

with the protests in Nicaragua that began on April 18, 2018.

(2) Significant actions or policies that undermine democratic processes or institutions.

(3) Acts of significant corruption by or on behalf of the Government of Nicaragua or a current or former official of the Government of Nicaragua, including—

(A) the expropriation of private or public assets for personal gain or political purposes;

(B) corruption related to government contracts;

(C) bribery; or

(D) the facilitation or transfer of the proceeds of corruption.

(4) The arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press.

(C) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a measure imposed pursuant to paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) IMPLEMENTATION; REGULATORY AUTHORITY.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

## SEC. 6. ANNUAL CERTIFICATION AND WAIVER.

(a) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Nicaragua is taking effective steps—

(1) to strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council;

(2) to combat corruption, including by investigating and prosecuting cases of public corruption;

(3) to protect civil and political rights, including the rights of freedom of the press, speech, and association, for all people of Nicaragua, including political opposition parties, journalists, trade unionists, human rights defenders, indigenous peoples, and other civil society activists;

(4) to investigate and hold accountable officials of the Government of Nicaragua and other persons responsible for the killings of individuals associated with the protests in Nicaragua that began on April 18, 2018; and

(5) to hold free and fair elections overseen by credible domestic and international observers

(b) WAIVER.—

(1) TEMPORARY GENERAL WAIVER.—If the Secretary certifies to the appropriate congressional committees under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection, the President may waive the application of the restrictions under section 4 and sanctions under section 5 for a period of not more than one year beginning on the date of the certification.

(2) NATIONAL INTEREST WAIVER.—The President may waive the application of the restrictions under section 4 and sanctions under section 5 if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a notice of and justification for the waiver.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President should exercise the waiver authority provided under paragraph (1) if the Secretary of State certifies under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection.

(c) CONSULTATION.—In preparing a certification required by subsection (a), the Secretary shall consult with the appropriate congressional committees.

(d) ANNUAL BRIEFING.—The Secretary shall annually brief the appropriate congressional committees on whether the Government of Nicaragua is taking effective steps as described in subsection (a).

## SEC. 7. REPORT ON HUMAN RIGHTS VIOLATIONS AND CORRUPTION IN NICARAGUA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Secretary of the Treasury and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on—

(1) the involvement of senior officials of the Government of Nicaragua, including members of the Supreme Electoral Council, the National Assembly, and the judicial system, in human rights violations, acts of significant corruption, and money laundering; and

(2) persons that transfer, or facilitate the transfer of, goods or technologies for use in or with respect to Nicaragua, that are used by the Government of Nicaragua to commit

serious human rights violations against the people of Nicaragua.

(b) FORM.—The report required by subsection (a) may be classified.

## SEC. 8. CIVIL SOCIETY ENGAGEMENT STRATEGY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on a strategy—

(1) for engaging relevant elements of civil society in Nicaragua, including independent media, human rights, and anti-corruption organizations, to strengthen rule of law and increase accountability for human rights abuses and corruption in Nicaragua; and

(2) setting forth measures to support the protection of human rights and anti-corruption advocates in Nicaragua.

## SEC. 9. REFORM OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

Section 603(f)(1) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114-323; 130 Stat. 1938) is amended by striking “Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement” and inserting “At the initial meeting of the Commission, the Commission shall develop and implement”.

## SEC. 10. TERMINATION.

The provisions of this Act (other than section 9) shall terminate on December 31, 2023.

## SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) GOOD.—The term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) PERSON.—The term “person” means an individual or entity.

(4) UNITED STATES PERSON.—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity), or any person in the United States.

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

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1918), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the postcloture

time on the Kelley nomination expire at 12:15 p.m. on Wednesday, November 28; further, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### ORDERS FOR WEDNESDAY, NOVEMBER 28, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 28; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Kelley nomination, with the time until 11 a.m. equally divided between the two leaders or their designees; finally, that the Senate recess from 11 a.m. until noon tomorrow.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of Senator BOOKER.

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

The Senator from New Jersey.

#### NOMINATION OF THOMAS FARR

Mr. BOOKER. Mr. President, I rise to speak about the nomination of Thomas Farr to serve as a district judge for the Eastern District of the great State of North Carolina.

Over the past year, I have joined many of my colleagues in the Senate, my esteemed colleagues in the House, and really people from all across the country who have been speaking out about Mr. Farr's troubling record.

We see many district court judges come before the U.S. Senate, but I think none has triggered this kind of tumult, this kind of frustration, and this kind of outcry.

We have seen an outpouring of advocacy and activism that is now coming around this nomination, but this nomination—and the energy and advocacy of Americans speaking out against it—is, frankly, not about politics. It is not about partisanship. It is about something deeper than just left or right. This is about right or wrong.

We are a nation of people who I believe have so much more in common than we have apart. The lines that divide us are nowhere near as strong as the ties that bind us. What binds us?

We are bound together not because of many of the more obvious historically held things that hold people together. It is not our language or our religion or our race that holds this Nation and her people together. We are bound to one another because of the ideals we share. We say them in our anthem. We say them in our salute and in our pledge. We know we are a nation of principles and ideals.

Some of the most fundamental of those principles, the most sacrosanct of those ideals we share are about and surrounding that right to vote; that every American has the right to vote. When you enter that ballot box, whether you are the richest person in this country or a working-class person from New Jersey, you are equal in that ballot box. You all have that right to vote. That is what makes this a great republic. That is what makes us a great democracy; that your vote will be equally counted and treated equally under the law.

Throughout our history, greater Americans have fought to secure these fundamental rights for us. From Seneca Falls to the Edmund Pettus Bridge, Americans have stood and fought and marched and sweated and bled for this right to vote, for suffrage, for universal voting rights.

There have been debates on this floor advancing legislation that has secured those rights amongst men and women, further advancing that truth about our country that we will be a democracy where every vote will be counted, where every person will be treated equally in their right to vote.

Americans from all backgrounds—multiracial, multiethnic coalitions—struggled together for these rights and fought together to make them real, but this nomination now stands in direct contrast to that legacy of common sacrifice and common struggle, of that legacy to push for equality.

The facts in this nomination are clear, and they again have nothing to do with partisanship but do indicate a very clear pattern of time and again that Mr. Farr has worked to advance a very specific, very anti-democratic agenda, one that is aimed at turning back the clock, in eroding very critical voting rights.

We know for a fact that in 1984, Mr. Farr managed the so-called ballot security program for the reelection campaign of Senator Jesse Helms that targeted and attempted to suppress the votes of Black North Carolinians.

We know that in 1990, Mr. Farr participated in a so-called ballot security meeting just days before the Helms campaign infamously and notoriously sent tens of thousands of postcards targeting Black North Carolinian votes, suggesting that they were not only not eligible to vote but threatened criminal prosecution if they did. This is not left or right. Republicans and Democrats criticized, decried that method of voter suppression.

Mr. Farr has repeatedly claimed that he had no knowledge of the mailing

until he was contacted after the fact for legal advice, but I am deeply troubled that despite being given multiple opportunities, Mr. Farr has failed to be completely honest with the Senate about his record.

When Senator FEINSTEIN from California asked Mr. Farr: "Did you ever participate in any meetings in which the postcards were discussed before they were sent," he replied unequivocally and simply: "No." But according to a breaking story published by the Washington Post within the last hour, we know that "during the meeting, participants also reviewed the Helms campaign's 1984 ballot security effort Farr had coordinated 'with an eye toward the activities that should be undertaken in 1990.'"

The evidence that just came out from the Washington Post again casts a shadow over the truthfulness and the honesty of Mr. Farr about his participation in that meeting and the voter suppression efforts.

Again, Mr. Farr misrepresented the context of this meeting in his responses to me both in December of 2017 and January of this year.

Finally, we also know that in 2016, Mr. Farr lost one of his biggest cases, defending North Carolina's notorious and discriminatory voter ID law—a law that he helped write because the court found it would target Black North Carolinians "with almost surgical precision"—target those North Carolinians to be disenfranchised from their right to vote.

Time and again, Mr. Farr has worked to advance an agenda aimed at turning back the clock on our democratic advancements, on our common ideals, the commonsense fairness that in this country every vote counts, every person has the right to vote. Time and again, in this process, Mr. Farr has offered misleading and incomplete testimony regarding his record and his work.

This is a body that has shown, in its history, the capability to work together in a bipartisan way to protect the right to vote. This body is the one that passed one of the most important pieces of legislation in our history, the Voting Rights Act of 1965, but the weight of history isn't just on this body in this moment because it still weighs heavily on so many voters in North Carolina who remember receiving one of those postcards from Jesse Helms in 1984, at the direction of Mr. Farr and others, and who may have received another postcard from the Helms campaign in 1990, threatening Federal prosecution if they exercised their right to vote.

It is those people in the Eastern District right now who feel the weight, the pushback on historical advancements, who are watching this body now. Those voters who got those postcards didn't get them because the Helms campaign or Mr. Farr saw value in their vote; they received them because the Helms campaign and Mr. Farr were trying to