

McConnell
Moran
Murkowski
Paul
Perdue
Portman
Risch

Roberts
Rounds
Rubio
Sasse
Scott
Shelby
Sullivan

Thune
Tillis
Toomey
Wicker
Young

John Barrasso, Richard Burr, John Cornyn, Thom Tillis, John Hoeven, Tom Cotton, Joni Ernst, James M. Inhofe, Steve Daines, Mike Crapo, James Lankford, Roy Blunt.

NAYS—49

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Gillibrand
Harris

Hassan
Heinrich
Heitkamp
Hirono
Jones
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy
Murray
Nelson

Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Smith
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—2

Corker

McCain

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. TILLIS). The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 294, S. 2311.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, S. 2311, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2311, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer,

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 622, David Stras. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Pat Roberts, Roy Blunt, Tim Scott, Todd Young, Richard C. Shelby, Chuck Grassley, John Boozman, Marco Rubio, Mike Crapo, Steve Daines, Jerry Moran, David Perdue, Tom Cotton, John Cornyn, Roger F. Wicker, John Thune.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 552, R.D. James.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of R.D. James, of Missouri, to be Assistant Secretary of the Army.

PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. MCCONNELL. Mr. President, last week Americans from all across the country—including many from Kentucky—came here to Washington to speak up for unborn children whom our legal system has denied the right to life. Now Congress has an opportunity to take a step forward.

The United States is currently one of just seven countries—just seven—in-

cluding China and North Korea, that permits elective abortions after 20 weeks. It is time we began to remedy this obvious and tragic moral wrong. The long-overdue legislation that we will be voting on soon would do just that.

I am pleased to have filed cloture on this bill to protect unborn children who are capable of feeling pain. I am proud to cosponsor it, along with many of my colleagues, and I look forward to voting for it early next week.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING TIM O'CONNOR

Mr. LEAHY. Mr. President, I would like to take a moment to remember a remarkable Vermonter, Tim O'Connor, who passed away last week.

For those of us who knew him, Tim was unforgettable. He had a terrific sense of humor, especially when it involved the Irish. Marcelle and I have been friends with Tim and his wife, Martha, since I was a young lawyer starting my practice. We fondly remember meals at their home and how they cared for us and our children as I was first running for Senate.

Tim loved Vermont and was committed to making a difference, both in Brattleboro and statewide. He set an example for the importance of public service, serving in positions as humble as town moderator, to those as important as speaker of the Vermont State House. He served as a Democrat in the Vermont House of Representatives from 1969 to 1981. Throughout his career, Tim embodied bipartisanship above all else, reaching across the aisle to put Vermonters first. In what surely sounds like a fairytale in this hyperpartisan era, when Tim served as speaker of the house, Republicans controlled the chamber.

The only thing that Tim loved more than our State was his family. Marcelle and I have them in our hearts, and our prayers go out to Martha, Kerry, Kate, and Kevin. I called Martha to tell her how I will miss him, but that I will look, every day, at the walking stick Tim brought me from Ireland.

I ask unanimous consent that Bob Audette's article in the Brattleboro Reformer be printed in the RECORD.

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

[From the Brattleboro Reformer, Jan. 17, 2018]

VERMONT MOURNS THE DEATH OF "A GENTLE SOUL"

(By Bob Audette)

BRATTLEBORO, VT.—By all accounts, Timothy J. O'Connor Jr. was kind, fair, amicable, no-nonsense, intelligent and witty.

The list of adjectives does not end there, but suffice it to say, Brattleboro, Windham County and Vermont are all the better because of O'Connor, who died Tuesday afternoon at the age of 81 at Dartmouth-Hitchcock Medical Center in Lebanon, N.H.

Perhaps the most succinct description came from O'Connor himself in a 2010 interview with the Reformer, describing his three-term tenure as Speaker of the House in Montpelier: "It was a job where you were like the traffic cop at the downtown Main Street circle, trying to get five lanes of cars to move and go with some order, trying to get people to basically compromise on certain positions in order to get legislation passed."

That interview was conducted after the House of Representatives presented a resolution honoring O'Connor. "It is a way to honor Tim's work in the past and to thank him for his continued work in our community, where he is valued for his expertise, sharp wit and humor," said former legislator Sarah Edwards at the time the resolution was sponsored.

A ROLE MODEL AND A MENTOR

O'Connor, who was born in Brattleboro on Dec. 13, 1936, served as a Democrat in the Vermont House of Representatives from 1969 to 1981. He was chairman of the House Judiciary Committee from 1973 to 1975 and served as Speaker of the House from 1975 to 1981. In 1980, he launched an unsuccessful bid for the governor's office.

Before his career as a politician, O'Connor graduated from St. Michael High School in Brattleboro in 1954 and then the College of the Holy Cross in Worcester, Mass. After he graduated from Georgetown University Law Center in Washington, D.C., in 1961, he attended President John F. Kennedy's inauguration. He married Martha Elizabeth Hannum of Putney on July 8, 1961, and in 2017 they celebrated their 56th wedding anniversary.

He began his legal career in the law offices of Edward A. John, at the age of 25. O'Connor practiced law until his 2011 retirement, though he served as Town Meeting Moderator through 2012.

"He's been a role model and mentor for all of us, and the profession is going to be less for his leaving," Theodore Kramer, of Kramer Law Offices in Brattleboro, told the Reformer in 2011. "Timmy really is one of a kind. He's an exceptional attorney and just a spectacular, quality guy, very reliable and professional."

"Tim was like a father to me and very much like my own father," Brattleboro attorney Jeffrey G. Morse told the Reformer on Wednesday. Morse learned from O'Connor when starting his own law career. "We have lost a truly great man."

IMPECCABLE LOYALTY AND INTEGRITY

"We need more Timmy O'Connors today more than ever," said Peter Shumlin, who served as governor of Vermont for three terms. "He couldn't care less who you were, what the color of your skin was, your religious beliefs or your sexual orientation. All he cared about was the quality of your character. And you could trust him to stand behind you once you became friends."

Shumlin noted that when O'Connor was elected Speaker of the House, the Legislature was dominated by Republicans. If that

wasn't remarkable enough, O'Connor served three terms as Speaker. "What made Timmy such an unshakable friend and fine servant to Vermont was that everybody knew his loyalty and integrity were impeccable," said Shumlin. "Because of that, Republicans, Democrats, Independents and everybody else trusted him with their own future."

"Tim pulled off an impossible upset getting elected Speaker in a minority house," former legislator Michael Obuchowski told the Reformer in 2010. "He had the ability to convince people, and how he convinced them was with his Irish kindness and fairness."

"In his years leading the Vermont House, his unrivaled ability to build consensus and find common ground earned him genuine respect and support from all sides of the aisle," stated current Speaker of the Vermont House of Representatives, Mitzi Johnson, in an email to the media.

"Just getting elected Speaker is an amazing feat, but to be elected by both parties, as a member of the minority party, and for more than one session, is unheard of," said Mike Mrowicki, who represents Putney, Dummerston and Westminster in the Vermont House. "He was an amazing public servant and a coalition builder."

But, noted Mrowicki, O'Connor's interest in people went beyond consensus building. "Tim was always eager to hear how you were doing and wanted to know if he could help in any way."

A LISTENER, NOT A TALKER

U.S. Rep. Peter Welch told the Reformer that O'Connor and John Carnahan were the first two people he met when he moved to Vermont in 1974 to pursue a legal career. Being elected the Speaker of the House while a member of the minority party was a result of O'Connor's personality, his decency and his civility, said Welch. "He embodied an ethic in Vermont that you work together with people of opposing parties to get things done."

Welch said that during his career in politics he has tried to emulate O'Connor and Bob Gannett, who represented Brattleboro and Windham County in the Vermont State House for more than 25 years.

"They inspired me to focus on the issues, find common ground, not to get personal and be open and generous with your colleagues," said Welch. "It was effortless with Tim. He is truly one of the giants of Vermont politics."

What also made him unique among politicians, said Welch, was that O'Connor was a listener and not a talker. "Unless you got him on the topic of Ireland, and then you couldn't get him to shut up."

"Tim had such a great sense of humor, especially when it involved the Irish," said U.S. Sen. Patrick Leahy. "I will miss him but I'll look, every day, at the walking stick he brought me from Ireland."

A PROUD IRISHMAN

O'Connor was a member of what Fran Lynggaard Hansen described in her book, "Brattleboro: Historically Speaking," as the Irish on Elliot Street.

According to Hansen's retelling, O'Connor's grandparents, Timothy Patrick O'Connor and his wife, Hannah Daly O'Connor, came independently from County Kerry in Ireland. They met in Norwich, Conn., later moving to Bellows Falls where relatives found them jobs in a local paper mill. Eventually, the couple moved to Putney, where they raised two boys and two girls. Later, the family moved to Brattleboro. O'Connor's grandfather died in an industrial accident in 1915, according to the story he told to Hansen, and his grandmother later died of tuberculosis. "Richard and Hanna Hasey took my father in and raised him as their own since he was the youngest and they didn't want

him to go to an orphanage," O'Connor told Hansen. The senior Timothy O'Connor went to the Bentley School of accounting and finance in Boston and worked for Barrows Coal Company for 48 years, according to "Brattleboro: Historically Speaking."

"Tim was a wealth of knowledge about our town and its characters past and present," wrote Hansen on the Reformer's Facebook page. "More than that, he was a gentle soul; a kind man who quietly helped so many people. The weight of his life will be felt in Brattleboro for a very long time."

A MAN IN SERVICE TO HIS COMMUNITY

"Tim O'Connor understood, and in many ways embodied, what it meant to serve his community and his state," said U.S. Sen. Bernie Sanders. "Moreover, in this era of increasing political divisiveness, Tim serves as a model for bringing people together."

As Town Meeting Moderator for Brattleboro for more than two decades, his reputation for his enthusiastic use of his gavel to rein in the meanderings of Town Meeting Representatives frustrated some people, but always brought a chuckle to many more.

"There were many memorable Town Meetings that Tim moderated," wrote Fred Noyes, who recorded a number of Representative Town Meetings for BCTV. "I would sometimes say that he was the grandpa of our town."

"I've seen my share of Town Meeting moderators over the years, in Brattleboro and beyond," wrote Mary H. White, of Brattleboro. "Tim was the best, by far."

"Tim O'Connor was a kind, caring, funny, wise, and generous person who gave decades of tireless public service to Brattleboro and all of Vermont," said Brattleboro Town Manager Peter Elwell. "We will miss him terribly, but will always be grateful for who he was and how he lived."

Becca Balint, the current president of the Vermont Senate, said O'Connor was very supportive of her in pursuing a career in politics. "I greatly respected his advice and perspective on working in the Legislature, and I'm so grateful that he saw and nurtured my leadership qualities. Tim O'Connor is known in the State House as a man who cherished and modeled civility and collegiality. He brought his heart to his work, and in doing so he positively impacted so many legislators and constituents."

"Speaker O'Connor had the reputation of a true public servant—a reputation he earned through his unique ability to achieve consensus and compromise," said Gov. Phil Scott. "His years of leadership have made a lasting mark, and his positive impact on Vermont will not soon be forgotten."

FOREVER LOYAL

Shumlin said when he volunteered to work for Tom Salmon's campaign for governor in the early 1970s, "Timmy took me under his wing, he tutored me, taught me, cared for me and kept me out of trouble. I was forever loyal to him after that."

If more politicians were like O'Connor, said Shumlin, "We wouldn't be in the mess we are in now."

During a recent visit to O'Connor, Shumlin said his mentor was incredulous over the adversarial atmosphere in Washington, D.C.

"He said, 'I never thought I would live to see the day when division and name-calling would come from the President of the United States of America. It's just so discouraging.'"

Such a comment from O'Connor was very rare, said Shumlin. "Tim was a person who rarely spoke ill of anybody. He had a heart of gold and would fight for folks without a voice. That, combined with his impeccable integrity, made him one of the great leaders of our time."

Jim Douglas, who preceded Shumlin as governor, agreed.

"At a time when rancor has permeated our political process and collegiality seems to have disappeared from the public square, Tim O'Connor stands as a glorious example of what a public servant should be," said Douglas. "We need more like him today."

Douglas, a Republican who served as House Majority Leader, also recalled his time working with O'Connor, whom he described as "a tremendous leader."

Like others who served with O'Connor, Douglas said he was fair and impartial and that he cared about each legislator, regardless of party affiliation, and displayed a genuine nonpartisanship that earned the respect of all of his colleagues.

"I had the temerity to challenge his reelection as Speaker in 1979," said Douglas, who would later serve three terms as Vermont's governor. "He defeated me handily, but there were no hard feelings: he promptly re-appointed me to chair a committee."

James Valente, of Costello, Valente & Gentry in Brattleboro, said everyone should try "to be a little more like Tim in our daily lives. He could teach without lecturing, argue without fighting, and make you laugh without teasing."

A funeral Mass is scheduled for Saturday at 1 p.m. at St. Michael Catholic Church in Brattleboro, with arrangements organized by Atamaniuk Funeral Home.

The family requests no flowers. Contributions may be made to the St. Brigid's Kitchen renovation fund in care of St. Michael Catholic Church, 47 Walnut St., Brattleboro, VT 05301.

Survivors include his wife; a son, Kevin O'Connor of Brattleboro; two daughters, Kate O'Connor of Brattleboro and Kerry (Robert) Amidon of Vernon; three grandchildren, Daniel, David and Jacob Amidon of Vernon; and a brother, W. Brian O'Connor of Amherst, Mass.

"Tim lived his life with a commitment to making a difference, and he did—in his community and in our state," said Leahy. "He set an example for the importance of public service, from serving as Town Moderator, to Speaker of the House. Tim did so in the Vermont tradition of bipartisan leadership and putting people first. Tim's ability and efforts to reach across the aisle and to lead in ways that fostered bipartisan cooperation will long be remembered and are an example to all."

ADDITIONAL STATEMENTS

REMEMBERING JAMES ROBESON

• Mr. CASEY. Mr. President, I would like to take this opportunity to recognize the heroic life of Scranton firefighter Captain James Robeson on the 10th anniversary of his death.

Captain Robeson was more than just a firefighter. He was a loving husband to his wife, Linda, and a caring father to his son, Ryan. He was a friend to many, a mentor to his colleagues, and a hero to us all.

Captain Robeson made a career out of service and protection. He willingly served and courageously protected his colleagues, the city of Scranton, and all of us who inhabit it. Each time duty called, Captain Robeson heroically was one of the brave individuals running into the flames and chaos, while every-

one else was running out. Captain Robeson was a man of high honor and integrity, two qualities demonstrated when he laid down his own life in an attempt to save another.

Ten years after his death, it is still my honor to have been given the opportunity to serve a man as brave, honorable, and respected as Captain Robeson. His unquestioned willingness to serve others and courageous ultimate sacrifice is a reminder to me about the true meaning of public service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-4131. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation" (RIN3052-AD29) received in the Office of the President of the Senate on January 23, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 943. A bill to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes (Rept. No. 115-201).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL:

S. 2333. A bill to prohibit assistance to the Government of Pakistan, and to require the Department of State and the United States Agency for International Development to transfer amounts to the Highway Trust Fund equivalent to historic levels of assistance to

Pakistan; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, Ms. HARRIS, Mr. CORKER, Mr. DURBIN, Mr. ISAKSON, Mr. COONS, and Mr. JONES):

S. 2334. A bill to amend title 17, United States Code, to provide clarity with respect to, and to modernize, the licensing system for musical works under section 115 of that title, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of that title, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUNDS:

S. 2335. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 2336. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on providing intensive community care coordination and supportive services to veteran families who lack adequate access to services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET:

S. 2337. A bill to provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 108

At the request of Mr. HATCH, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 322

At the request of Mr. PETERS, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 526

At the request of Mrs. FISCHER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 526, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

S. 740

At the request of Mr. LEE, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 740, a bill to prohibit mandatory or compulsory checkoff programs.

S. 833

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 833, a bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

S. 918

At the request of Mr. PORTMAN, the name of the Senator from Mississippi