we visited the border on Friday, Senator UDALL and I joined hundreds of New Mexicans for a community event in Las Cruces. I want to share an image of a little girl who I saw at the event.

As you can see on this graphic, her sign reads: "I love my family and I need them every day." That is really what this is all about. I am sure that the innocent children who have been separated from their parents and placed in detention facilities feel exactly the same way.

At the root of this often difficult debate, I believe we need to reaffirm the humanity of these children and their parents. We cannot stop fighting for compassionate and responsible immigration policies that respect the dignity of these families. We must not turn our backs on the ideals and fundamental values that made the United States both the most powerful Nation on Earth and a beacon of moral leadership. We must continue to make our voices heard and demand reunification for all of these children with their families.

I want to assure New Mexicans and all Americans that I stand with you in saying that this is not what we stand for. I will not rest until our country is once again seen as the moral leader of the free world.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, I come to join the debate this morning on the farm bill and to make sure we get the farm bill passed. It is so important to the State of Washington and to our country.

I know many of my colleagues have been down here talking about agriculture, but in the State of Washington, it is responsible for about 164,000 jobs. And while we produce about \$10-plus billion of economic activity, about \$180 billion of economic activity goes through our ports every year. So if you are growing an agricultural product in the United States, there is a good chance you are shipping that product through Washington ports, going to Asia and a variety of places.

The agriculture and food industry is a huge part of our U.S. economy as well, and provides 11 percent of total U.S. employment. So to say this bill is an important economic tool is an understatement.

We know that in the United States of America, a trade surplus in agriculture has existed for 50 years. So when we

are talking about making investments and opening new markets and protecting agriculture from the trade war that we are seeing, it is very important that this bill helps recognize the hard work that the farmers in the United States of America have done in growing our economy. We must make sure they continue to have those economic opportunities in the future.

Since U.S. exports gained access to markets like South Korea more than a decade ago, Washington farmers in my State have seen increases in exports of up to 80 percent for potatoes and 200 percent for cherries. Agriculture exports support more than a million jobs around the United States, so it's important to maintain our agriculture trade surplus.

I am proud to say that, working with our colleagues, the chairman of the committee, Senator ROBERTS, and the ranking member, Senator STABENOW, we have worked to make sure that we are making improvements and increasing MAP, the Market Access Program. This critical program provides technical assistance and more flexibility for the Secretary of Agriculture to help our farmers increase access to new markets. This is so important at a time when we are seeing so much chaos in the marketplace. We want to make sure we continue to have an aggressive attitude toward opening markets—not closing them.

From 1977 to 2014, it is estimated that our market access programs produced an average return on investment of \$28 for every dollar that was invested—that is, when you are opening a market to sell U.S. products abroad. That is a huge investment for us to export our product into those countries.

I know that some of our colleagues have been working across the aisle to help make sure that MAP funding is more secure and that we invest more. I am working with my colleague, Senator CRAPO from Idaho, to make sure that provisions are in this bill that give the Secretary more flexibility to help us on things like our fruit products and potato products from the Pacific Northwest. I appreciate his help making sure this bill represents at least some of us who want to increase those opportunities for the future.

Washington State is the third largest exporter of food and agricultural products in the United States. Our agricultural sector accounts for 13 percent of our economy annually, and we are proud to grow about 300 different types of products. There are nearly 40,000 farms, and, as I said, 164,000 Washingtonians are employed in that sector.

We continue to work to make sure that the type of research that is represented in this bill—the R&D that is done in great institutions in our State, such as Washington State University, provide good information for us. And our agricultural extension programs need to be funded to make sure that conservation continues to be an opportunity for our farmers. Our farmers

must have resources to diversify their crops.

All of these things are important in moving a farm bill through the Senate and on to the President's desk eventually.

I am very concerned that my colleagues in the House of Representatives want to cut or limit the SNAP program. This has been an essential tool as part of ag for a long time and should continue. The notion that we are going to hold up an ag bill at a critical time, when concerns about tariffs are impacting our farmers, is wrong. What we need to do is move forward on giving the assurances to our farmers that we want them to have the research and development, we want them to have the tools of conservation, and that we certainly want them to have the Market Access Program so they can continue to reach markets all around the globe.

Our ag economy is so important to us in the Pacific Northwest. This bill is helping us make a downpayment on it and giving us a little flexibility.

I am going to take the Secretary of Agriculture at his word today. I heard him on television saying he is going to mitigate any kind of damage being done to farmers based on tariffs. I am going to hold him to his word.

Believe me, as we move this legislation through the process, I am going to make sure that every tool is available for the great products that we grow in Washington State. I want them to reach market destinations. I don't want them to be retaliated against in a trade war.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Ms. SMITH. Madam President, I rise today to voice my strong support for the farm bill that the Senate is currently considering.

First, I would like to thank Chairman ROBERTS and Ranking Member STABENOW for their strong leadership on this bipartisan bill. When I first became a Senator just months ago, I asked for a seat on the Agriculture Committee, and I immediately formed a farm bill working group in Minnesota so that I could hear from farmers and ranchers, foresters, researchers, rural community leaders, and Tribes, as well as experts on nutrition, energy, and conservation, to make sure that Minnesota's priorities were included in this farm bill.

In the last few months, in Minnesota, my staff and I have convened over 30 listening sessions around the State, and I am very grateful for the input and ideas we have gotten through the farm bill process.

The farm bill touches the lives of virtually every American, and it is vital to my State's economy. This bill will provide important stability and predictability to Minnesota farmers, ranchers, rural communities, and Indian Country, while also sustaining tens of thousands of Minnesota jobs.

The farm bill works when all three pillars of the bill work together: traditional farm programs, rural development, and nutrition. If we remove one of these pillars, the farm bill will not be able to stand.

The nutrition programs reauthorized by the Senate farm bill are of vital importance. According to the Agriculture Department, in 2016, over 41 million people, including millions of children across the country, lived in food-insecure households. This is why, when you talk to farmers and ranchers in my State, they know how important it is to support nutrition programs, and they understand, as I do, that any efforts to weaken nutrition programs will ensure that this bill does not pass.

I was proud to be able to participate in crafting the farm bill as a member of the Agriculture Committee. It was a truly bipartisan process, an example of how we can get things done when we work together.

I am very happy that this bill includes many of the provisions I worked hard on, on behalf of Minnesota. For example, the Senate bill maintains the sugar program, which is so important to Minnesota's sugar beet farmers. The sugar industry employs about 29,000 people in Minnesota and provides 142,000 jobs nationwide. Sugar is a \$20 billion-a-year industry—\$3.4 billion in my State alone.

The U.S. sugar policy runs at zero cost and ensures that American farmers are on an even playing field against subsidized foreign sugar. Any amendment that threatens the safety net for sugar farmers could put many farmers into bankruptcy and should be opposed.

This farm bill also expands gains made in the dairy safety net earlier this year. I pushed for these improvements to help Minnesota dairy farmers who are facing falling milk prices.

I am pleased that this farm bill will establish a new national animal disease preparedness, response, and recovery program. I heard about the need for vaccine banks and animal disease readiness at a poultry testing lab in Willmar, MN. When Minnesota was hit hard by the avian flu outbreak that resulted in the deaths of nearly 9 million turkeys and chickens, we knew this new program was needed.

I have also pushed for other Minnesota priorities that came out of the many conversations we had with Minnesotans. I worked hard to make sure this bill advances conservation programs so farmers have the opportunity to start new conservation plans and then keep them going over the long term to protect the environment and increase productivity.

I supported Ranking Member STABENOW's Timber Innovation Act. This bill

encourages new and innovative uses for wood in building construction, which is important for the timber industry in my State.

I am very proud that this bill expands programs I advocated for to help beginning farmers and traditionally disadvantaged farmers. We need to make sure producers from diverse backgrounds are able to access USDA services. In my State, this means Native American farmers, Hmong, Latino, Somali farmers, and veteran farmers.

Today, as our farmers face deep uncertainty around tariffs, this bill includes bipartisan provisions to increase funding for USDA trade promotion activities. International markets are essential to the profitability of many farmers, including in Minnesota.

This bill also helps to protect Native food products from fraudulent imposters on the market. For example, some food businesses are trying to mimic or replicate unique Tribal food products, such as Minnesota wild rice, and then sell those foods on the marketplace as "traditional" food items.

Developing new international markets through trade promotion is something Minnesota farmers and leaders in Indian Country have been calling for, and we do it in this bill.

As ranking member of the Rural Development and Energy Subcommittee, I am very happy that this bill has a strong energy title. I introduced legislation outlining a roadmap for this title in the farm bill, and I led a bipartisan coalition of my colleagues urging the committee to fund and strengthen the many successful energy programs at USDA.

One example is the Rural Energy for America Program, which helps ag producers, local businesses, and rural communities develop energy efficiency and renewable energy projects that create jobs, cut energy bills, and reduce greenhouse gas emissions.

Another example is the Biorefinery, Renewable Chemical, and Biobased Product Program. American farmers can provide the raw material for high-value products that replace and improve on products typically made from oil. Bioplastics, for example, are better for the planet than traditional plastics.

Another message I hear all the time as I meet with rural development leaders across Minnesota is the need for reliable internet service. Broadband is the infrastructure of the 21st-century economy. It is not just nice to have; it is necessary if we are going to build an economy that works for everyone. Whether you are a student doing your homework, a business owner selling your products, a farmer using modern precision agriculture equipment, or a person who is trying to access healthcare, you need access to broadband internet service. I am very glad this bill incorporates my Community Connect Grant Program Act to authorize and increase funding for this important effort. The bill also seeks to modernize speeds so that those living

in rural communities don't get stuck with lower service quality than those living in urban areas.

The Community Connect Broadband Grant Program will create better broadband access to unserved remote and Tribal communities and help spur economic growth in rural America. It is a step forward and one of the many things that we need to do to connect Minnesotans to people across the Nation with affordable, reliable internet service.

I also hear from Minnesotans about their love of local produce and the importance of supporting regional food economies. I am happy to see that this bill creates a streamlined Local Agriculture Market Program to support developing local and regional food systems, and it increases mandatory funding for organic research, another priority of mine.

I am proud that this bill includes the Rural Health Liaison legislation, which I worked on with Senator JONES from Alabama and Senator ROUNDS of South Dakota. The Rural Health Liaison will encourage collaboration between USDA and Health and Human Services to address the specific healthcare needs of rural communities.

I am pleased to see the inclusion of my bill encouraging USDA to assist veterans in joining the agriculture workforce after leaving service. This is going to expand access and job opportunities for returning servicemembers.

As we consider the farm bill on the Senate floor, we also need to listen to all of our communities, including leaders in Indian Country. We have many good provisions in the bill for Native communities. In addition to addressing Tribal food fraud, this bill requires the Secretary of Agriculture to support greater inclusion of Tribal products in Federal trade promotion efforts. It also expands eligibility for forestry program funding to include the 1994 Tribal colleges so more students in Minnesota and around the country can get involved in forestry research.

I was glad to join Senator HEITKAMP in supporting a new technical assistance program that will help Tribes access rural development initiatives and will authorize the Secretary of Agriculture to designate Tribal promise zones to further improve access to Federal economic development resources.

Finally, I am eager to see Native farmers in Minnesota take advantage of the improved resources for socially disadvantaged farmers and ranchers in this bill. There are so many opportunities for success in agriculture, and it is important that USDA resources are available to all communities. But there is a lot left to be done. We still need to access many more USDA programs for Native Americans and empower Tribes to make sure that these programs work for Tribal communities.

We need more investment in conservation projects, and we should allow Tribes to develop their own technical standards for conservation based on

their traditions and ecological knowledge.

When I first became a Senator, I asked to be a member of the Indian Affairs Committee. As the newest member of that committee, I have picked up on a couple of themes.

One is that virtually every program for Indian Country is underfunded, and, two, we have to empower Tribes to create solutions that work for their members. We need to listen to leaders in Indian Country and make sure that the farm bill works for them.

I introduced an amendment to make sure that Tribes have the authority to administer the Supplemental Nutrition Assistance Program, or SNAP. This is a top priority of the Native Farm Bill Coalition.

Over 360 federally recognized Tribes participate in Tribal self-governance programs at the Indian Health Service and at the Department of the Interior. With a 30-year proven track record, Tribal self-governance is widely considered by Tribes and stakeholders as one of the most successful Federal Indian policies. Approximately 25 percent of Native Americans receive some type of Federal food assistance, and in some Tribal communities, participation is as high as 80 percent. Giving Tribes the authority to administer SNAP will allow them to meet the specific needs of their communities to fight hunger.

I am hopeful that this very important, bipartisan amendment will get proper consideration.

We need to pass this farm bill now to give the farmers and ranchers certainty.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### KNOWLEDGEABLE INNOVATORS AND WORTHY INVESTORS ACT

Mr. LEE. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2245 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 2245) to include New Zealand in the list of foreign states whose nationals are eligible for admission into the United States as E-1 and E-2 nonimmigrants if United States nationals are treated similarly by the Government of New Zealand.

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

Mr. LEE. Madam President, I ask unanimous consent that the bill be

considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 2245) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2245

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Knowledgeable Innovators and Worthy Investors Act" or the "KIWI Act".

#### SEC. 2. NONIMMIGRANT TRADERS AND INVESTORS.

For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), New Zealand shall be considered to be a foreign state described in such section if the Government of New Zealand provides similar non-immigrant status to nationals of the United States.

Mr. LEE. Madam President, it is an honor to be involved in the passage of this important legislation. The Knowledgeable Innovators and Worthy Investors Act, or KIWI Act, is a bipartisan bill that legislatively extends E-1 and E-2 visas to citizens of New Zealand. It does not increase the number of available visas.

Granting access to these visas to New Zealand would increase both investment and trade into the United States and strengthen our relationship with New Zealand.

New Zealand is, of course, a country that is critical to our relationships. We have a critical strategic military and economic partner in the Asia-Pacific region with New Zealand, and this legislation will further strengthen America's presence in the Asia-Pacific region.

E-1 and E-2 visas allow qualified foreign nationals to engage in substantial trade or to develop and direct the operations of an enterprise in which the individual is heavily invested.

The United States will benefit from increased investment in trade with New Zealand. New Zealand's citizens and businesses currently make substantial investments in the United States. These businesses have created more than 10,000 jobs. In 2017, \$10.5 billion in trade passed between the United States and New Zealand.

Allowing New Zealanders to apply for E-1 and E-2 visas will affirm reciprocity and strengthen the United States' relationship with New Zealand. Again, this is a country that is a critical ally and a partner in the Asia-Pacific region, and it will also increase the United States' presence in that region.

New Zealand is the only Five-Eyes country whose citizens are currently ineligible to apply for these visas, while American citizens are currently eligible for reciprocal visas in New Zealand. So I am grateful and honored to be involved in moving this legislation.