

wastewater organizations. This landmark legislation also has the support of our Nation's leading construction, engineering, labor, and manufacturing organizations, including the National Rural Water Association, the Council of Infrastructure Financing Authorities, the American Society of Civil Engineers, the Associated General Contractors of America, the American Council of Engineering Companies, the National Association of Clean Water Agencies, Ducks Unlimited, the American Public Works Association, the Rural Community Assistance Partnership, the Water Systems Council, the International Union of Operating Engineers, the Vinyl Institute, the Hydraulic Institute, and the California Association of Sanitation Agencies.

Congress needs to do a better job of providing basic public services, such as safe roads, bridges, and an up-to-date water infrastructure system. This is the time to act to make water infrastructure investment a priority.

With innovative financing and private sector investment, not only will we be providing Americans with basic water infrastructure, but we will also be creating jobs, keeping commodity and utility prices low, and remaining competitive on the global stage.

We can no longer kick the can down the road and ignore our infrastructure problems. It is time for the United States to be realistic about its water problems and start investing in water infrastructure today.

I ask my colleagues to join Senator BOOKER and me in supporting significant new investment in our Nation's water infrastructure and to cosponsor the SRF WIN Act today.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 386—URGING THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO FULFILL ITS AGREEMENT TO HOLD CREDIBLE ELECTIONS, COMPLY WITH CONSTITUTIONAL LIMITS ON PRESIDENTIAL TERMS, AND FULFILL ITS CONSTITUTIONAL MANDATE FOR A DEMOCRATIC TRANSITION OF POWER BY TAKING CONCRETE AND MEASURABLE STEPS TOWARDS HOLDING ELECTIONS NOT LATER THAN DECEMBER 2018 AS OUTLINED IN THE EXISTING ELECTION CALENDAR, AND ALLOWING FOR FREEDOM OF EXPRESSION AND ASSOCIATION**

Mr. FLAKE (for himself and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 386

Whereas the United States people have a strong relationship with the people of the Democratic Republic of the Congo (DRC) and a strong commitment to the principles of democracy and adherence to the rule of law;

Whereas, in 2006, the Government of the DRC adopted a new constitution that limited

the President to two consecutive five-year terms, which for President Joseph Kabila expired on December 19, 2016.

Whereas President Kabila swore to uphold the constitution of the DRC as part of his oath of office;

Whereas the constitutionally required elections have not yet taken place;

Whereas citizens of the Democratic Republic of Congo have repeatedly demanded that their constitutional right to elect a new President after two terms be upheld and that President Kabila must therefore step down;

Whereas, on December 31, 2016, the National Episcopal Conference of Congolese Bishops mediated a political agreement between the ruling coalition and main opposition parties under which President Kabila is prohibited from running for a third term, constitutional changes which would extend the president's time in office are prohibited, and elections were to be held before the end of 2017;

Whereas, on March 31, 2017, the United Nations Security Council adopted Resolution 2348, which called for a "swift implementation" of the December 2016 political agreement, including "peaceful, credible, inclusive and timely elections no later than December 2017, leading to a peaceful transition of power";

Whereas, on June 21, 2017, the United Nations Security Council adopted Resolution 2360, which stressed "the importance of the DRC and its national partners taking all necessary steps to accelerate preparations for the elections without further delays";

Whereas, on November 5, 2017, the Congolese electoral commission released a calendar that would delay elections until at least December 23, 2018, while noting numerous "constraints" that could impact respect of this calendar;

Whereas the failure to hold constitutionally required elections has increased political uncertainty, violence, and instability inside the DRC, and the United Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator said that amid the political stalemate, "conflict is rapidly spreading across the country and in appalling ways, even in a country blighted by violence and insecurity for decades";

Whereas political space in the DRC continues to be heavily restricted, as evidenced by arrests and detention of members of the political opposition, democratic activists, and journalists, and by restrictions on fundamental freedoms such as speech and assembly; and

Whereas opposition have been targeted, arrested, harassed, and violently attacked by security forces: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses concern that the Government of the Democratic Republic of the Congo failed to hold elections in 2016 as required by the Constitution and later failed to fulfill its political commitment to hold elections in 2017;

(2) expresses concern that the growing security, humanitarian, and human rights crisis in the DRC is exacerbated by the lack of a duly elected leadership;

(3) recognizes that impunity and lack of effective rule of law undermine democracy, and that the arrest and detention of civil society activists and the harassment of political opponents close political space and repress peaceful dissent;

(4) calls on the Government of the DRC to complete concrete steps towards holding elections, including—

(A) issuance of district-level voter registration figures;

(B) completion of any legislation to enable redistricting;

(C) fulfillment of the constitutionally-required step of "calling the electorate";

(D) publication of the final list of presidential and parliamentary candidates; and

(E) holding presidential, parliamentary, and provincial elections by December 23, 2018;

(5) calls on the opposition to take all steps possible within the DRC to support and promote immediate free, fair, and inclusive elections; and

(6) urges the President of the United States, in close coordination with regional and international partners, to—

(A) use appropriate means to provide appropriate electoral assistance to support the organization of credible elections as soon as possible; and

(B) use appropriate means to deter further electoral calendar slippage and abuses against the Congolese people, including consideration of targeted sanctions against high-level DRC officials, including close associates of President Kabila responsible for further delay or impediment to elections or otherwise maintaining President Kabila's rule beyond the constitution's two-term limit should any of the election benchmarks fail to be met.

#### SENATE RESOLUTION 387—RECOGNIZING JANUARY 30, 2018, AS "FRED KOREMATSU DAY OF CIVIL LIBERTIES AND THE CONSTITUTION"

Ms. HIRONO (for herself, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. COONS, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 387

Whereas, on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Castlemon High School in 1937 and attempted to enlist in the military twice but was unable to do so because his selective service classification was changed to enemy alien, even though Fred Korematsu was a United States citizen;

Whereas Fred Korematsu trained as a welder and worked as a foreman at the docks in Oakland until the date on which he and all Japanese Americans were fired;

Whereas, on December 7, 1941, Japan attacked the military base in Pearl Harbor, Hawaii, causing the United States to declare war against Japan;

Whereas, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), which authorized the Secretary of War to prescribe military areas—

(1) from which any or all people could be excluded; and

(2) with respect to which, the right of any person to enter, remain in, or leave would be subject to any restriction the Military Commander imposed in his discretion;

Whereas, on May 3, 1942, the Lieutenant General of the Western Command of the Army issued Civilian Exclusion Order 34 (May 3, 1942) (referred to in this preamble as the "Civilian Exclusion Order") directing that all people of Japanese ancestry be removed from designated areas of the West Coast after May 9, 1942, because people of Japanese ancestry in the designated areas were considered to pose a threat to national security;

Whereas Fred Korematsu refused to comply with the Civilian Exclusion Order and was arrested on May 30, 1942;

Whereas, after his arrest, Fred Korematsu—

(1) was held for 2½ months in the Presidio stockade in San Francisco, California;

(2) was convicted on September 8, 1942, of violating the Civilian Exclusion Order and sentenced to 5 years of probation; and

(3) was detained at Tanforan Assembly Center, a former horse racetrack used as a holding facility for Japanese Americans before he was exiled with his family to the Topaz incarceration camp in the State of Utah;

Whereas more than 120,000 Japanese Americans were similarly detained, with no charges brought and without due process, in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming;

Whereas the people of the United States subject to the Civilian Exclusion Order lost their homes, livelihoods, and the freedoms inherent to all people of the United States;

Whereas Fred Korematsu unsuccessfully challenged the Civilian Exclusion Order as it applied to him and appealed the decision of the United States District Court to the United States Court of Appeals for the Ninth Circuit, which sustained his conviction;

Whereas Fred Korematsu was subsequently confined with his family in the incarceration camp in Topaz, Utah, for 2 years, and during that time, Fred Korematsu appealed his conviction to the Supreme Court of the United States;

Whereas, on December 18, 1944, the Supreme Court of the United States issued *Korematsu v. United States*, 323 U.S. 214 (1944), which—

(1) upheld the conviction of Fred Korematsu by a vote of 6 to 3; and

(2) concluded that Fred Korematsu was removed from his home not based on hostility toward him or other Japanese Americans but because the United States was at war with Japan and the military feared a Japanese invasion of the West Coast;

Whereas, in his dissenting opinion in *Korematsu v. United States*, 323 U.S. 214 (1944), Justice Frank Murphy called the Civilian Exclusion Order the “legalization of racism”;

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II, and his conviction hampered his ability to gain employment;

Whereas, in 1982, legal historian Peter Irons and researcher Aiko Yoshinaga-Herzig gained access to Government documents under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), that indicate that while the case of Fred Korematsu was before the Supreme Court of the United States, the Federal Government misled the Supreme Court of the United States and suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas, in light of the newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California, and on November 10, 1983, United States District Judge Marilyn Hall Patel issued her decision in *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984), that—

(1) overturned the conviction of Fred Korematsu;

(2) concluded that, at the time that senior Government officials presented their case before the Supreme Court of the United States in 1944, the senior Government officials knew there was no factual basis for the claim of military necessity for the Civil Exclusion Order; and

(3) stated that although the decision of the Supreme Court of the United States in

*Korematsu v. United States*, 323 U.S. 214 (1944), remains on the pages of United States legal and political history, “[a]s historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees”;

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and incarceration of Japanese Americans under Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), concluded that—

(1) the decision of the Supreme Court of the United States in *Korematsu v. United States*, 323 U.S. 214 (1944), is overruled by the court of history;

(2) a grave personal injustice was done to the United States citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II; and

(3) the exclusion, removal, and detention of United States citizens and resident aliens of Japanese ancestry was motivated largely by “racial prejudice, wartime hysteria, and a failure of political leadership”;

Whereas the overturning of the conviction of Fred Korematsu and the findings of the Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.) to request a Presidential apology and the symbolic payment of compensation to people of Japanese ancestry who lost liberty or property due to discriminatory actions of the Federal Government;

Whereas, on August 10, 1988, President Reagan signed the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.), stating, “[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.”;

Whereas, on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, “[i]n the long history of our country’s constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.”;

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life by—

(1) speaking out against racial discrimination and violence; and

(2) cautioning the Federal Government against repeating mistakes of the past that singled out individuals for heightened scrutiny on the basis of race, ethnicity, nationality, or religion;

Whereas, on March 30, 2005, Fred Korematsu died at the age of 86 in Marin County, California; and

Whereas Fred Korematsu is a role model for all people of the United States who love the United States and the promises contained in the Constitution of the United States, and the strength and perseverance of Fred Korematsu serve as an inspiration for all people who strive for equality and justice: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Fred Toyosaburo Korematsu for his—

(A) loyalty and patriotism to the United States;

(B) work to advance the civil rights and civil liberties of all people of the United States; and

(C) dedication to justice and equality;

(2) recognizes January 30, 2018, as “Fred Korematsu Day of Civil Liberties and the Constitution”;

(3) denounces any effort to discriminate against any individual based on the national origin or religion of the individual.

# SENATE RESOLUTION 388—RECOGNIZING JANUARY 27, 2018, AS THE ANNIVERSARY OF THE FIRST REFUGEE AND MUSLIM BAN, AND URGING THE PRESIDENT TO DEMONSTRATE TRUE LEADERSHIP ON REFUGEE RESETTLEMENT

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Ms. CANTWELL, Ms. HIRONO, Mr. DURBIN, Mr. MARKEY, Mr. VAN HOLLEN, Mr. BROWN, Ms. DUCKWORTH, Mr. SCHATZ, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 388

Whereas the world is in the midst of the worst global displacement crisis in history, with more than 22,500,000 refugees worldwide, according to the United Nations High Commissioner for Refugees (UNHCR) estimates;

Whereas, in fiscal year 2017, UNHCR projected that more than 1,200,000 refugees were in need of resettlement to a third country, and this projection continues to grow in 2018;

Whereas the United States resettlement program is a life-saving solution critical to global humanitarian efforts, which serves to strengthen global security, leverage United States foreign policy goals, and support regional host countries while serving individuals and families in need;

Whereas, for over 40 years, the United States has resettled up to 200,000 refugees per year, with an average ceiling of 95,000 refugees per year, and on average actually resettled 80,000 refugees per year;

Whereas refugees are the most vetted travelers to enter the United States and are subject to extensive screening checks, including in person interviews, biometric data checks, and multiple interagency checks;

Whereas, it would be an abdication of United States leadership to resettle fewer than 75,000 refugees next fiscal year;

Whereas the United States refugee resettlement system emphasizes early self-sufficiency through employment, and most adult refugees are employed within their first six months of arriving to the United States;

Whereas refugees contribute to their communities by starting businesses, paying taxes, sharing their cultural traditions, and being involved in their neighborhoods, and reports have found that refugees contribute more than they consume in state-funded services – including for schooling and health care;

Whereas, on January 27, 2017, President Donald J. Trump released an executive order banning individuals from seven Muslim-majority countries and all refugees from entering the country;

Whereas, since that time, the President has taken further executive action to ban people from Muslim-majority countries and has taken steps to dismantle the United States refugee program;

Whereas, in September 2017, President Trump announced a Presidential Determination of 45,000 for fiscal year 2018, the lowest refugee admissions ceiling ever set;

Whereas, during the first three months of fiscal year 2018, the United States welcomed a total of 5,323 refugees, in spite of the fact that to meet the 45,000 ceiling, 11,250 individuals should have arrived during this time period;