

warrantless surveillance program when it became public, but an email suggests he knew about a memo justifying the White House's authorization of the program.

Judge Kavanaugh said, for instance, again, that he didn't personally work on the extremely controversial Judge William Pryor, but new records tell a different story. Emails show Judge Kavanaugh was personally involved.

So the extent and the number of these discrepancies is very disturbing, and these discrepancies were made about only the small portion of his record that Republicans have released. Given what we heard last week, who knows what is hidden in the 90 percent of Judge Kavanaugh's record that Republicans continue to hide.

I was disappointed to hear that yesterday Chairman GRASSLEY said that his committee would not examine Judge Kavanaugh's misstatements. He said it was an "executive branch decision" to look at misleading testimony, which clearly defies all logic. Clearly, the chairman of the Judiciary Committee prefers to turn a blind eye to Judge Kavanaugh repeatedly misleading his committee. He, like his colleagues, just wants to rush the nomination through.

The misleading testimony Judge Kavanaugh gave in his confirmation hearing raises larger questions about Judge Kavanaugh's fitness for the bench. Here we have a partisan attorney, involved in every major partisan legal fight for two decades and who shaded the truth about those events to a congressional committee in order to cast his nomination in a more favorable light. What does that say about his impartiality? It certainly doesn't suggest that he is simply this nonideological, nonpolitical, neutral arbiter of the law.

Part of our responsibility in the Senate is to ensure that all judges, especially at the Supreme Court level, meet the highest standard of judicial impartiality and ethics, lest the Supreme Court become simply an extension of the partisanship we experience here in Congress and his rulings be viewed as illegitimate by half the country.

So I urge my colleagues on the other side to scrutinize Judge Kavanaugh's comments to the Judiciary Committee and decide for themselves whether he was completely forthcoming, because if a nominee provides false or misleading testimony to a committee, that should weigh very heavily on the minds of every Senator when it comes time to vote to confirm or reject the nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

APPROPRIATIONS MINIBUS

Mr. BOOZMAN. Mr. President, sometime soon the Senate will be voting on the first fiscal year 2019 appropriations minibus. It has been a long time since we have brought conferenced bills to the floor, and I am pleased that the

Military Construction, Veterans Affairs, and Related Agencies Appropriations bill is a part of this package. This bill is the result of a bipartisan commitment to return to regular order, and I thank Chairman SHELBY and Vice Chairman LEAHY for leading the Senate in this process and providing all Members a voice in determining how taxpayer dollars are spent.

We have worked hard with our House colleagues over the past two months to develop a thoughtful and responsible conference report that took into account the input of Members on both sides of the aisle. The conference committee made thoughtful decisions about how to provide maximum readiness for the warfighters and prioritize investments at the Department of Veterans Affairs so it can take care of our veterans.

This bill provides \$97.1 billion in discretionary spending, which is \$5.1 billion over last year's level. Within that, the VA is provided a record level of resources at \$86.5 billion in discretionary funding. That is \$5 billion over last year's level and \$1.1 billion over the President's request. These resources will provide healthcare and other important benefits earned by U.S. servicemembers.

Included in the bill is \$1.25 billion more than requested for medical services and community care to support the VA's traditional community care programs as it transitions to a new and improved program. The bill includes \$8.6 billion for mental health services, \$865 million for the caregivers program, and \$1.8 billion for VA homelessness programs, including \$380 million for the Supportive Services for Veteran Families Program. It includes \$400 million for opioid misuse prevention and treatment and \$270 million for rural health initiatives.

The bill provides \$10.3 billion to support military construction and family housing needs, a \$241 million increase over last year's level.

It also funds \$921 million for overseas contingency operations and the European Deterrence Initiative, \$171 million increase over last year's level. In total, 190 military construction projects are funded to restore warfighter readiness and increase lethality of our installations within the United States and around the globe.

This bill also funds improvements to fuel logistics at Little Rock Air Force Base, in addition to a measure to move forward with development on the base's runway.

I am also pleased that the package increases funding to the Veterans History Project, an initiative led by the Library of Congress that builds an archive of oral histories and personal documents of the men and women who served our country in uniform. This is a unique collection of memories of our veterans who served from World War I to the Iraq war and other recent conflicts. It is an important program that ensures future generations understand

the sacrifices our combat veterans made to protect our freedoms. Preserving the experiences of our veterans is an honorable way to recognize their bravery and dedication to our country.

Since its beginning, approximately two decades ago, the project has collected the stories of nearly 1,400 veterans from Arkansas, and nearly 50 of those have been conducted by my office. We are training more and more Arkansans to conduct these interviews for submission to the project.

These are all things that we can be excited about related to this bill. A lot of time and a lot of energy has gone into putting this legislation together. I would like to thank Senator SCHATZ and his staff, including Chad Schulken and Jason McMahon, and Chairman CARTER and Ranking Member WASSERMAN SCHULTZ and their staffs for working hard to address the needs of our servicemembers and our veterans.

I would also like to thank very much my own staff, including Patrick Magnuson, Jennifer Bastin, Joanne Hoff, and Carlos Elias for their dedication and hard work in moving this bill through the committee process, to the Senate floor, and through conference negotiations.

Finally, I want to thank Chairman SHELBY and Vice Chairman LEAHY, along with Chairman FRELINGHUYSEN and Ranking Member LOWEY, for the dedication and leadership they provided throughout this bipartisan process.

I strongly urge my colleagues in the Senate to support final passage so we can get this bill to the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF CHARLES P. RETTIG

Mr. MENENDEZ. Mr. President, I rise today to oppose President Trump's nominee for Commissioner of the IRS, Mr. Charles Rettig. Now more than ever, the American people need government officials who are willing to stand up and speak truth to power. Unfortunately, Mr. Rettig failed to convince me that he is up for that part of the job.

During his time before the Senate Finance Committee, on which I serve, Mr. Rettig gave me no indication that he would protect New Jerseyans facing the threat of double taxation under the tax bill passed by this Congress and signed into law by President Trump late last year, nor did Mr. Rettig express any respect for the rights of States to administer their own constitutionally upheld charitable contribution tax credit programs. Instead, Mr. Rettig left me all but certain that he would be a rubberstamp for this administration's politically motivated tax policies and would allow a backdoor tax increase on countless middle-class families. At a time when we need independence and impartiality at the IRS, that is absolutely unacceptable.

As we speak, the Treasury Department and the IRS are trying to make sense of the deficit-exploding corporate tax cuts rushed through Congress by the Republican majority last December—tax cuts that, according to the Congressional Budget Office, will drive us toward trillion-dollar annual deficits by 2020 and by undermining the Affordable Care Act, eventually will strip 13 million Americans of their healthcare coverage.

As the IRS attempts to implement these misguided policies, corporations are pulling every string to rig the Tax Code in their favor. Apparently, it wasn't enough for them to get a massive trillion-dollar tax windfall from President Trump. So now they are amassing armies of accountants and legions of lobbyists to get even more out of the IRS. That is why drug companies are rushing to reclassify their cash stocked overseas as assets so they can pay a fraction of what they would otherwise owe. That is why oil companies are drilling into the law to find new loopholes in the way we tax foreign profits. CEOs want no stone left unturned, no loophole left unopened.

But there is one group that is not getting any special access or sweetheart deals, and that is middle-class families like those in my home State of New Jersey. I have said before and I will say again that the Trump tax bill was one giant hit job on New Jersey's middle class and that of States similarly situated.

You would think that with \$1.5 trillion in tax cuts, Republicans could have cut taxes for everyone. Yet, under the Trump tax plan, 40 percent of New Jersey taxpayers will either face an average tax increase of \$2,100 or get no tax cut at all. That is because Republicans gutted the State and local tax deduction, which 1.8 million homeowners across my State alone depend on to avoid being taxed twice on the same money. These people aren't high rollers. They weren't born into multimillion dollar trust funds. They are middle-class families who work hard for everything they have.

As you can see, 83 percent of New Jerseyans who deduct their property taxes make under \$200,000 a year. Nationwide, half of all taxpayers who claim these deductions make under \$100,000. In New Jersey, the average deduction totals about \$18,000 per filer—far above the arbitrary cap imposed by Donald Trump and his corporate-sponsored Republican Congress. It means the average New Jersey taxpayer who itemizes their returns could lose \$8,000 in deductions this year alone.

Even the President's own top economic adviser agrees. Larry Kudlow made this quote before he was Director of the National Economic Council, which means the quote is really clear and unvarnished in its truthfulness. He said:

When you end the state and local deduction, because rates are still relatively high, you are going to hurt a lot of different peo-

ple. So the internal logic was not good and this is not a true tax-reform bill.

Only in Washington could Republicans borrow \$2 trillion from China to cut taxes for big corporations and still need to hike taxes on New Jersey families and families like New Jersey families in other States in order to pay for it. That is exactly what Republicans did by capping the State and local tax deduction and hitting our middle class with an even higher property tax burden.

But we New Jerseyans aren't known for being pushovers. That is why, last December, several mayors across our State allowed homeowners to prepay their 2018 property taxes before Trump's harmful policies took effect in January. That is why, back in May, I proudly joined Governor Phil Murphy as he signed a new law to shield homeowners from higher property tax burdens.

Under this program, homeowners who contribute to a State-approved charity may receive a property tax credit worth up to 85 percent of those donations. In this regard, New Jersey didn't reinvent the wheel with this new law. It was modeled after existing tax credit programs on the books for at least 32 other States. All of those here in red offer tax credits to residents who contribute to certain charities.

In our case, we are not shielding families from higher property tax bills but making sure New Jersey has the resources needed to keep cops on the beat, firefighters on the job, and New Jersey schools on the cutting edge.

The IRS has consistently respected these programs. Back in 2011, the Chief Counsel of the IRS released an advisory memo clarifying that State tax credits do not—I repeat—do not prohibit taxpayers from writing off the full value of their charitable donations from their Federal taxes. In other words, getting a tax credit doesn't mean you made more money, and thus you shouldn't be taxed more as a result. That is what is happening across the land in all of these 32 States.

It is not just the IRS that upheld these programs. This issue has gone before the U.S. Supreme Court, and the Supreme Court ruled that these tax credits are not considered things of value but rather amount to “the government declin[ing] to impose a tax.”

So let's review. The IRS never had a problem with the 32 other States who had charitable deduction tax credit programs on the books—never. The IRS never had a problem; that is, until New Jersey and States like New Jersey decided to create one—until New Jersey and similar States decided to create one. As soon as New Jersey and other States established this perfectly legal tax credit program, the IRS suddenly decided to reverse course. All of a sudden, they are willing to go to court over this and challenge a well-established precedent.

Apparently, the Trump administration is so intent on sticking it to New

Jersey and States like New Jersey that they are willing to jeopardize all of these programs in all of these States—all of them, all of them.

Let me give a few examples of these programs that will be endangered if Mr. Rettig fails to stand up for the rights of States. In Alabama, there is a program that offers families a 100-percent tax credit for contributing to private school scholarship funds. In Missouri, there are several very worthy programs that offer tax credits for contributions—one for shelters for domestic abuse survivors, another for donations for campuses focused on the STEM fields. There are tax credits for donating to State colleges in Indiana, water conservation in Colorado, and public road construction in Arkansas. There are similar programs in Missouri, Kansas, and Georgia.

I could go on and on, but here is the bottom line: At least 30 State tax credit programs are now in jeopardy because the Trump administration changed the rules in the middle of the game—changed their previous counsel's decision, changed course from what the Supreme Court said.

I have heard a lot of lip service from my colleagues about States' rights over the years. They are all about States' rights—until it comes to States like New Jersey and their rights.

Some say that President Trump and the Republican Congress capped the property tax deduction because they have it out for so-called blue States. But at the end of the day, the States most affected by this foolish policy aren't red States or blue States; they are America's blue-chip States, America's innovation States, America's economic powerhouse States.

New Jersey didn't become an economic powerhouse by accident. Our success wasn't born overnight. It is the result of the priorities we set and the investments we make.

Take it from Kathryn, a constituent of mine from New Jersey. She wrote to me after she saw what happened with the tax bill:

My husband and I pay nearly \$13,000 a year in property taxes to the town of Oradell. For this, we receive excellent services and have reputable public schools. I pay taxes to the state of NJ which support our infrastructure, other cities, and necessary programs.

I am fine paying what I already pay. That being said, I feel very strongly that it is unacceptable to be taxed on taxes that I already pay.

Kathryn is right. She is right. It is no coincidence that New Jersey claims more in State and local tax deductions than other States in the Nation and also has some of the best schools in the Nation. We pay for them. Yet, with the Trump tax scam, Republicans want us to pay for them twice.

The Federal income tax system has historically allowed taxpayers to deduct the taxes they pay at the local level. This is one of the longest standing deductions in the Nation's history—to deduct from their Federal returns—and for good reasons. States

that invest in education, infrastructure, and opportunity for all have higher per capita incomes, enjoy more prosperity, and rely less on Federal handouts. These are the types of investments that make New Jersey a great place to live, work, and raise a family.

You don't have to take my word for it. Earlier this year, Save the Children named New Jersey the No. 1 place in America to raise a child. I want it to stay that way.

In New Jersey, we invest in public schools because we know that they prepare students to compete in high-paying fields like biotechnology, sustainable agriculture, and medicine. In New Jersey, we invest in public health and law enforcement because we know we are all better off when our streets are safe and our families are healthy. In New Jersey, we invest in mass transit and infrastructure because we know it connects workers with opportunities to climb the income ladder.

We do these things for a reason. New Jersey is stronger when we open the doors of opportunity for as many people as possible. We see it here: State investments, better education, higher wages, a stronger middle class, top three States by SALT deduction. They also do incredibly well in educational achievement and income. There is a clear correlation.

But the Republican Congress has put these job-creating, economy-growing, opportunity-expanding investments in the crosshairs by gutting the property tax deduction. In the process, they are threatening the validity of legitimate programs operating in 30 other States.

The Federal Tax Code has always worked to ensure that Americans don't pay taxes twice on their hard-earned money; that was until Donald Trump came along. Then Republicans abandoned their so-called fiscal conservatism, and together they passed a tax scam that subjects hundreds of thousands of New Jerseyans, and many more in other States, to double taxation.

For as long as I can remember, I have heard my Republican colleagues preach about protecting, not punishing, success. But the Republican tax law is a tax on New Jersey's success, slamming hundreds of thousands of families with higher property tax burdens, not in a few years, not in a decade—no, right now—now. It is not fair, and it is not right. It is wrong to force New Jersey families to pay more just so that big corporations and wealthy CEOs can pay less.

In the end, I can't in good conscience support this nominee. He will not protect New Jersey's middle class—and those in other States like it—from higher property tax bills. He will not respect perfectly legal State-based programs like those 32 other States that offer tax credits in return for contributions to nonprofits that do critical work in their communities. He will be nothing more than a Republican rubberstamp for President Trump's po-

litically motivated tax policies. The last thing we need is an IRS that is politically weaponized.

Whether you want to take a stand against double taxation or you don't agree with the Trump administration's politically motivated assault on the rights of States to set their own tax policies, I hope Republicans and Democrats alike will join me in voting down this nomination. Taxpayers in New Jersey and across the Nation deserve better than tax policies that knock the knees out from underneath them and an IRS Commissioner who kicks them while they are down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I intend to address the Senate on the topic of Bosnia and Herzegovina, but I want to observe that the distinguished leader may be coming in just a moment for a unanimous consent request. If he does, I will be happy to yield during the middle of my remarks so he can take care of that item of business.

BOSNIA AND HERZEGOVINA

Mr. President, it is important for this Senate and this country to once again be interested in Bosnia and Herzegovina. During my time in Congress, and particularly since joining the U.S. Helsinki Commission, which I now chair, the Western Balkans have been an ongoing concern of mine. Although our relationship with all of these countries of the Western Balkans is important, the United States has a specific interest, a particular interest, in Bosnia and Herzegovina. We need to concentrate more on that.

I had the opportunity in July to lead a nine-member bicameral delegation to Bosnia. The delegation sought to see more of the country and to hear from its citizens, rather than meet only in the offices of senior Bosnian officials. We visited the small town of Trebinje in the entity of Republika Srpska, and we visited the city of Mostar in the entity of the Federation. Then, we went on and visited in Sarajevo, the capital, engaging with international officials, the Bosnian Presidency, and citizens seeking a better Bosnia.

Bosnia was a U.S. foreign policy priority when I came to the House in 1995. In less than a decade, Bosnia had gone from international acclaim while hosting the Winter Olympics to the scene of the worst carnage in human suffering in Europe since World War II. The conflict that erupted in Bosnia in 1992 was not internally generated. Rather, Bosnia became the victim of the breakup of Yugoslavia and the extreme nationalist forces this breakup unleashed throughout the region, first and foremost by Serbian leader and war criminal Slobodan Milosevic.

At this point, I will be happy to yield to the distinguished majority leader for whatever purposes he would choose.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I thank my friend from Mississippi. I will be brief.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture motion on the conference report to accompany H.R. 5895 be withdrawn; that if cloture is invoked on the Rettig nomination, all postcloture time be yielded back and the Senate vote on the nomination; further, that if the nomination is confirmed, the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action; that the Senate then resume legislative session and resume consideration of the conference report; that there be 10 minutes of debate equally divided in the usual form; that following the use or yielding back of time, the Senate vote on adoption of the conference report; and finally, that S. Con. Res. 46, correcting the title of H.R. 5985, be considered and agreed to, and the motions to reconsider be considered made and laid upon the table.

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

Mr. McCONNELL. For the information of our colleagues, these will be the only rollcall votes during this week's session.

The PRESIDING OFFICER. The Senator from Mississippi.

BOSNIA AND HERZEGOVINA

Mr. WICKER. Mr. President, back to the subject of Bosnia, the carnage and tragic conflict that occurred in the early 1990s was more than about Bosnia. It was about security in a Europe just emerging from its Cold War divisions and the international principles upon which that security was based. For that reason, the United States, under President Bill Clinton, rightly exercised leadership when Europe asked us to, having failed to do so themselves. The Clinton administration brokered the Dayton peace agreement in November 1995 and enabled NATO to engage in peacemaking and peacekeeping to preserve Bosnia's unity and territorial integrity. That was the Bosnian peace agreement.

Almost a quarter of a century later, after the expenditure of significant diplomatic, military, and foreign assistance resources, the physical scars of the conflict have been largely erased. As we learned during our recent visit, the country remains far short of the prosperous democracy we hoped it would become and that its people deserve. Mostar, a spectacular city to visit, remains ethnically divided with Bosniak and Croat students separated by ethnicity in schools, even inside the same school buildings. Bosnian citizens, who are of minority groups, such as Jews, Romanis, or of mixed heritage, still cannot run for certain political offices.

This is 2018. They can't run for State-level Presidency, simply because of their ethnicity. Neither can Bosniaks and Croats in Republika Srpska or