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FEDERAL EMPLOYEE FAIR TREATMENT ACT OF 2017

Mr. CARDIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 290, S. 2274.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk:

A bill (S. 2274) to provide for the compensation of Federal employees affected by lapses in appropriations.

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

Mr. CARDIN. Madam President, I further 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 2274) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2274

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 “Federal Employee Fair Treatment Act of 2017”.

SEC. 2. COMPENSATION FOR FEDERAL EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.

Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking “An officer” and inserting “Except as specified in this subsection or any other provision of law, an officer”; and

(2) by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘covered lapse in appropriations’ means any lapse in appropriations that begins on or after December 22, 2017; and

“(B) the term ‘excepted employee’ means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

“(2) Each Federal employee furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee’s standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

“(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.”.

Mr. CARDIN. I yield the floor to Mr. VAN HOLLEN.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I thank my colleague from Maryland and the body and now urge the House of Representatives to take this

up immediately. This has now passed the U.S. Senate, and they now have an opportunity to pass this over in the House, and I would urge them to do it this evening or as soon as possible so that we can provide certainty and confidence to hard-working Federal employees.

Again, we want to avoid a shutdown, but we need to provide an insurance policy in the event that it does shut down.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 3628

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 148, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 148) directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 3628.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 148) was agreed to.

Mr. McCONNELL. I suggest the absence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DAINES. Madam President, I ask unanimous consent that the Senate be in 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.

GUATEMALA

Mr. LEAHY. Madam President, like many Members of Congress who have

long supported efforts to help build an independent judiciary and reduce public corruption and impunity in Guatemala, I have observed a pattern of alarming actions by President Morales’s administration and his allies in Guatemala’s Congress to thwart these efforts.

In the latest development, earlier this week, the Guatemalan Ministry of Foreign Affairs withdrew the diplomatic immunity of 11 investigators and other personnel of the International Commission against Impunity in Guatemala, CICIG, and ordered them to leave the country. This followed an announcement by the Minister of Interior of the removal of another 15 high-ranking police officials from their posts.

Over the years, the United States has invested many tens of millions of dollars to support the national police, the attorney general’s office, and CICIG. These actions by the Morales’s administration directly undermine those investments and indicate that it cannot be trusted to keep its word and is not serious about upholding the rule of law.

Working jointly with the Attorney General’s Office, CICIG has investigated cases of public corruption and other serious crimes. It has helped to strengthen the investigative capabilities of the attorney general’s office and the police and promoted key criminal justice reforms. For this reason, CICIG, its commissioner, and the former attorney general have been the target of acts of intimidation and a smear campaign orchestrated by the Morales’s administration and its allies in the military and the media. These actions by the government threaten CICIG’s independence and its ability to function effectively. According to information I have received, the professionals whose diplomatic immunity and visas were revoked include investigators and lawyers involved in some of the most sensitive cases related to alleged corruption and illicit campaign financing by top government officials.

Other actions by Guatemalan authorities are equally disturbing. Since assuming office in January 2018, Minister of Interior Enrique Degenhart has, on multiple occasions, removed or relocated senior national police officers and detectives. Most of these officers had many years of experience in criminal investigations, counter-narcotics, and other specialized areas. Most were trained by the United States. Even worse, the Minister has reportedly appointed police officials with alleged links to the military and promoted officers without transparent, merit-based processes, undermining efforts to build a professional, transparent, and accountable police force. This threatens our ability to continue working with the police, which has in the past been infiltrated by organized crime, to combat narcotics trafficking, money laundering, and other transnational criminal activity.

In 2009, working with key Guatemalan law enforcement agencies,

CICIG helped establish a wiretapping unit within the Attorney General's Office. Prior to that, wiretaps were illegal. The unit, which has been supported by the United States, has been instrumental in helping the Attorney General investigate and dismantle complex criminal networks. Reportedly, among the officers recently removed by Minister Degenhart was the director of the wiretapping unit.

If we have learned anything over many years of trying to assist the countries of Central America build the institutions of government necessary to effectively combat corruption and impunity, it is that without partners who care at least as much about these issues as we do it is a fruitless exercise and a waste of U.S. taxpayers' money.

What is happening today in Guatemala is a repeat of what we have observed many times before. New government officials take office, they profess their commitment to democratic ideals, the rule of law, and judicial independence, and then, when their own misdeeds become the focus of criminal investigations, they show their true colors.

They ignore rulings by the country's highest courts. They seek to replace magistrates who cannot be intimidated, with cronies who will shield them from the law. They expel international prosecutors on grounds of "sovereignty." They threaten those whose job it is to apply the law. They try to intimidate their political opponents. It is the same sad story.

I recently met Constitutional Court Magistrate Gloria Patria Porras Escobar, an experienced and internationally respected jurist and former prosecutor known for her independence and courage. She, like others who have honored their professions, is an example of what Guatemala needs; yet she is being vilified by those who seek to subvert the institutions of justice.

The people of Guatemala deserve better. They have demanded an end to corruption, an end to impunity, and an end to public officials who care more about enriching and protecting themselves than they do about addressing the needs of their people. The Guatemalan people overwhelming support the attorney general's office and CICIG, which have, for the first time in the country's history, shown that public officials who abuse their authority are not above the law.

President Morales's administration has less than a year left in office. Let us hope that he quickly reverses course because the path he is on will jeopardize further U.S. support for his government's participation in the Alliance for Prosperity. Otherwise, we will have no choice but to wait for a government in Guatemala that has the integrity to be a credible partner of the United States.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

GOVERNMENT FUNDING

- Mrs. FEINSTEIN. Madam President, I rise today regarding President Trump's reversal of his commitment to support a short-term government funding bill and defer further spending negotiations until February.

The Senate voted late Wednesday night on bipartisan legislation to avoid a government shutdown right before Christmas. I supported that legislation, and my position has not changed. I do not support President Trump's wall proposal, and I do not believe the President should shut down the government over it.

Senate Majority Leader MITCH MCCONNELL scheduled a vote on a straightforward, 7-week continuing resolution because the White House committed to him that President Trump would sign it into law. The Senate voted on that legislation with the understanding that the President would sign it and defer any further debate over his wall until February.

President Trump's reversal of his commitment to sign the continuing resolution has now placed the Federal Government on the brink of a shutdown.

Everyone knows that Trump's border wall proposal cannot get the 60 votes it needs in order to pass the Senate. That is an inescapable fact that the President needs to finally accept.

I cannot support the version of the short-term continuing resolution that the House passed last night. The \$5.7 billion in wall funding added by House Republicans is accompanied by no meaningful justification from the White House. Earlier this year, President Trump requested \$1.6 billion in wall funding. That was the amount requested in the President's official budget submitted to Congress. That was the amount that would be provided under the spending bill approved by the Senate Appropriations Committee. Now, however, the President says he needs \$5 billion.

The House version of the short-term continuing resolution also contains almost \$8 billion in disaster funding that would help victims of this year's devastating wildfires, which I would support. However, this disaster funding is not necessary now as when Federal disaster assistance accounts retain sufficient balances for the purposes of immediate recovery needs.

Unfortunately, due to the timing of the vote and difficulties incurred in returning to Washington, DC, I was unable to cast my vote in person. This statement in the CONGRESSIONAL RECORD is intended to make clear that, if present, I would have voted no.

Thank you.●

REMEMBERING PRESIDENT GEORGE H.W. BUSH

Mr. CARDIN. Madam President, I was honored to attend the ceremonies in the Capitol Rotunda and at Wash-

ington National Cathedral for former President George H.W. Bush. I first met President Bush when he was Vice President and I was the speaker of the Maryland House of Delegates. He visited Annapolis, and I presented him with a Maryland tie. He immediately took off his tie, which he gave to me, and put on the Maryland tie, which he wore with pride. He had a keen eye for detail, for the little things. I had a book on a shelf in my office which was still in the shrink-wrap packaging. He sent me a note—one of his thousands of famous personal notes—gently ribbing me, writing, "It's good to see you are keeping up on your reading."

I think George H.W. Bush may have been the most qualified person ever elected President, starting all the way back to his high school years at Phillips Academy Andover, where he was president of the senior class, secretary of the student council, a member of the editorial board of the school newspaper, and captain of the varsity baseball and soccer teams. He was one of the youngest aviators in the Navy at the beginning of World War II and was barely 20 when his Grumman TBM Avenger was hit by flak during an attack on Japanese installations on Chichijima. He calmly delivered his payload, scoring several hits, before flying as far away from the island as he could in a plane with its engines on fire. He bailed out and ended up in an inflatable raft for four hours before being rescued by the submarine USS *Finback*. He flew 58 combat missions, for which he received the Distinguished Flying Cross, three Air Medals, and the Presidential Unit Citation awarded to the USS *San Jacinto*.

After his military service, he went to Yale University, graduating with a bachelor of arts degree in economics in 2½ years. He was president of his fraternity, captain of the Yale varsity baseball team, and elected to Phi Beta Kappa. He could have stayed back east in Connecticut, where his father Prescott would be elected to the U.S. Senate in a special election in 1952, but George Bush moved to Texas with his wife Barbara and their young son George W. Bush, where he cofounded Zapata Petroleum Corporation. He was a successful businessman when he ran for the U.S. Senate in 1964, losing to the Democratic incumbent, Ralph Yarborough. Two years later, however, he was elected to the U.S. House of Representatives, and he won reelection in 1968. The Seventh District was conservative, but George Bush voted for the Civil Rights Act of 1968 and the Fair Housing Act, and he supported birth control and a women's right to choose.

In 1970, then-President Richard Nixon prevailed on George Bush to run for the U.S. Senate again. He did, but he lost again, this time to Lloyd Bentsen. President Nixon nominated him to serve as U.S. Ambassador to the United Nations, and the Senate confirmed the nomination unanimously. He served with distinction for 2 years. In 1973, he